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

OCTOBER 14, 2014

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

ROLL CALL: Chairperson, Cindy Hilbert, Darryl Matthews, Thomas Wilkin, Nathaniel Baum, Kathie Beinkafner (arrived at 7:50 p.m.), Judith Mayle (arrived at 7:40 p.m.) Richard Gorres

PLANNING BOARD ENGINEER: David Clouser

MINUTES
June 10, 2014
August 26, 2014

June 10, 2014
MOTION: Mr. Gorres made a motion to approve the minutes as written with Mr. Matthews seconding the motion. All ayes on the vote.

August 26, 2014
MOTION: Mr. Matthews made a motion to approve the minutes as written with Mr. Gorres seconding the motion. All ayes on the vote.

OLD BUSINESS

Lands of Rainieri proposed conservation subdivision (South Street)SBL#102.3-1-6.111
Larry Marshall was present to represent the applicant. Mr. Bob Lockhart was also present. Ms. Hilbert asked Mr. Marshall if he was in receipt of Mr. Clouser's comments (dated October 6, 2014). Mr. Marshall stated yes. Ms. Hilbert asked Mr. Marshall if he had a chance to respond to Mr. Clouser's comments. Mr. Marshall stated that he didn't have a chance to revise the plans, and address the questions, but they don't have any issues with any of the comments. Mr. Marshall stated the comments require some modifications to the plans, nothing substantial, but they will reach out to Mr. Clouser and work with him directly. Mr. Marshall added that they did not anticipate any issues with any of it. Ms. Hilbert asked Mr. Marshall if there was anything he would like to address with Mr. Clouser this evening. Mr. Marshall stated he did not have any questions at this time. Ms. Hilbert asked Mr. Clouser if he had anything he would like to address this evening. Mr. Clouser stated there was just a couple of things with the code, (on page two of the memo dated October 6, 2014), there is a requirement that the open space not be constrained by more than fifty percent of the wetland and slopes, and there is a table on page one that shows that seventy-percent is not constrained, so that works.

Mr. Clouser stated there is quite a bit in the code about maintaining the open space, and one way is to create a Property Owners Association, making that entity responsible for maintaining the open space. Mr. Clouser stated that section of the code 110-48 (1) also grants the Planning Board the option to allow private ownership with deed restrictions as long as the Planning Board is o.k. with the way it is set up so that the maintenance is guaranteed. Mr. Clouser added that the layout in a Conservation Subdivision allows the Planning Board to reduce the lot widths and lot depths, and there are two lots that have lot widths that are less than the two-hundred feet (lots #3 and #4). Ms. Hilbert stated that was part of what the Planning Board had discussed originally when the board talked about whether layout "A" or "B" was going to work, and when they gave layout "B" their endorsement, the board knew they would have to make that consideration to waive that issue. Mr. Clouser stated that consideration has to be made before final approval. Mr. Marshall added that was something that they reached out to the Highway Superintendent about also. Mr. Clouser stated the other comments were minor, (see comments dated October 6, 2014 in file). Mr. Marshall added that the desire is to keep the open space as it naturally is. Mr. Marshall stated that the rights of enforcement would fall onto the property maintenance section of the Town Building Inspector. Mr. Marshall stated the Building Inspector would have the ability to go in and enforce if anyone were to clear cut or ride four wheelers through there. Ms. Hilbert asked Mr. Marshall if it was his intention to create a Property Owners Association? Mr. Marshall stated the property is too small, if they have an option, they would opt for allowing private ownership with restrictions. Ms. Mayle asked Mr. Clouser if there was any provision in the code that deals with the drainage district charging back the property owners for the cost of overseeing that conservation easement. Mr. Clouser answered that there wasn't anything in the code in regard to that. Mr. Wilkin asked Mr. Marshall what he meant by "the open space will remain as is." Mr. Marshall stated that it means, "as it is now." Mr. Wilkin asked Mr. Marshall who was going to be inspecting the open space area so that it stays that way, and who is going to inspect the conservation easement, to make sure it is maintained properly. Mr. Marshall stated that lot #2 is a stand-alone lot and their obligation is to maintain it themselves. Ms. Mayle asked Mr. Marshall if he would be preparing the conservation easement with restrictions so that the land can't be used for open space purposes? Mr. Marshal stated the owner of the property would have the right to utilize the property in whatever manner that this Board determines to be permitted in the open space. Mr. Wilkin stated he felt that there should be some kind of access for emergency vehicles. Mr. Lockhart stated he doesn't want the tenants to do anything on the property, he doesn't like the tenants going into the woods, just for liability reasons. Ms. Hilbert asked Mr. Lockhart if he would be putting some type of vegetative buffer around the property to keep the tenants from going onto the open space. Mr. Lockhart stated no. Ms. Hilbert asked the Board if they had any questions. Mrs. Beinkafner asked Mr. Marshall if the Town would be holding the conservation easement. Mr. Marshall stated it would be a deed restriction with rights-of-access to the Town for enforcement. Mr. Marshall stated they would be addressing all the comments in Mr. Clouser's memo dated October 6, 2014. Mr. Marshall asked the Board if they would be ready to move forward to a public hearing. Ms. Hilbert stated that they would wait until Mr. Marshall responded to the engineering comments. Ms. Hilbert asked Mr. Marshall to supply a copy of the conservation easement to the Board so that they can take a look at it. Mr. Lockhart passed out a copy of the building layout for the Board

