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

OCTOBER 28, 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 7:35 p.m.), Judith Mayle
Richard Gorres

PLANNING BOARD ENGINEER: David Clouser

MINUTES
October 14, 2014
MOTION: Mr. Matthews made a motion to approve the minutes as written with Mr. Gorres 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.

NEW BUSINESS
Trans-Hudson Management Corp. (for Dunkin Donuts) Route 32 SBL#101.1-1-11
Mr. Justin Dates of Maser Consulting, introduced himself and gave the Planning Board members a brief description of the proposal for a Dunkin Donuts. Mr. Dates indicated that the current site contained a restaurant with a drive-thru, known as Babba-Louies with full parking, with an existing well and septic. Mr. Dates indicated that they would have to confirm the extent and size of the septic. Mr. Dates indicated the current lot size is not even an acre and they have a couple of pre-existing non-conforming scenarios, one of them is the lot size and the lot width. Mr. Dates added that they received a variance for the vestibule expansion because that encroached closer to Route 32. Mr. Dates stated traffic circulation would be very similar to the existing Babba-Louies, they would maintain the one way access and one way exit and would be proposing a designated drive-thru with a by-pass lane. Mr. Dates stated they would be proposing sixteen seats for the seating area and that is what they would be basing their sewage design on. Mr. Dates added that for the most part they are maintaining the existing pavement that is out there, but there were a couple of spots over by the South entrance that they would trim back some of the pavement. Mr. Dates stated they would maintain the existing shed and utilize the existing propane tank. Mr. Dates added that they would submit a full landscaping and lighting plan. Mr. Matthews asked Mr. Dates if he would be putting a sign out front. Mr. Dates stated

they would like to use all of the pre-existing signs, they would be renovated with the Dunkin Donuts signage. Ms. Hilbert asked the board members if they had any questions. The board members went over the Planning Board Engineering comments dated October 24, 2014 as follows:

Yard Requirements, Parking and Buffers-Mr. Clouser stated that the definition of yards in 110-6 indicated that the front yard must be unoccupied and unobstructed from the ground level upward, which means that there is no parking that happens in the yards. Ms. Hilbert stated the first parking spots on either side of the building would be eliminated. Mr. Wilkin asked who owned the ten foot strip of land (not included in the current deed of record). Mr. Dates replied that strip could be incorporated in the lot to clear that up. Mr. Wilkin stated that would then make it a corner lot. Mr. Wilkin stated that he would like to see that issue cleaned up before it goes to D.O.T. so they know exactly what the situation is there. Mr. Clouser indicated 110-6 (G) states that loading must be separated from parking and adjoining property lines by a planting strip at least twenty feet in depth. Mr. Clouser added that would not work on this property, this was a re-development on a small lot and the code was intended for a bigger lot. Mr. Matthews stated it was an aspect of non-confirming. Mr. Dates stated the application went to the Zoning Board and the only variance that was indicated was for the front yard setback. Mr. Wilkin stated he attended the Zoning Board meeting and Mr. Dates had indicated he did not know whether he would leave the building or tear it down. Mr. Dates stated they are renovating the building, so they are looking at gutting it to exterior walls and re-doing the interior of the building. Ms. Mayle asked Mr. Dates if the Zoning Board reviewed the landscaping buffers or expansions that he was putting in. Mr. Dates indicated that the items described in Mr. Clouser's memo were not brought up. Ms. Mayle stated that the problem is when you end up going to the Zoning Board before going to the Planning Board all of the areas and issues that might crop up in the project aren't fully identified. Mr. Dates stated they were directed to the Zoning Board first. Mr. Dates added that he is not trying to skirt anything that is in the code, but he had areas that are outlined as pre-existing non-conforming, and he felt that these issues fall within that same category. Mr. Matthews stated the applicant is making it less non-conforming by removing some of the existing blacktop. Mr. Clouser stated that the applicant is asking the Planning Board to approve a site plan that doesn't agree with the code, this is a new site plan. Ms. Mayle stated that there are aspects of the existing project that did not receive site plan approval, for example, they never came in front of the board for the drive-in window or the signs. Ms. Mayle asked Mr. Dates what size trucks would be used. Mr. Dates stated they would be using box trucks. Mr. Wilkin asked Mr. Dates if any other vendors would be supplying products to Dunkin Donuts. Mr. Dates stated most of the product is Dunkin products, but there will be drinks. Mr. Dates added that they could work out a schedule of when the trucks would be dropping off the products. Mr. Clouser stated that 110-26 paragraph E, allows parking at the side of the lot and that they must be screened from the Route 32. Ms. Hilbert stated that she would like to see screening in the back where there is a residential area, and leave the area along the road unencumbered.

Internal Circulation-Mr. Clouser stated the required loading (according to section of the code 110-16 (E)) must be twelve feet wide and the plan indicates a width of ten feet. Mr. Clouser added that there is nine feet of driving area now which is really not enough. Mr. Dates stated that they could coordinate deliveries to be off-peak.

