

TOWN OF PLATTEKILL
PLANNING BOARD
P.O. BOX 45
MODENA, N.Y. 12548

FEBRUARY 26, 2013

THE PLANNING BOARD MEETING OPENED WITH A SALUTE TO THE FLAG BY
CHAIRPERSON CINDY HILBERT AT 7:35 P.M.

ROLL CALL: Chairperson, Cindy Hilbert, Vice-Chairman, Richard Gorres (7:45 P.M.)
Thomas Wilkin, Darryl Matthews, Katherine Beinkafner, Judy Mayle, Nathaniel
Baum

Planning Board Engineer: David Clouser

Planning Board Attorney: Jason Shaw

Ms. Hilbert asked for a moment of silence in respect to the passing of Supervisor, Bruce
Loertscher

MINUTES

January 8, 2013

MOTION: Ms. Mayle made a motion to accept the minutes with the following corrections:
page four change Vic to Vice. Change 2012 to 2013. Mr. Matthews seconded the
motion. All ayes on the vote.

OLD BUSINESS

***Fosler Road LLC-Site Plan- Multifamily Development (Fosler & Cotter Rd.)SBL#102.1-7-
11.12***

Ms. Nadine Carney was present as project manager, and Mr. Michael Moriello, Attorney for the applicant was also present. Mr. Jason Shaw, Planning Board Attorney stated last time Fosler Road was before the Planning Board was October 23, 2012, they pretty much completed the review aside from some of the matters that have to be done to get to conditional final approval. Mr. Shaw asked Mr. Clouser, Planning Board Engineer, if he had any comments. Mr. Clouser stated the comments were very minor (Mr. Clouser's February 25, 2013 Engineering comments are in file). Mr. Shaw went over his letter dated November 1, 2012. Mr. Shaw indicated the two issues he talked about in his letter were the "open space area" and the "recreational area." Mr. Shaw read a section of his November 1, 2012 letter as follows; "*Section 110(D)(5) states in pertinent part that the site plan "shall include a provision...assuring the permanent retention and maintenance of active recreational areas, parking areas, landscaping and utilities, including water and sewer systems." This section goes further and states that this assurance shall be in the form of a legal document "containing a provision vesting the Town with the right to enforce the permanent retention and maintenance of the open space area and maintenance of active recreational areas," in the event the listed areas deteriorate, the "Town may at its own option*

cause necessary maintenance to be performed and assess the cost thereof to the owners of the property...” Mr. Shaw indicated that is to assure that the areas that are designated on this site plan in ten years, maybe when someone else owns the property, will be maintained in the manner in which it is supposed to be maintained as per the site plan. Mr. Shaw indicated Mr. Moriello gave him a draft Negative Easement. Mr. Moriello asked if Mr. Shaw if in addition to the Negative Easement, Mr. Shaw would like to see an agreement that gets entered into between him, the applicants and the Town Board or Planning Board ? Mr. Shaw stated it would have to be an agreement between Mr. Moriello, his clients and the Town Board, because once the Planning Board gives there approval, they are no longer involved. Ms. Mayle stated the agreement is subject to the review of the Town Attorney. Mr. Shaw indicated subsection 110.22 (D)(3) *also provides that “the land designated as open space shall be permanently maintained, by dedication to a property owner’s association or by deed-restricted private ownership in a manner and legal form that is acceptable to the Planning Board.”* Mr. Shaw stated he understands that this property is going to be a rental property. Mr. Moriello stated yes. Mr. Shaw stated there is a separate provision under the Town Law which provides that the property owner should provide open space or make a payment to the Town in lieu of that (section 274-a(6)(b)) Mr. Shaw stated the last thing is the water and sewer. Mr. Shaw indicated sometimes with private systems, the owners can’t deal with it, consequently the Town’s Law says that the property owner shall provide some kind of financial security, in the event the Town has to make repairs that haven’t been done, they will have funds to draw on. Mr. Shaw stated what is left is to iron out these conditions; draft a conditional final approval resolution for this project, incorporating the conditions that must be completed and once those conditions are completed by the applicant, the applicant would be able to file the map, but not until those conditions are completed. Mr. Moriello stated Ms. Carney was going to do an estimate of cost. Mr. Shaw stated that anybody that has dealt with sureties understands that a surety does not last forever, you pay a premium, you get a surety for some kind of performance and it ends usually within a year. Mr. Shaw stated if you are looking for something that is going to last indefinitely you are looking at a cash payment, and have the Town hold on to that as security. Mr. Clouser indicated the applicant should also provide narrative information on the water and sewer plans, that demonstrates they have a good system. Mr. Wilkin asked if Mr. Clouser would go over the estimate that Ms. Carney submits? Ms. Hilbert stated yes, Mr. Clouser will provide comments or suggestions. Mr. Clouser stated that there is also an operating license that goes with this, so that it will be inspected yearly. Mr. Shaw asked Mr. Clouser if the operator would have to file monthly reports with the wastewater treatment system with the D.E.C. Mr. Wilkin asked Mr. Matthews (Planning Board member) how he handled the water license. Mr. Matthews indicated you would have to take a course for a three month period, you have to also take refresher courses. Mr. Clouser asked Mr. Matthews how often he did samples. Mr. Matthews indicated they do sampling monthly. Mr. Shaw asked Mr. Moriello what map would Mr. Moriello be filing. Ms. Carney indicated the first sheet is prepared by David Dipple which is the Lot Line Adjustment and that would be filed along with the Easement map (which shows all the easements and the descriptions of the easements). It was indicated that the Site Plan map would not be filed at the Ulster County Clerk’s Office. Ms. Mayle indicated the Site Plan would be filed with the Town. Ms. Hilbert asked if the two parcels were still in different ownerships?

