

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

MAY 28, 2013

THE MEETING OPENED WITH A SALUTE TO THE FLAG BY VICE-CHAIRMAN RICHARD GORRES AT 7:30 P.M.

ROLL CALL: Vice-Chairman Richard Gorres, Thomas Wilkin, Darryl Matthews, Judith Mayle Katherine Beinkafner (arrived at 7:35 p.m.) Nathaniel Baum, Cindy Hilbert (arrived at 7:50 p.m.)

**MINUTES**

May 14, 2013

\*minutes were moved to the end of the meeting

**PUBLIC HEARING**

**Knudsen/Lavery – Lot Line Revision (South Street) SBL#95.1-7-23.211**

Ms. Brooks was present to represent the applicants on the Lot Line Revision. Mr. Gorres stated that the Town of Plattekill Planning Board gave Town of Lloyd lead agency on this project and the Town of Lloyd declared a negative declaration on the project. Mr. Matthews read the public hearing notice. Ms. Brooks stated eleven certified mailings went out to the property owners within 500 feet of the applicant's property and eleven came back. Ms. Brooks presented the proposal to the audience and the Planning Board members. Mr. Gorres asked the members of the audience if they had any questions or comments regarding this application. No one from the audience had any questions.

**MOTION:** Ms. Mayle made a motion to close the public hearing with Mr. Matthews seconding the motion. All ayes on the vote.

Mr. Gorres went through and verified the mailings that Ms. Brooks submitted to the board. Mr. Gorres asked the board if they had any questions. Ms. Brooks indicated that note #10 was added to the plan "*The Town of Plattekill Zoning Board of Appeals granted Eugene R. Jr. & Mary Jean Knudsen an Area Variance to permit the conveyance of Parcel A to Burdett Lavery by resolution dated 11 April 203.*" Ms. Brooks indicated that note #9 indicates "*Parcel A is to be conveyed to and combined with existing lands of Lavery, which is in accordance with Town of Lloyd Zoning code Article 4 Section 110-17 F.4. Parcel A does not constitute a lot in the Town of Plattekill, but is to become a portion of a pre-existing lot in the Town of Lloyd, making Lot 1 a more conforming lot with regard to area and setbacks. There shall be no further subdivision of Lot 1 and Lot 1 shall remain a single family dwelling.*". Ms. Mayle stated she wanted to make sure both municipalities signed off on the plan. Ms. Brooks stated that both towns would sign the plan

and date it. Ms. Brooks stated she would be looking for final Lot Line Revision approval if the board is so inclined.

**MOTION:** Ms. Mayle made the following motion; Whereas the Town of Lloyd and the Town of Plattekill were jointly responsible for the review of the project known as Knudsen and Lavery and the Town of Plattekill's portion was a Lot Line Revision with inclusion of parcel "A" of .57 acres into Lot #1; and Whereas the Town of Lloyd received Lead Agency and had issued a SEQRA determination of the Negative Declaration; and whereas the Town of Lloyd issued a final approval on the subdivision of Knudsen and Lavery in the Town of Lloyd. Now therefore be it resolved that the Town of Plattekill Planning Board approves the Lot Line Revision of .57 acres known as Knudsen and Lavery. Mrs. Beinkafner seconded the motion. All ayes on the vote.

Ms. Mayle stated Ms. Brooks would need to provide the necessary maps and mylars. Ms. Brooks thanked the board.