to review. Mr. Wilkin asked Mr. Lockhart what kind of heat he would be using. Mr. Lockhart stated he would be using propane, forced hot air.
The applicant's representative will address the Planning Board Engineering comments dated October 6, 2014.

NEW BUSINESS

Liberty View Farms LLC Site Plan (Crescent Ave.,) SBL#95.1-7-16.1
Ms. Brooks was present to represent the applicant, Billiam VanRoestenberg. Mr. VanRoestenberg was also present. The Planning Board members reviewed the plan with revision date 9/25/14. Ms. Brooks stated that Mr. Van Roestenberg has been running Liberty View Farms LLC on Crescent Avenue since 1999. Ms. Brooks stated there is an edible garden, bee hives which utilize the site for pollination, a pig pen area, chicken coop area, and they have "pick your own apples." Ms. Brooks stated it has been a very successful farm, but on years where farming is not as friendly to the farmers as is needed, to be sustainable, he has expanded to the agri-tourism business of weddings and events. Ms. Brooks stated it has grown over the years and is now up to ten to twelve wedding events a year, and it became a point where it was necessary to come before this board to make sure that this conforms with all the rules and regulations of the Town. Ms. Brooks stated they wanted to make sure they had adequate sanitary facilities, adequate egress and ingress for the vehicles coming in and out of the site, proper buffering and parking areas. Ms. Brooks added that Mr. VanRoestenberg also spoke with the Building Inspector. Ms. Brooks indicated that Mr. VanRoestenberg had been leasing land from an adjacent land owner who was in contract to subdivide and sell the land, his partners purchased a portion of the adjacent land and they have expanded the site plan to show the limits of the lands that are leased to Liberty View Farms LLC. Ms. Brooks stated they submitted this under agriculture, they realize that the tourism laws are changing so rapidly, and they did get a letter of determination from the Building Inspector saying that weddings (public gatherings) does not fall within either principle or special use, therefore, the applicant would have to go to the Town Board for approval. Ms. Hilbert asked the board if they had any initial comments on the application. Mr. Gorres asked Mr. VanRoestenberg if he had any problems with the neighbors. Mr. VanRoestenberg stated he did have a neighbor that has started complaining this year. Ms. Brooks stated the issue that has been raised is with the noise late at night. Ms. Brooks stated that the applicant, based on those comments has made revisions. Ms. Brooks stated right now the weddings go until one or two o'clock in the morning. Mr. VanRoestenberg stated that only happened once, and what happened is that there was a storm right before the wedding dinner, so it was delayed two hours. Ms. Brooks added that part of this application is restricting the hours from 11:00 a.m. to 10:00 p.m. to be in accordance with the noise ordinance. Mr. Wilkin asked Ms. Brooks what was proposed in the RS-1. Ms. Brooks stated Mr. VanRoestenberg's personal residence is in the RS-1, the Apiary, the outdoor recreation, the event tent area, that is where the weddings take place. Mr. Wilkin asked Mr. VanRoestenberg if he has people coming in during the week, because he noticed Mr. VanRoestenberg has a sign which says he has produce for sale. Mr. VanRoestenberg stated they have farmers markets that typically take place in the Fall, but it is not open all year round