Mr. Moriello stated one parcel was Sisto Rosato and his brother John and one is just Sisto. Mr. Moreillo stated they did do the deed from Sisto Rosato and John Rosato with the Town of Plattekill (for the land dedication). It was indicated that a Water Supply Wellhead Protection Easement was submitted for Mr. Shaw's review. Mr. Moriello indicated they also showed the easement on the map. Mr. Clouser indicated there was an access easement over or to the driveway on a prior plan that wasn't on the current plan provided to him. Ms. Carney indicated she would add that back on to the plan. Ms. Mayle asked if the adjacent property would be the only proposed access point to get on to Cotter Road? Ms. Carney stated this property (showing on the plan) will allow them to access the driveway. Ms. Mayle stated she wanted to make sure that there would be protection in place so that when the next property owner comes in, they would not have to be negotiating to try to use the access. Ms. Caney stated they have a fifty-foot easement, which should give them enough room. Ms. Carney added that language could be worked into the easement to address that. Ms. Mayle asked how big the adjacent parcel was. Ms. Hilbert indicated it was approximately twenty-eight acres. Mr. Shaw stated to re-cap, there could be two things going on at once for the next meeting; one to do a Draft Conditional Final Approval Resolution with all the various conditions, and the applicant can provide the rest of the material to satisfy those conditions. Mr. Moriello stated they will go before the Planning Board first before they go to the Town Board. The Planning Board went over Mr. Clouser's February 25, 2013 Engineering comments. Mr. Clouser's stated on page two, items #1 through #5 are all legal documentation that Mr. Moriello and Mr. Shaw are working on. Mr. Clouser stated they talked about the narrative and cost estimate for the Water and Sewer System Compliance. Mr. Clouser stated on item #6 they recommended installing a construction fence along the limits of disturbance boundaries where shown on the site plans. Ms. Carney stated she had also mentioned using flagging, she did not want to install construction fence along the work line. Mr. Clouser stated he would really like to see a construction fence there and not flagging. Ms. Carney stated she would put that on the plan. **Provisions for Public Recreation-** Mr. Clouser stated the recreation fee may be reduced because there is some recreation, but that is something the Town would set a fee on. Mr. Moriello stated they are anticipating paying a recreation fee in this case. Mr. Clouser stated it will probably be a reduced fee. Mr. Shaw asked Mr. Clouser how that would be determined. Mr. Clouser stated that would be something that the Town Board would determine. The Planning Board members reviewed the code book for the recreational fees (A116-1). Ms. Hilbert stated she could contact Mr. Clouser and set up a meeting with the Supervisor to go over the fees. Mr. Clouser stated that he would like to have a copy of the building elevations and subdivision maps. Ms. Carney stated that she would put the building plans in with the site plan. Mr. Matthews made a suggestion that Ms. Carney take a look at the turnaround. Ms. Hilbert asked Mr. Moriello to copy her on all his submissions.
The clerk will send drafted minutes to the Planning Board Attorney for his review.

