

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

AUGUST 13, 2013

THE MEETING OPENED WITH A SALUTE TO THE FLAG BY CHAIRPERSON CINDY HILBERT AT 7:30 P.M.

ROLL CALL: Chairperson Cindy Hilbert, Vice-Chairman Richard Gorres, Thomas Wilkin, Judith Mayle, Nathaniel Baum, Katherine Beinkafner (arrived at 7:45 p.m.)

Planning Board Engineer: David Clouser
ABSENT: Darryl Matthews

MINUTES

July 23, 2013

MOTION: Mr. Gorres made a motion to approve the minutes as written with Mr. Wilkin seconding the motion. All ayes on the vote.

PUBLIC HEARING

Paribelli-proposed three lot subdivision (Barclay Road)SBL#101.2-2-5.11

Ms. Brooks was present along with Mr. Paribelli, owner of the property. Ms. Hilbert read the public hearing notice. Mr. Gorres checked the mailings submitted by Mr. Paribelli for notification of the property owners within 500 feet. It was indicated that out of sixteen mailings, two certified mailings were not picked up. Ms. Brooks presented the proposal to the audience and the Planning Board members. Ms. Hilbert asked if anyone in the audience had any questions or would like to take a look at the map. Mr. & Mrs. Nickolas Appuzo came up to take a look at the map. Ms. Hilbert asked Mr. & Mrs. Appuzo if they had any questions. They did not have any comments.

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

Maps dated October 10, 2012 were reviewed by the Planning Board members. Ms. Hilbert asked Mr. Clouser if he had any comments on the private road specifications. Mr. Clouser had the following comments and indicated that more would be required on the engineering:

- A stream disturbance permit (comments from the D.E.C.) would be forthcoming
- A drainage analysis will be necessary and possibly a SWPPP
- A Federal Wetlands permit would be necessary
- Refer to Plattekill Highway Superintendent for comments on guide rails
- Vertical curve information to be shown (minimum K value of 15 on curve) on the private road specification plan.

Mr. Clouser added that if the engineer wanted to call him, he would be glad to talk to him.

Mr. Clouser stated what was submitted was a start on what is needed; the profile is done, and Mr. DuBois (Engineer for Mr. Paribelli) is showing what he wants to do with the drainage. Ms. Hilbert asked the Planning Board members if they had any questions. There was discussion regarding the memo from the Supervisor and Town Board members (dated June 26, 2013). Ms. Brooks stated that they would need a revised letter from the Town Board. Mr. Paribelli stated he was told by the Supervisor that the Town Board waived everything so that they could proceed with their project. Ms. Mayle looked over the Town Board minutes dated June 19, 2013, and the motion. Ms. Brooks commented that the letter of request was specific to the two items. Ms. Mayle stated the motion from the June 19, 2013 minutes was pretty specific and did not say anything about an accessory apartment, just about the private road ingress and egress. Ms. Brooks stated she wouldn't necessarily call it an accessory apartment, it's the second floor of the landscaping business and they are calling it a dwelling. Ms. Hilbert stated she would reach out to Mr. Croce and have him do a revision and Ms. Brooks would be copied. Ms. Mayle stated the memo reflects the motion, and the motion is specific (see file for Town Board motion). Ms. Brooks stated the Town Board stated that they were approving Mr. Paribelli's request, which was for two waivers. Mr. Wilkin stated that he would like the map to reflect dwelling #1 and dwelling #2, so there is no question in the future of which dwelling goes where, if the living arrangements change. Ms. Mayle asked if there was a site plan approval for the landscaping business. Ms. Brooks stated yes. Ms. Mayle stated that approval should be reference on this site plan. Ms. Hilbert stated she would either call or e-mail the Supervisor so when the Supervisor and Town Board do the new resolution they will be able to reference the properties. *Ms. Brooks stated they have outstanding items to complete and they would waive the Planning Board making their determination within the forty five day timeframe.* Mr. Clouser added that he would like to see what D.E.C. is going to do with that stream disturbance permit before preliminary approval is granted. Mr. Clouser stated there was also a Federal Wetlands Permit, and depending on how much fill there is, it might be a nationwide permit. Ms. Hilbert stated Mr. DuBois should reach out to Mr. Wager, Highway Superintendent regarding a need for a guard rail. Ms. Hilbert asked an audience member who came in later if he was here for the Paribelli public hearing. Mr. Vincent Apuzzo stated he was here for the Paribelli subdivision proposal. Ms. Hilbert asked Mr. Apuzzo if he would like to look at the map. Mr. Apuzzo stated he had a question about access from the lots to the public road. Ms. Hilbert stated that the two newly created lots would have road access on the private road. Mr. Apuzzo asked by what nature? Ms. Brooks stated it would be a private road which would be owned by lot #1 which is the front lot, which would be retained by Mr. Paribelli. Ms. Brooks stated lots #2 and #3 would have roadway easement and maintenance agreement over the private road which needs to be prepared by an attorney and approved by the Town. Mr. Apuzzo stated then the lots would not each actually have their own right-of-way to a public road. Ms. Brooks answered that the lots would have a right-of-way, they would not have deeded title to it. Ms. Mayle stated the private road is supposed to be a stand alone road on it's own and not included in an initial lot. Ms. Brooks stated she has it shown as a stand alone on the plan. Ms. Brooks further stated that she and the Planning Board had a big discussion at the previous meetings that the private road had to be owned by one of the lots. Ms. Mayle stated it has always been a stand alone lot. Ms. Brooks stated she would have a conversation with Mr. Michael Dunham, Assessor or with Ulster County Real Property and find out.