*Ms. Brooks will supply the required maps and mylars for final signature.*

*\*SEE PAGE THREE FOR PRELIMINARY APPROVAL*

### **Richard Quiles-re-signing of the plan (Plattekill-Ardonia Rd. & Route 44/55) SBL#94.20-3-12.1**

Mr. Quiles was present. Mr. Baum read the public hearing notice. Mr. Quiles presented the proposal to the audience and the Planning Board members, indicating the project had received final approval, but the maps were never filed with the Ulster County Clerk's office. Mr. Quiles indicated he was here tonight to have the maps reapproved. Ms. Mayle asked the audience if they had any questions or comments. Mr. Castillo, Zoning Board Chairman stated that he was present this evening to respond to a memo sent to the Zoning Board of Appeals by Chairperson Cindy Hilbert (dated May 23, 2013). Mr. Castillo stated the Zoning Board won't be meeting until June 13<sup>th</sup>, so he could answer questions the board may have, but if the board wanted something official, they would have to wait until the Zoning Board meeting in June. The Planning Board members reviewed the June 13<sup>th</sup> memo to Chairman Castillo and the Zoning Board. Mr. Castillo indicated the front of the existing two family home is Plattekill-Ardonia Road, and State Route 44/55 is the side yard. Ms. Mayle stated the question was in the BD40 district, are you allowed to construct one family dwelling units. Mr. Castillo stated yes, because it was done on State Route 32, as long as it was three-hundred feet from the front. Ms. Mayle stated the Planning Board did determine that lots #2 and #3 met those requirements. Mr. Wilkin added that lots #2 and #3 front on Plattekill-Ardonia Road, and Plattekill-Ardonia Road is not required to have the three-hundred feet setback. Mr. Baum stated the real question was based on the language of the code, if it is allowable for a one-family dwelling to be put up or is it only "modifications to existing" because in other sections of the code it explicitly states a single family detached dwelling which is opposed to what is stated here, which is, "modifications to existing," which can be read differently. Mr. Castillo stated all this paperwork went into the Planning Board before and it was because of death in the family that it got postponed before. Ms. Mayle stated she didn't know of any restriction in the BD zone to subdivide lots. Ms. Mayle added that lots #2 and #3 are beyond the three-hundred foot setback. There was a determination to close the public hearing.

Ms. Mayle asked if anyone else in the audience had any questions. It was indicated that the Ulster County Health Department permits were in place, along with the Department of Public Works.

**MOTION:** Mr. Wilkin made a motion to close the public hearing with Mr. Baum seconding the motion. All ayes on the vote.

**MOTION:** Mr. Wilkin made a motion to *grant preliminary approval* with Mr. Matthews seconding the motion. All ayes on the vote.

**MOTION:** Mr. Wilkin made a motion to *waive the final public hearing* with Mr. Gorres seconding the motion. All ayes on the vote.

**MOTION:** Mr. Wilkin made a motion to *grant contingent final approval* with the following conditions:

- Submission of all maps and mylars
  - Subject to the Town Board waiving final fees and reimbursing application fees
- Mr. Gorres seconded the motion. All ayes on the vote.

*The applicant will submit the required maps and mylars*

#### ***KNUDSEN LAVERY LOT LINE REVISION MOTIONS***

\*Ms. Mayle made a motion that the Planning Board *grant preliminary approval* with Mr. Gorres seconding the motion. All ayes on the vote.

\*Ms. Mayle made a motion that the Planning Board *waive final public hearing* with Mr. Gorres seconding the motion. All ayes on the vote.

#### ***OLD BUSINESS***

#### **Orchard Heights Subdivision-Proposed 8 Lot Subdivision (Palazzo Lane)SBL#95.1-7-29.314**

Mr. Bill James was present as representative for the applicant. Revised plans dated May 6, 2013 were passed out to the Planning Board members. Mr. Gorres stated the subdivision used to be nine lots. Mr. James stated yes, at one time it was nine, they merged lot #1 to make one big lot, they were going to do a lot line revision, and they got rid of that also. Mr. Wilkin stated that Mr. James submitted revisions to the Long Form EAF and submitted proposed driveway profiles and revised plan. The driveway profiles were examined. Ms. Mayle stated the driveways looked to be twelve percent grade, and the board had a similar case where the board tried to address that the driveway didn't act as a funnel to just run downhill into another home. Mr. James stated he could raise the house up and show first floor elevations on all of the houses. Ms. Mayle stated she was concerned about lot #1 through #6 and the potential for water runoff toward the septic systems. Mr. Clouser asked Mr. James if he was planning on a "curtain drain" and if he had anything from the Ulster County Health Department on the septics. Mr. James stated he was waiting to get sketch plan approval before he got the Ulster County Health Department involved. Mr. James added that a "curtain drain" would be appropriate on most of the septics on the uphill

side of the systems. Ms. Mayle asked if Mr. James if the existing farm lane on lot #1 would be remaining an easement? Mr. James stated he is just showing what is out there right now, it would not remain an easement. Ms. Mayle asked about the easement off of Crescent Avenue? Mr. James stated that one would remain. Ms. Mayle asked if the existing storage buildings were vacant. Mr. James asked Mr. Chaissan (in the audience) if the outbuilding were being used. Mr. Chaissan stated that they were currently being used for storage. Ms. Mayle asked if the outbuildings were going to be abandoned at some point, because they couldn't be used as a commercial enterprise. Mr. James stated that would be a residential use. Mrs. Beinkafner asked Mr. James if the property was tested for pesticides. Mr. James answered that there were tests done on the property and there have been some positive hits on it for pesticides, and a soil remediation plan is going to have to be prepared. Mr. Wilkin asked Mr. James if he was looking to get sketch plan approval. Mr. James stated he would like to get sketch plan approval so that he could contact the Ulster County Health Department.

**MOTION:** Mr. Wilkin made a motion to grant sketch plan approval for the project with Mr. Gorres seconding the motion. All eyes on the vote.