<u>Additional issues</u>-

- Sidewalks will be required
- The commercial district zoning note should be added to the plan
- Some provisions for drainage should be provided
- A D.O.T. referral should be made which would be based on anticipated trip generation and driveway entrance improvements
- Mr. Dates stated that Babba-Louies permit is for nineteen seats. They are proposing sixteen seats
- Show staffing and hours of operation
  On discussion: Mr. Dates stated it is not a twenty-four hour operation, it would be five o'clock a.m. to eleven o'clock p.m.
- Entrance and exit driveway curbing will be required
- Mr. Clouser asked Mr. Dates to provide information on the four hundred gallons a day
  On discussion: Mr. Dates indicated there would be sixteen seats and twenty five gallons per seat (per the D.E.C.). Mr. Dates added that he did speak to the Ulster County Health Department on this issue
- Submit building elevations and floor plans and detailed landscaping and lighting plan
  On discussion: Mr. Dates stated the newly renovation Dunkin Donuts in New Paltz would be an example of what the proposed Dunkin Donuts would look like, although the New Paltz Dunkin Donuts did not have a drive-thru.
- Provide a detail of the paving that meet the Town Road Specifications
- Clarifications to the submitted short form EAF

The Planning Board went over the Short Form EAF as follows:

There was discussion regarding the existing well. Mr. Dates stated that there is a chlorination system inside the facility already. Mrs. Beinkafner stated that the EAF mentions the Big Saver which had water quality problems. Mr. Dates stated that the EAF looks at a pretty wide radius from the parcel, it checked that there are wetlands on or adjacent to the site, but there are no wetlands on this site, there are ponds in the back that were probably picked up. Mr. Wilkin stated he would like to see where the neighboring property owner's wells are located. There was discussion regarding parking and pedestrian crossing. Mr. Dates indicated he could show a painted crosswalk. Ms. Mayle stated that on page two #8-'*Will the proposed action result in substantial increase in traffic above present levels*?" is checked no. Mr. Dates stated they can put together some type of traffic analysis. Ms. Mayle stated 8 (b) "*are public transportation services available at or near the site of the proposed action*" is checked yes. Mr. Dates stated that UPAC does go by the site. Ms. Mayle stated 8 (c) "*are any pedestrian accommodations or bicycle routes available on or near site of the proposed action*?" is checked yes. Mr. Dates indicated that there is a sidewalk along the Hannaford Store, so there are some pedestrian improvements. Ms. Mayle stated line 9 "*the proposed building will be constructed per the latest NYS Building Code* is checked yes. Mr. Dates stated whatever improvements are made to the structure need to be compliant with the NY State Building Code. Ms. Mayle stated #13 (a) "*Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other*

water bodies regulated by a federal, state or local agency?" is checked yes. Mr. Dates stated that is checked off through the D.E.C. mapper. Ms. Mayle asked Mr. Dates to explain his answer to #17 (b) "*Will stormwater discharges be directed to established conveyance systems (runoff and stormwater drains)?"* Mr. Dates stated right now it is overland flow across the pavement and grass areas, they are not looking to change the flow patterns. Mr. Dates stated they do have to put in some type of stormwater improvement on the site, so they will need to look at what they are doing there. Mrs. Beinkafner asked Mr. Dates what type of water treatment is required to deal with the water quality, if any *(#10 on the Short Form EAF reads "Will the proposed action connect to an existing public/private water supply?")* Mr. Dates stated that right there now is a water chlorination system and they will work with the Ulster County Health Department. Mr. Wilkin asked if right hand and left hand turns are going to be allowed on the entrance and exit. Mr. Dates stated the current traffic flow will remain. Ms. Mayle asked Mr. Dates if this would require D.O.T. review for the sidewalk locations. Mr. Dates stated they will have to look at placement. Ms. Mayle stated the sidewalks are already mapped out. Mr. Dates stated he would get the sidewalk plans. Ms. Hilbert asked the board if they had any more questions. Mrs. Beinkafner stated she was really worried about the septic system and Mr. Dates should immediately talk to the Health Department. Mr. Dates stated he has spoken to the Health Department, they need to know what was there now. Mr. Dates stated he wanted to talk about the variance issue, he was a little concerned about the fact that they already went to the Zoning Board and was granted what they thought was the variance that they needed to go ahead with the Planning Board. Mr. Dates stated he would like to get a better direction on the fact that the board is talking about additional variances. Mr. Clouser asked Mr. Dates if any variance issues came up he did the layout on the Dunkin Donuts. Mr. Dates responded that they were working on the previous non- conforming conditions. Mr. Dates added that the use was the same. Ms. Mayle stated that would be fine if they had a permit to operate a drive-thru in the establishment, they have a pre-existing use for a little restaurant, but the drive-in part is a new addition in the last couple of years. Mr. Dates asked who would have that information. Mr. Gorres stated he would check with the Building Department. Mr. Dates re-iterated that his concern was with the variances and the time that he felt he wasted to get the variance that he understood he needed to get to this point. Mr. Wilkin stated one of the Ulster County Planning Board comments was why didn't he go to the Planning Board first to see if there was other variances that would be needed. Mr. Wilkin stated he felt the biggest issue would be the Health Department approval. Mr. Clouser stated they are trying to make this work and keep the business in town, it is just a matter of making it work. Mr. Matthews stated the structure has never changed, it has been there for sixty years. Ms. Mayle stated section of the code 110-65 would be beneficial to review because it talks about changes to the non-conforming uses. Mr. Clouser stated he was concerned about the twenty foot buffer issue (section of the code 110-16 (G). Mr. Matthews stated that this is pre-existing , they are already cutting it back to make it smaller than what is existing. Ms. Hilbert stated when Mr. Dates revises the layout it will give the board a better idea of what the specific variances are. Mr. Dates stated he would work with Mr. Clouser's office.
The applicant will make the necessary revisions to the plan.