In summary:

- Ms. Brooks will do the revisions to the map
- Buildings should be labeled “dwelling #1 and dwelling #2”
- Ms. Brooks will contact the Highway Superintendent regarding the need for guard rails.
- Mr. Paribelli will contact Mr. DuBois regarding Mr. Clouser’s written notes on the proposed private road plan.
- Ms. Brooks will contact Michael Dunham, Assessor, regarding whether the private road would be a stand alone parcel.

The applicant will be scheduled to appear before the Planning Board for further review when the outstanding items are completed.

Central Hudson /Dybas & Condon Lot Line Revision (Milton Tnpke.)SBL#94.4-3-39 & 44.1

Ms. Brooks was present to represent the applicant. Mr. Gorres read the public hearing notice. Ms. Brooks presented the proof of mailings (for the property owners within 500 feet) to Mr. Gorres. Ms. Brooks presented the proposal to the audience and Planning Board members. There were no audience members for this application. Ms. Brooks indicated that no new construction was proposed. Ms. Hilbert asked the Planning Board members if they had any questions or comments.

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

Ms. Brooks asked the Board if they would consider preliminary approval.

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

Ms. Brooks stated they have completed SEQRA and preliminary approval has been granted, and no outstanding comments exist, would the Board consider waiving the final public hearing and entertaining final approval this evening.

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

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

1. All fees paid
 2. The appropriate amount of final maps and mylars
- Mr. Gorres seconded the motion. All ayes on the vote.

The applicant will submit the maps and mylars for final signature

Mr. Clouser was not in attendance for the Fosler Road meeting

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

Mr. Mike Moriello was present, as representative for the applicant. The Planning Board members reviewed the resolution granting conditional final approval for the Fosler Road application. Ms. Hilbert stated since there was concern at the last meeting with Fosler Road concerning the recreation fees, she had asked Jason Shaw to summarize and quote the sections of law as to why the Planning Board thought the applicant would be able to waive the recreation fee. Ms. Hilbert stated she forwarded that summary to the Town Supervisor, Joseph Croce, who forwarded it to Mr. Paul Keller, Town Attorney. Ms. Hilbert stated that Mr. Keller responded to the Town Supervisor, saying that he did not feel that the Town Planning Board had made significant findings as to be able to waive the recreation fees, and was suggesting to the Town Board that they do not waive them. Ms. Hilbert stated she called Mr. Moriello to explain the situation. Ms. Hilbert stated they are here today to discuss the adoption of the resolution granting the conditional final approval, and if the board would be in favor of doing that, she would suggest they strike out anything that references recreation fees. Ms. Mayle stated that there is a “whereas” that matches the section of the recreation fees that would have to be struck. Mr. Moriello asked if the Planning Board was willing to put a recitation in the resolution that the recreation fees be totally waived? Ms. Mayle stated that was at the last meeting, based on the recommendation of Jason Shaw, and the Planning Board understood the Town Board had some hesitancy about it, so the Planning Board tried to craft it so that addressed the current situation with the Zoning Code as well as Town Law. Mr. Moriello stated he felt that the Planning Board had the authority to waive the recreation fees, and based on the record that was made, it would certainly be appropriate. Ms. Hilbert stated the recreation fees are paid to the Town and not the Planning Board, that is why it is in the Town Board’s hands. Ms. Mayle stated maybe the Planning Board should bolster their findings and give a reason why they feel the recreation fees should be waived and be more specific about that. The Planning Board members reviewed the map and open space and recreational areas. After discussion by the Planning Board members regarding the open space and recreational areas on the plan, Ms. Mayle added the following addition to page six of the April 2013 resolution as follows:

On page 6-“Resolved, that the Board finds as more specifically detailed on the approved site plan maps, that there are sufficient open space and recreational areas for the 15 dwelling units of the Project, including 7 acres reserved and dedicated for active and passive recreational use of the 15 families and an additional 9.60 acres of open space which is also available for passive recreation and as a result, these dwelling units, for this particular project, do not create a future need for parks or recreational facilities in the Town,”

MOTION: Ms. Hilbert made a motion to approve the April 2013 Resolution Granting Conditional Final Approval, Site Plan Approval and a Special Permit To The Fosler Road Multifamily Dwelling Project as amended by the Planning Board. Mr. Gorres seconded the motion. On the vote: Chairperson, Cindy Hilbert-aye Vice-Chairman, Richard Gorres-aye Katherine Beinkafner-aye Nathaniel Baum-aye Judith Mayle-Aye Thomas Wilkin-aye. Absent: Darryl Matthews.

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Ms. Hilbert stated she would have the clerk forward Ms. Mayle's comments to Mr. Jason Shaw, Planning Board Attorney for revisions and any grammatical changes, and he will send us a revised final which she will sign. Mr. Moriello stated he would copy the Planning Board on any paperwork he submits to the Town Board.

ADJOURNMENT

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

The meeting adjourned at 8:45 p.m.

Respectfully submitted by
Susan Bolde, Planning Board Clerk