There was a determination to go over Part I of the Long Form EAF. Ms. Mayle stated Section A-Site Description #1-Present Land Use-*“Residential” and “Rural” should be added* #2 shows that there would be agricultural presently 35.5 and after the project it would be 31.5, is that going to be active agriculture. Mr. James indicated that would be changed. Ms. Mayle asked if trees would be removed from the site. Mr. James stated most people want the apple trees in place. Mr. Wilkin stated the project would have to go to the Ulster County Planning Board for review. Ms. Mayle asked if there would be a drainage district. Mr. James stated the limits of disturbance were under five acres. Mr. James indicated they have a Stormwater Management Plan. Mr. Clouser indicated a small SWPPP would have to be prepared and approved by the Town Board. Mr. Clouser added that Plattekill is in the MS4. Ms. Mayle stated the Town Board would have to be added under *“approvals required”* Mr. James stated he would revise the Long Form EAF and get that back to the Planning Board.

*Mr. James will revise the SEQRA form and submit the revised form to the Planning Board, and will continue his review before the board.*

## ***DISCUSSION***

### **Lands of Rainieri Proposed Conservation Subdivision (South St.)SBL#102.3-1-6.111**

Mr. Robert Lockhart was present as interested buyer for the Rainieri property. Maps were passed out to the Planning Board members dated August of 2012. Mr. Lockhart stated that they didn't do the survey yet, they wanted to make sure that the Planning Board was o.k. with the design before they invested all that money. The following issues were discussed:

- Five lot minimum. The board discussed allowing four lots instead of the minimal five lots (per section of the code 110-48 (D))
- Have lot #2 stay as open space and combine lots #3 and #4 (lot # 1 is existing)
- Lot #4 currently has about 25 feet of road frontage
- Maintain a lot width of 200 feet along South Street
- Zoning requirements

- Discussion about putting in a 400 foot town road with a hammer head (putting two-four families on each side and one-4 family in the back)
- Discussion regarding the cost of building a town road
- Meeting the 30% requirement for open space

Mr. Lawrence Marshall arrived (representative for Mr. Lockhart). Mr. Gorres told Mr. Marshall that the Planning Board just had an extended conversation about what could be done with the property. Mr. Gorres stated that the last discussion the board was having this evening was putting in a town road and combining lots #3 and #4, putting in a 300 or 400 foot town road, putting in a hammerhead, and putting in two-four family on each side of the road and one-four family in the back, leaving lot #2 free as open space. Mr. Marshall stated that his understanding is that the board is not comfortable with lot#4 having a twenty-five foot flag? Mr. Gorres stated absolutely not. Mr. Marshall asked the board if they would be o.k. with relocating lot #4 next to lot #1 and made it a one hundred foot driveway? Mr. Marshall stated with a conservation subdivision that Planning Board has the discretion to waive any and all requirements of the bulk zoning table. Ms. Mayle added that it had to be for a good reason. Mr. Marshall stated he felt that lot #2 and #3 are buildable, they have the sewer and the well and they meet the setback requirements that the board feels is necessary for those residences. Mr. Marshall stated whatever lot area that is, why make it bigger, why not give it to lot #4 and lot #4 could make a horse farm on it. Ms. Mayle stated there were less than two acres there, that is a huge density for that area, what happens when the two acres is not going to be able to sustain that home. Mr. Marshall stated they have a primary system as well as a full reserve system. Mr. Clouser stated that Mr. Marshall has less than 12,500 square feet which is what the Ulster County Health Department would want for a single family dwelling. Mr. Wilkin stated that there is nothing that says that the sewage cannot be in the open space except you can't take that part of the open space as part of the calculations. Mr. Marshall stated they know that there is a lot of work that has to be done and adjustments may need to be made to the plans. There was a discussion that the wetlands were flagged in 2012. Mr. Gorres asked the board if they would like another map of what was discussed this evening. Mr. Marshall stated he could provide a map, but it wouldn't look much different. Mr. Marshall stated as long as the board is comfortable with the concept of two-four families and a leaving a single family on the corner, that is all they need to know. Ms. Hilbert asked the board if they were comfortable with that because that would be going outside the five lot minimum. Mr. Wilkin stated in some ways they weren't in a conservation subdivision. Mr. Clouser stated that you can't do a four family in this zone unless you are doing a conservation subdivision or a multi-family development. Ms. Mayle stated there is nothing to say that some of the property can remain out of the open space, and depending upon how you set up the four-family, you might set it up in mind for the future that you leave enough space in case you want to put in a town road in the future, to develop the area. The board was polled in regard to the following: if the board would be comfortable with three lots instead of the minimum five lots as stated in the code. Mr. Wilkin stated he is o.k. with the three lots (tie it in the Quassaic Watershed) Mr. Gorres-o.k. with the three lost instead of the five lot minimum. Mr. Matthews-o.k. with three lots instead of five lot minimum. Mrs. Beinkafner-she would like to see more units in the back of the property.

