

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING

May 7, 2014

Time: 7:00 PM

SALUTE TO FLAG

Supervisor Croce opened the meeting with a salute to the American Flag.

ROLL CALL

The following Town Board Members were present:

- Supervisor Croce
- Councilman Putnam
- Councilman Farrelly
- Councilwoman Delgado
- Councilman DePew

MINUTES

* Supervisor Croce made a motion to dispense with the reading of the minutes from the April 2, 2014 and April 16, 2014 Regular Town Board Meetings.

Councilman Farrelly seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the April 2, 2014 Regular Town Board Meeting.

Councilwoman Delgado seconded.

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| On the vote: Supervisor Croce | Yes |
| Councilman Putnam | Abstained (he was absent from this meeting) |
| Councilman Farrelly | Yes |
| Councilwoman Delgado | Yes |
| Councilman DePew | Abstained (he was absent from this meeting) |

* Supervisor Croce made a motion to accept the minutes from the April 16, 2014 Regular Town Board Meeting.

Councilman Farrelly seconded.

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| On the vote: Supervisor Croce | Yes |
| Councilman Putnam | Yes |
| Councilman Farrelly | Yes |
| Councilwoman Delgado | Abstained (she was absent from this meeting) |
| Councilman DePew | Yes |

ADDITIONS

The Town Board did not have any additions for this evening's agenda.

PUBLIC INPUT

Mr. Reynolds, a local reporter, asked the Town Board if they could give a short background on the Orchard Heights Sub-division that was listed on the agenda for this evening.

Supervisor Croce stated that he would ask the Developer to do that when the discussion begins.

Supervisor Croce asked if there were any further questions or comments from the public. There were no further comments or questions.

* Supervisor Croce made a motion to close the Public Input Section of the meeting at 7:09 PM.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 1 – ORCHARD HEIGHTS SUBDIVISION

Supervisor Croce invited Mr. Stenger and Mr. James to sit in front of the Town Board to explain why they were present this evening.

Mr. Stenger stated that the Town Board had listened to his request to set up an escrow account and take responsibility for having the driveways built on three lots in the Orchard Heights Sub-division, when they are sold. He stated that he did understand that the Town Board does not want to be in the business of building driveways and therefore, he wanted to bring another alternative to the Board's attention. He stated that he had discussed this new option at the last Planning Board meeting.

Mr. Stenger stated that he is suggesting that the Town Board, if they are comfortable with this, would speak with the Building Dept. about the developer putting a note on the map that the applicant would have to build the driveway to the engineer's specifications before any building construction would be authorized by the Building Dept. He stated that the condition of these lots is such that you could not get construction vehicles on the property without first constructing the driveways anyway. He stated that the developer would put up \$7,500.00 (\$2,500 per lot) for the inspections on these driveways, which is the amount specified by Mr. Clouser, the Town Engineer. This would not cost the Town anything and the Planning Board has also agreed to this option.

Supervisor Croce stated that he appreciates what Mr. Stenger is proposing and he would like to say that the Town Board is certainly in agreement that they would like to work this out with the developer and the Planning Board, but the Town Board has many responsibilities on its own. He stated that it has still not been thoroughly explained to him and he has not seen this proposal on paper. He stated that he still doesn't know that it is within the Building Inspector's scope of authority to inspect a driveway.

Councilman Farrelly asked if the Building Inspector would be inspecting the driveway or would he be calling the Engineer to come and inspect it?

Supervisor Croce stated yes, it would be the Engineer that would be inspecting it. He stated that he has spoken to the Building Inspector and has been told that the Building Inspector inspects the construction starting with the foundation and the building going up from there. He doesn't do anything with the driveway. The Building Inspector would have to keep an eye on it and inform the Engineer.

Mr. Stenger stated that in his business he has dealt with other Building Inspectors and they have to take into account safe ingress and egress before issuing a Certificate of Occupancy. This would be no different. The C of O would not be issued unless there was documentation certifying that the driveways were built to the Town Engineer's specifications.

Supervisor Croce stated that maybe you can come up with some section of law or something that will prove this. Our Building Inspector has stated that he deals with the foundation and up.

Mr. Stenger mentioned getting an opinion from the Town Attorney.

Supervisor Croce explained that he had not contacted Mr. Kellar because he realized that the Developer's escrow account was low and needed to be funded. He was going to wait until there were funds before continuing this discussion as the Town has had problems in the past where there was not enough money in an escrow and the Town gets charged for the attorney's time.

Supervisor Croce stated that he has a number of fears on the Town taking over this responsibility since we have had issues in the past. The concept seems very good. But we recently had a problem where someone received a Certificate of Occupancy and it was clearly written on the map that they could not do what was done. He asked, "what if these lots don't sell?" He stated that he understands there is one lot that is very close to being sold, so there will be two other lots.

There was a short discussion on whether a building permit would be withheld until the driveway was built or was the proposal for withholding the Certificate of Occupancy?

Mr. Stenger stated that if the driveway is not completed to the engineer's specifications then the Certificate of Occupancy would be withheld.

Councilman Farrelly stated that something has to be in place to call the Engineer so that the driveway can be inspected as it is built. Maybe this should be written somewhere.