because of the weather. Mr. Wilkin asked if the farmer's market was part of the events, or is that separate? Ms. Brooks stated that was separate. Mr. VanRoestenberg stated they do sell vegetables after the wedding. There was discussion concerning the Bed and Breakfast and that it was situated in the RS-1 zone. Mr. Wilkin asked Ms. Brooks if the Bed and Breakfast was proposed in the existing dwelling. Ms. Brooks stated yes. Mr. Wilkin asked Ms. Brooks how many bedrooms would be used for the Bed and Breakfast. Ms. Brooks stated it is a three bedroom house, so two bedrooms would be available as the Bed and Breakfast, and in addition there is the Yurt, which has limited overnight accommodations without facilities. It was indicated that the Yurt was sixteen feet in diameter. Mr. Wilkin asked if the tent came down after every event. Mr. VanRoestenberg stated the tent goes up a day or two before and comes down a day or two after the event. Mr. Wilkin stated one thing that AG and Markets will say is that if you have a barn, it has to have a structural plan to it, if you don't have a structural plan, then you have to have a structural engineer come in to sign-off that it is structurally sound. Mr. VanRoestenberg stated they have plans to renovate the barn and put in new windows, right now there is no glass in the window frame. Mr. VanRoestenberg stated the barn is on a slab and has a tin roof. Mr. Wilkin stated that there should be discussion regarding a cap on the number of people at the events. Mr. VanRoestenberg stated in the past he did do a three-hundred person wedding and there wasn't that much difference, the only problem with the big weddings is that there is a lot more detail that goes into it, and you have to worry about the parking and the buses and it is just too much. Mr. Wilkin asked Mr. VanRoestenberg if the parking was all on the grass. Mr. VanRoestenberg stated yes, they did that so that they can have the parking in sections. Mr. Wilkin stated that the Ulster County Planning Board will want to know what kind of lighting will be used. Mr. VanRoestenberg stated they have always used tiki torches, there is also lighting on the porta-potties. Mr. Wilkin asked if the area was handicapped accessible. Mr. VanRoestenberg stated the area was not handicapped accessible, but he has a bathroom on the main floor of his home which people could use. Mr. Wilkin asked Mr. VanRoestenberg if he would have any handicapped parking? Mr. VanRoestenberg stated there were locations that could be used, they have options for that. Mr. Wilkin asked if everyone would be arriving and leaving an event at the same time. Mr. VanRoestenberg stated for the weddings people generally come in within the hour and there is a staggered timeframe for people leaving. Mr. Wilkin stated that there was a note placed on the Orchard Heights map that stated the existing storage buildings could only be used for residential use (see Orchard Heights map note #4). Ms. Brooks stated that Mr. VanRoestenberg has been renting that property from Mr. Chaissan, and that property has always been considered agricultural. Ms. Brooks stated they understand that the board has to place protections on the community, and those protections need to be hours of operation, traffic and lighting and impact on the neighbors, and that is why they are here. Ms. Mayle asked Ms. Brooks what kind of facilities does Mr. VanRoestenberg have in terms of water and sewage. Ms. Brooks stated for the events it is just the porta-potties, when the tents are set up and the caterer's come in to cater the events, they bring everything. Ms. Mayle asked how the caterer's cleaned up after an event. Ms. Brooks stated the caterers carry in and carry out. Mr. VanRoestenberg stated he also breaks down cardboard, plastic and recyclables that go in a bin in the barn, and they have compost that they give to the chickens and pigs. Ms. Brooks stated a proposed screened