DISCUSSION
Morris & Jacobowitz Sloping Hills Subdivision

Ms. Hilbert brought the board up to speed on her conversation with Mr. Tartter, who purchased the Slopping Hills Subdivision, which the Planning Board had granted a conditional final approval on. Ms. Hilbert indicated that it appeared the map was never filed with the Ulster County Clerk, although the subdivision was processed on paper, it was not processed through the Assessor's office, so it remains one lot. Ms. Hilbert added that she had spoken to Mr. Tartter and referred him to the Ulster County Board of Health, although she did not know if the Board of Health would honor something that happened forty years ago. After a brief discussion it was determined that it would be the Planning Board's recommendation to have Mr. Tartter apply to the Planning Board as a new review of the subdivision.

RE-APPOINTMENT
A motion was made to re-appoint Mrs. Kathie Beinkafner for another term on the Planning Board.
MOTION: Mr. Gorres made a motion to re-appoint Mrs. Beinkafner for another term on the Planning Board with Ms. Mayle seconding the motion. Mr. Wilkin abstained. All others present voted aye.

RE-SCHEDULING THE NOVEMBER 11, 2014 PLANNING BOARD MEETING
The meeting originally scheduled for November 11th. will be moved to November 18th. due to Veteran's Day.

VOUCHER

David Clouser Planning Board Engineering Vouchers

Voucher-in the amount of $1,150.60 to come out of the **Huckleberry Bluestone** escrow account.
MOTION: Mr. Baum made a motion to approve the voucher with Mr. Gorres seconding the motion. All ayes on the vote.

Voucher-in the amount of $931.68 to come out of the **Messina & Sons** escrow account.
MOTION: Mr. Gorres made a motion to approve the voucher for payment with Mr. Wilkin seconding the motion. All ayes on the vote.

Messina & Sons: Increase Escrow in the amount of $1,500.00
MOTION: Mr. Gorres made a motion to increase the escrow of Messina & Sons in the amount of $1,500 with Mr. Baum seconding the motion. All ayes on the vote.

Voucher-in the amount of $243.00 to come out of the Shawangunk Estates escrow account
MOTION: Mr. Gorres made a motion to approve the voucher for payment with Mr. Baum seconding the motion. All ayes on the vote.

RE-ORGANIZATIONAL MEETING

Chairperson

MOTION: Ms. Mayle made a motion to appoint Cindy Hilbert as Chairperson for the year 2015 with Mr. Gorres seconding the motion. Ms. Hilbert abstained. All others present voted ayes.

Vice-Chairman

MOTION: Ms. Mayle made a motion to appoint Richard Gorres as Vice-Chairman for the year 2015 with Mrs. Beinkafner seconding the motion. Mr. Gorres abstained. All others present voted aye.

Secretary

MOTION: Ms. Mayle made a motion to appoint Darryl Matthews as Secretary for the year 2015 with Mr. Gorres seconding the motion. Mr. Matthews abstained from the vote. All others present voted aye.

Planning Board Clerk

MOTION: Mr. Gorres made a motion to appoint Susan Bolde as Planning Board Clerk with Mr. Baum seconding the motion. All ayes on the vote.

Planning Board Engineer

MOTION: Mr. Gorres made a motion to appoint Mr. David Clouser as Planning Board Engineer with Ms. Mayle seconding the motion. All ayes on the vote.

Voucher Committee

MOTION: Ms. Hilbert made a motion to appoint Mr. Darryl Matthews and Nathaniel Baum to the Voucher Committee with Ms. Mayle seconding the motion. Mr. Matthews and Mr. Baum abstained from the vote. All others present voted aye.

ADJOURNMENT

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

The meeting adjourned at 10:00 p.m.

Respectfully submitted by Susan Bolde, Planning Board Clerk