Ms. Mayle stated she is o.k. with it as well. Mr. Marshall asked the board if they needed to see a revised layout, or could they proceed with the plan. Mr. Gorres stated he is o.k. with that as long as Mr. Marshall knows what he has to work with.

*The applicant will submit plans and continue on with the review.*

### ***VOUCHERS***

#### **David Clouser, Planning Board Engineer**

Voucher-in the amount of \$227.95 for engineering review by David Clouser to come out of the Fosler Road LLC escrow account.

**MOTION:** Mr. Gorres made a motion to approve the voucher for payment with Ms. Mayle seconding the motion. All ayes on the vote.

Voucher-in the amount of \$243.20 for engineering review by David Clouser to come out of the Rainieri project's escrow account.

**MOTION:** Mr. Gorres made a motion to approve the voucher for payment with Ms. Mayle seconding the motion. All ayes on the vote.

Voucher-in the amount of \$207.20 for engineering review by David Clouser to come out of the Shawangunk Estates escrow account.

**MOTION:** Mr. Gorres made a motion to approve the voucher for payment with Ms. Mayle seconding the motion. All ayes on the vote.

Voucher-in the amount of \$38.40 for engineering review by David Clouser to come out of the Cotter Road LLC (Prospect Hill Estates) escrow account.

**MOTION:** Mr. Gorres made a motion to approve the voucher for payment with Ms. Mayle seconding the motion. All ayes on the vote.

Voucher-in the amount of \$231.10 for engineering review by David Clouser to come out of the Paribelli escrow account.

**MOTION:** Mr. Gorres made a motion to approve the voucher for payment with Ms. Hilbert seconding the motion. All ayes on the vote.

#### **Jason Shaw, Planning Board Attorney**

Voucher-in the amount of \$3,940.00 for legal services for the resolution to come out of the Fosler Road LLC escrow account

*Discussion:* The Planning Board members discussed the amount of escrow that would need to be added to the Fosler Road LLC escrow account.

**MOTION:** Mr. Gorres made a motion to send a letter to the applicant requesting \$4,000.00 to replenish the escrow for Fosler Road LLC. Ms. Hilbert seconded the motion. All ayes on the vote.

### ***MINUTES***

**MOTION:** Mr. Gorres made a motion to move the minutes to the next meeting with Mr. Baum seconding the motion. All ayes on the vote.

***ADJOURNMENT***

**MOTION**: Ms. Mayle made a motion to adjourn with Ms. Hilbert seconding the motion. All  
eyes on the vote.

The meeting adjourned at 10:35 p.m.

Respectfully submitted by  
Susan Bolde, Planning Board Clerk

### **Conservation Subdivision**

Ms. Hilbert stated that Mr. Marshall, representative for Mr. & Mrs. Lockhart had presented a conservation subdivision proposal in reference to the Rainieri Subdivision. Ms. Hilbert stated what Mr. Marshall had presented to the Planning Board that evening was not a conservation subdivision, Mr. Marshall brought it up at the meeting, that night, and she had asked them if they would allow the board more time to review the code on the conservation subdivision with the Planning Board Engineer. Ms. Hilbert added that she and Mr. Matthews met with Mr. Clouser, Planning Board Engineer at his office in the beginning of April to go over what Mr. Marshall had submitted and get some comments from Mr. Clouser. Ms. Hilbert stated when they met with Mr. Clouser some of the things that were discussed were;

- There needed to be a minimum of five lots
- There needed to be a minimum of 200 feet across (lot #4 of the proposed subdivision plan shows that there would only be approximately twenty five feet of road frontage.)
- The layout proposed for lot #3 showed parking on the side. Ms. Hilbert stated they thought parking should be placed in the rear of the building.
- The Town Code states that at least 50% of the created lots must front an open space area which the original application didn't.
- At least 30% of the gross area should consist of open space which no more than 50% of open space would consist of wetlands, flood plains, slopes greater than 25% gradient, water bodies or any of the buffer areas surrounding the wetlands.

Ms. Hilbert stated they sent their comments to Mr. Marshall and he sent his response letter which was received in the office yesterday (5/14/13). Ms. Mayle stated she would not be prepared to respond to Mr. Marshall's May 10, 2013 letter this evening. Ms. Hilbert stated the board could review it for the next meeting (May 28, 2013) under discussion.

### **Fosler Road LLC**