dumpster area is on the plan, but Mr. VanRoestenberg does not use the dumpster. Ms. Mayle stated she is not sure that the area for parking will be sufficient to the number of people that Mr. VanRoestenberg may have. Mr. VanRoestenberg stated for years they were parking in the back, but Mr. Knudsen and he locked horns, and he told Mr. Knudsen he wouldn't park there anymore, they would move it more into the center of the property. Ms. Brooks stated most of the people are bused in. Ms. Brooks added that Mr. VanRoestenberg has arrangements with the Friends Church down the street for extra parking down there. Ms. Mayle asked Mr. VanRoestenberg what happens when the Friends Church is no longer there, or they say that he can't park there anymore. Mr. VanRoestenberg stated then they would have it more as a bus situation with pick-up areas. Ms. Brooks stated that for the last eight years parking has not been the issue, there never was an issue until this year. Ms. Mayle stated she felt that the parking should be addressed on the site. Supervisor Croce was in the audience and stated that there have been numerous complaints of people parking on Crescent Avenue which is not allowed, blocking people's driveways. Mr. Croce stated his office has received numerous complaints about noise, and the other big complaint is about trespassing. Mr. Croce asked Mr. VanRoestenberg if he brought the buses up the driveway off of Crescent Avenue? Mr. VanRoestenberg stated yes, they have luxury buses, and school buses. Mr. VanRoestenberg stated they have been having school tours for years. Mr. VanRoestenberg stated one of the neighbors thought he was shooting off fireworks and it was not his farm, it was right at the back of his farm, but he was not involved with that. Ms. Brooks stated part of what they can do is plant an evergreen buffer. Ms. Brooks stated there is a neighbor that has raised concerns about trespassing. Ms. Brooks stated that what happens is since the view to the left is gorgeous, at sunset some people are gravitating toward the view and field area, and on occasion there have been people who have crossed over the stone wall to get a better view of the sunset. Mr. VanRoestenberg stated he also tells people where his property is, and where the apple picking is, and if they drive up the road and around the block, there is nothing he can do. Ms. Mayle asked Ms. Brooks what part of the land was owned and what part was leased. Ms. Brooks stated that all of the land is owned by Diana Meranda and Azlan Ahmad. Ms. Brooks stated that they are partners with Mr. VanRoestenberg. Mr. VanRoestenberg stated that the farm (Liberty View Farms LLC) is leasing the land from Diana Merenda and Azlan Ahmad. Ms. Mayle asked Mr. VanRoestenberg if there was anything else going on at the farm besides the weddings. Ms. Brooks stated some time ten or twelve people come for the wedding rehearsal and then they go to the Gunk House for dinner. Mr. VanRoestenberg stated that the people that want to get married on his farm are looking for something beautiful with nature involved and healthy food. Mr. Wilkin asked Mr. VanRoestenberg where the caterer's usually parked. Mr. VanRoestenberg stated there is a separate cook tent for them. There was discussion concerning lot #1 which was a part of Orchard Heights Subdivision and what restrictions might have been put on that lot which may affect the whole property. Ms. Mayle asked Mr. VanRoestenberg if he has any music at the wedding events. Mr. VanRoestenberg replied that sometimes there is acoustical music, string bands, quartets, Dj's and bands and some don't even like music. Mr. VanRoestenberg stated they are planning on changing the direction of the doors to the barn. (which would help with the sound). Mr. VanRoestenberg stated this is not only important to his farm, but it has been great for the community, they hire local caterers, local musicians, hairdressers, and the food comes from the farm as much as possible. Mr. VanRoestenberg stated this is helping save his farm; he lost crops

a few years ago with frost. and if this doesn't happen he would have no way to survive. Mr. VanRoestenberg stated he is not asking to do two weddings every week, he is just asking to do about ten weddings spread out over a three month period. Ms. Brooks asked if the board had any more questions. Ms. Hilbert asked Ms. Brooks if she felt that the outdoor recreation which was the use allowed in that zone would be the closest possible use that she could find for this. Ms. Brooks stated she considered it to be agri-tourism and she felt it was allowed in all zones, but if the board did not consider it agricultural based on the current regulations then her fallback would be the outdoor recreation/amusement.
The applicant will go to the Town Board for a formal determination regarding weddings in the RS-1 and AG1.5