MML Homes Subdivision

Mr. Clouser stated he is still working on the Stormwater Pollution Prevention Plan
Ms. Hilbert stated she had a meeting with the Highway Superintendent and he had two things that he wanted her to bring to the board. Ms. Hilbert stated that Mr. Wager would like to see added to any site plan as a note that there can't be any kind of soil swapping for already approved subdivisions. Ms. Hilbert stated that Mr. Wager also wanted to know if it was possible

to inquire if all the drainage structure for any type of subdivision be installed first. Ms. Hilbert stated Mr. Wager felt that when the subdivision is done in phases, it should all be connected together. Mr. Clouser stated that some areas you will have fill areas, where there is a storm pipe that is going through there, it is usually not that hard to separate Ms. Hilbert stated she had reached out to the Town of Lloyd in regard to the agreement and they had said that they were going to be meeting with their Attorney at the next Planning Board meeting that was held on February 21st. Ms. Hilbert stated that she asked Mr. Wilkin to attend the meeting. Ms. Hilbert added that Mr. Wilkin had said that the Town of Lloyd was going to send the application to the Ulster County Planning Board for review and comment. Mr. Wilkin stated the Town of Lloyd asked the Ulster County Planning Staff for comments, it's not going up there for referral. Mr. Wilkin stated basically, it is the two Town Board getting the road issues done. Ms. Hilbert asked if anyone had any questions or comments on this project.

Paribelli Application

Mr. Clouser stated he will have the initial comments for the project before the March 12th meeting.

Huckleberry Bluestone Subdivision

Mr. Clouser stated that Mr. Lytle wants to meet with him and see if he has everything he needs. Mr. Matthews stated there was \$1,083.40 in escrow. Mr. Wilkin stated that would be enough for eight hours of review. Ms. Hilbert asked the Planning Board if they felt more money should be added to replenish the escrow. The board determined that the escrow should be replenished to cover Planning Board Engineering costs.

MOTION: Mr. Gorres made a motion to increase Huckleberry Bluestone Subdivision escrow by \$2,000.00 with Mr. Matthews seconding the motion. All ayes on the vote.

Knudsen/Lavery Subdivision-Planning Board Appeal

Ms. Hilbert stated that she reached out to Ms. Brooks and let her know what the Zoning Board decision was, because she was not at the Zoning Board meeting. The Planning Board members briefly discussed the application. Mr. Gorres stated that two of the members of the Zoning Board prior to Ms. Brooks presenting her case, already said to him that you are creating a lot that is too small. Ms. Hilbert stated that she told Ms. Brooks to reach out to the Zoning Board to get further direction. Mr. Gorres stated he told Ms. Brooks that he would go to the Zoning Board meeting and explain to the Zoning Board why she was doing what she was doing. Mrs. Beinfaner stated if Mr. Gorres couldn't make it, she would be able to go as well.

Gunk Haus (project before the Town of Lloyd for a variance, partially in the Town of Clintondale)

Mr. Wilkin stated that the Town of Lloyd sent the Plattekill Planning Board notice of their public hearing for a variance, to add on to the front of the building. Mr. Wilkin stated the parking is mainly across the road, and that includes the Town of Plattekill, so when the Gunk Haus does a site plan modification, they will have to contact this board as well. Mr. Gorres stated that the only parking that the Gunk Haus has on the building part of the street is two spots for

handicapped. Mr. Wilkin indicated there were two separate section, block and lots on the property.

Vouchers for David Clouser, Planning Board Engineer

Voucher-in the amount of \$179.20 to come out of the Messina & Sons escrow fund.

Voucher-in the amount of \$38.40 to come out of the Messina & Sons escrow fund.

MOTION: Mr. Gorres made a motion to approve the vouchers for payment with Mrs. Beinkafner seconding the motion. All ayes on the vote.

Planning Board General Fund

Voucher-in the amount of \$382.52 for initial review by David Clouser, Planning Board Engineer

Voucher-in the amount of \$989.56 for legal review by Jason Shaw for the ZBA Appeal to come out of the Planning Board General Fund

MOTION: Mr. Gorres made a motion to approve the vouchers for payment with Mrs. Beinkafner seconding the motion. All ayes on the vote.

DISCUSSION

Mr. Wilkin indicated they were holding off having Mr. Clouser review the Fetzer application until Mr. Fetzer replenished his escrow in the amount of \$1,000.00.

ADJOURNMENT

MOTION: Mr. Gorres made a motion to adjourn with Mrs. Beinkafner seconding the motion. All ayes on the vote.

The meeting adjourned at 9:05 p.m.

Respectfully submitted by
Susan Bolde, Planning Board Clerk