Supervisor Croce stated that his issue is, "how is this enforced?" He stated that he appreciates what Mr. Stenger is saying, but we have had things written on maps in the past and still things are done and approved when they should not have been. This puts the burden on the Town to make sure these driveways are done correctly and he was not sure this Town Board wanted to take on that responsibility.

Councilman DePew asked where the specifications were, for building these driveways.

Mr. Stenger stated that they are written on the map and were drafted by the Town Engineer, Mr. Clouser.

Supervisor Croce stated yes, and we have had an issue since he has been Supervisor where the writing on the map was disregarded.

Councilman DePew stated that this all sounds well and good. We just need to have someone as the overseer.

Supervisor Croce stated that that is the crux of this. We have put things on the map and they have not been followed.

Councilman DePew stated that he understood that things have happened in the past, but this is a new situation and we cannot hold them up for something that happened in the past. We need to learn from the past and make sure those things don't happen again.

Supervisor Croce stated that this is what he is trying to do. He does not want to penalize someone because of a past experience.

Councilman Farrelly stated that these lots are hard to get into without these driveways. They will not be able to get construction vehicles in without the driveway being put in first.

Mr. Stenger went on to explain that if the Town Board did not want to go for this solution, he felt that the Developer would still be able to have this project approved by the Planning Board. However, the Planning Board was also looking to make sure that these driveways were put in and that the specifications were followed. This was a way to make sure that these driveways are safe and built correctly.

Supervisor Croce stated that it is our Highway Superintendent who has something to do with putting in the driveway to a piece of property. He is responsible to make sure it is built with a culvert pipe or other specification dealing with the initial entrance to the property. And the fact that these properties are not really accessible until the driveways are put in is another check that the driveway is put in before anything else is done.

Supervisor Croce asked if these driveways had to be paved or is this an option? Some people may not want a paved driveway.

Mr. Stenger stated no.

Mr. James, the Developer, stated that not everyone wants a paved driveway, so they should be referred to as "a finished driveway".

Councilman DePew stated that he felt we should involve the Building Inspector and the Highway Superintendent on this. He could also alert the lot owner when they come in to get a driveway permit.

Mr. Stenger stated that he could put on the maps that no footings can be poured until the Town Engineer certifies the construction of the driveway and that no C of O will be issued. They have to do the driveway anyway to get construction vehicles in there. It would not work to put something in the deed; it has to be in the contract so that it is seen right away.

Supervisor Croce stated that he was not totally sure of how the rest of the Town Board felt on this issue. He stated that he did not feel comfortable making any agreement until it is all written down on paper.

Mr. Stenger stated that the only agreement is with the \$7,500.00. These items will all be written on the maps, except the Town has to agree to hold the \$7,500.00 escrow account. The Building Inspector will have to agree to be responsible to alert the owners, when they come in for a building permit.

The Town Board members all agreed that they were willing to give this proposal their attention, but would not vote to approve anything until they could review it in written form.

Mr. Stenger stated that he would put this all in writing and say that the Town Board is conceptually agreeing to this proposal subject to seeing the language. He stated that he would also send a letter to the Planning Board letting them know of the discussion this evening. Mr. Stenger stated that he appreciated the Town Board considering these options.

Supervisor Croce stated that he wanted to remind them again that the escrow account needs to be replenished.

Mr. Stenger stated yes, he received the note. He stated that he would send a letter to the Planning Board Chair and copy the Supervisor. Then he will do the rest of the easement extension paperwork.

SECTION 2 – PUBLIC HEARING FOR DRAFT MS4- STORMWATER ANNUAL REPORT

Supervisor Croce stated that Mr. Wager and he would be meeting with a representative from Mr. Clouser’s office to review a draft copy of the 2013 Annual Stormwater Report. The Town will be accepting comments on the report which will be available for viewing at the Library, Town Hall and on the website. The Town will then have to hold a Public Hearing and any comments received, either written or at the Public Hearing, will become part of the Report when it is submitted to the DEC for filing.

Supervisor Croce stated that he would like to set the Public Hearing date for our next Town Board meeting on May 21st, 2014.

* Supervisor Croce made a motion to set a Public Hearing date for the 2013, MS4-Stormwater Annual Report on May 21, 2014 at 7:00 PM at the Town Hall.

Councilwoman Delgado seconded.

On the vote: all ayes.

The Town Clerk will post the notice in the Town newspaper.

SECTION 3 – VOUCHERS

* Councilman DePew made a motion to pay the Voucher Detail Report dated 5/7/2014, which includes: the General Fund amount of \$51,177.28, the Highway Fund amount of \$20,631.69, the Clintondale Light District amount of \$701.55, the Modena Light District amount of \$1,272.97, the Special Drainage District amount of \$3845.84, the Trust & Agency amount of \$1,980.00 and the Debt Service Fund amount of \$2,091.97 for a total amount of \$81,701.30 recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 4 - ADJOURNMENT

Supervisor Croce stated that he wanted to wish all the Mothers a “Happy Mother’s Day” for this weekend.

* Supervisor Croce made a motion to adjourn the meeting at 7:51 PM.

Councilman DePew seconded.

On the vote: all ayes.