Moran/DeStefano Lot Line Revision (Route 32) SBL#101.3-2-17.21
Ms. Hilbert stated this is a Lot Line Revision that was signed in March of this year, and because of some issues that came up with unpaid taxes the application wasn't able to be filed with the Ulster County Clerk in Real Property, so since it has gone beyond the 62 day timeframe, Ms. Brooks is back in front of the board asking for an extension, now that everything is cleaned up. Ms. Brooks stated she did receive a letter stating that the tax bill and receipts would be available to them on the 17th. of October, so they feel confident about it, but because they had passed the timeline she wanted to come back in front of the board. Ms. Brooks indicated that nothing had changed, it was a simple Lot Line Revision. Ms. Brooks stated that the original maps were dated on 3/14/14 and the Ulster County Clerk will accept the re-dating of the maps with notation, re-approved, but that has to be a decision of this board. Mr. Matthews asked Ms. Brooks if anything changed on the map. Ms. Brooks stated no. There was a determination to make a motion to re-sign the map.
MOTION: Mr. Gorres made a motion to extend the timeline for the Moran/DeStefano Lot Line Revision plan. Ms. Mayle seconded the motion. All ayes on the vote.

DISCUSSION
Morris & Jacobowitz Sloping Hills Subdivision
Mr. Mark Tartter was present to discuss his current property which is located on Cotter Road and South Street. Mr. Tartter stated that they bought the property from Morris/ Jacobowitz, and he thought the subdivision was all done. Mr. Tartter stated the subdivision had separate tax numbers, but apparently they can't find the file number. Mr. Tartter stated in 2004 he had an offer on the property from Easy Lifestyle, and that is when he found out he did not have the subdivision any more. Mr. Tartter stated the County did not understand why there is not a file number, because they did get tax numbers and no one can find the file number. Ms. Hilbert asked Mr. Tartter if it was listed as one piece or was it listed as ten lots. Mr. Tartter stated the deed had it originally listed as one piece, but they hand wrote the lot numbers on the deed. Ms. Hilbert stated there would have had to be separate metes and bounds for the lots. Ms. Brooks stated the County does not assign tax lot numbers unless there is something that compels them to do that. Ms. Mayle asked if the plan was approved by the Town of Plattekill. Ms. Hilbert indicated conditional final approval was granted on August 12, 1975 on the condition that the Road Performance Bond be accepted by the Town Board. Ms. Mayle indicated that the Ulster County Health Department may have some records on it.

VOUCHERS

David Clouser, Planning Board Engineering review

Voucher-in the amount of $454.80 to come out of the Messina & Sons site plan
MOTION: Ms. Mayle made a motion to approve the voucher for payment with Mr. Matthews seconding the motion. All ayes on the vote.

Voucher-in the amount of $378.00 to come out of the Huckleberry Bluestone Subdivision escrow
MOTION: Ms. Mayle made a motion to approve the voucher for payment with Mr. Gorres seconding the motion. All ayes on the vote.

Voucher-in the amount of $166.40 to come out of the Fosler Road LLC escrow
MOTION: Ms. Mayle made a motion to approve the voucher for payment with Mr. Gorres seconding the motion. All ayes on the vote.

Voucher-in the amount of $313.80 to come out of the escrow of Liberty View Farms LLC
MOTION: Mr. Gorres made a motion to approve the voucher for payment with Mr. Baum seconding the motion. All ayes on the vote.

INCREASE ESCROW
There was a determination to increase the escrow for Liberty View Farms LLC in the amount of $714.00
MOTION: Ms. Mayle made a motion to increase the escrow of Liberty View Farms LLC in the amount of $714.00 with Mr. Baum seconding the motion. All ayes on the vote.

ADJOURNMENT

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

The meeting adjourned at 10:10 p.m.

Respectfully submitted by Susan Bolde, Planning Board Clerk