

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

FEBRUARY 10, 2015

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

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

ABSENT: Kathie Beinkafner

PLANNING BOARD ENGINEER: David Clouser

MINUTES

January 13, 2015

MOTION: Mr. Wilkin made a motion to approve the minutes with the following corrections: Page 5-change “closing down” to “scaling back.” Page one change “1205” to “2015.”

PUBLIC HEARING *continuation*

Rainieri 4 Lot Conservation Subdivision (South St.)SBL#101.2-2-5.11 summary

Mr. Lawrance Marshall was present, as representative for Mr. & Mrs. Lockhart. Ms. Hilbert indicated this was a continuation of the public hearing which was opened on January 13th. Ms. Hilbert asked Mr. Marshall to give a presentation to the audience before public comment. Ms. Hilbert asked if anyone in the audience had any questions or comments. Mr. Saltzman of 791 South Street, stated that he had a written document to provide the board with their concerns, and they also had representation with them to address some of their concerns. Mr. Saltzman stated they are concerned about adding one hundred car trips per day, the road is narrow and windy and in disrepair. Mr. Saltzman stated they are also concerned about one of the driveways in relation to the frontage issue. Mr. Saltzman stated that they all bought homes here for the rural setting. Mr. Saltzman added that it is their understanding that the property is zoned residential 1.5 and although a multi-family development is allowed on South Street, that particular lot isn't currently set for that, and that is what the conservation issue is all about. Mr. Saltzman added that they are worried about the water table drying up and who is going to own and maintain the property and conservation lot, who is going to keep their kids safe outside of the conservation lot. Mr. Saltzman stated that they felt that the long form (EAF) should be filled out, and that the long form would examine a lot of their concerns and deal with them a little more in depth, and they

are confused as to why there is a short form that was used for such a complex development versus a long form which would address a lot more issues. Mr. Saltzman stated that they would prefer single family ownership in the community, not rental units. Mr. William Sand of 787 South Street stated he felt that the long form (EAF) provided a lot more detail in things like water demand adequacy, stormwater runoff, increased traffic and safety issues, which almost unanimously most of the neighbors have spoken about. Mr. Sand stated there are a lot of natural barriers now, if trees are being planted, does that mean you will bulldoze the current ones? Mr. Sand stated the minutes mention soil pollution, that has never really been addressed, and it needs to be addressed more. Mr. Sand stated he mostly only comes up on the weekends, but was really impressed by the fact people came out on their own (to discuss the proposed conservation subdivision). Mr. Landol stated the proposed development, at least part of it, would be really close to his house. Mr. Landol stated his concern was definitely traffic. Mr. Landol stated when he moved here, he envisioned a place where he could raise his kids, where they could ride their bicycles right in front of the road, unfortunately he was disillusioned when he saw the traffic behind his house. On several occasions he has been very close to calling the police to sit in his driveway and see how the traffic traverses back and forth. Mr. Landol stated the other issue is the noise issue. Mr. Landol stated that the area is extremely quiet, and he can't imagine the din that is going to happen back there once that gets going, construction and thereafter the traffic noise. Mr. Landol stated the third issue is aesthetics, he looks out his back window and he sees a rural setting, that's why he bought there, and he understood that at some point there may be a house in between himself and his neighbor, it's been pretty much vacant now in the twenty years he has been living there. Mrs. Redfern located at 797 indicated Mr. Landol was right about the traffic. Mrs. Redfern stated if you were to come out of those driveways and look to the left you wouldn't be able to see what is coming, and the cars come by so fast. Mrs. Redfern added that she lived in a duplex before they moved into their house, she knows what the life is like, the landlord is not there, people have late night parties, fights and cops are there all the time. Mrs. Redfern indicated that the property values go down. Mrs. Redfern stated with homeowners it is a different story, they take pride in their home, and they try to get along. Ms. Hilbert indicated that the developer currently owns a multi-family in the same neighborhood already. Ms. Orne had a concern about increase in traffic, indicating that she takes walks several times a week, and there are so many times that she has had to jump to the side, because they are speeding down the road. Ms. Orne asked who would be policing the conservation area, she thought it was going to be donated to the town. Ms. Hilbert stated that the conservation area would be private property. Mrs. Saltzman stated that she moved up here after 911 to get out of the craziness and the congestion, now it is being taken all away, she didn't buy here for that purpose, she wanted single family homes. Mrs. Saltzman added that she could not imagine anyone wanting this in their backyard. Mr. Saltzman stated that there were several other neighbors that had similar opinions that physically could not come to the meeting. Mr. Saltzman introduced Tracy Kellogg, legal representative for the neighboring property owners. Ms. Kellogg introduced herself and indicated there was some things with the plan that she felt the board should be looking at. Ms. Kellogg stated the application starts the issue of avoiding the long form (EAF) by a half of a unit, and this board has the right because this is an unlisted action, to require the applicant to complete the long form. Ms. Kellogg stated she came through and looked at the

file, and the plans and the minutes are available, but there really isn't a substantial written proposal for this project, and because the project has gone from what appeared to be owner/occupied multi-dwelling units to now rental units, added to the fact that the neighbors were not aware of what was going on until the public hearing, when they were notified, so there has been a lot of misinformation going back and forth, and in addition to what they now just heard, that the town is not taking any ownership of the conservation land. Ms. Kellogg stated the safety issue of the access road and the confusion of the layout, the fact that there are two double entries side by side is going to cause a substantial amount of safety concerns, there is no information as to what type of lighting there would be and how the lots would be secured. Ms. Kellogg stated there is substantial information that is lacking, so she would request that the board not close the public hearing tonight but adjourn it and gather some additional information on the plan and from the applicant, and address some of the concerns that the neighbors have so that they can feel more secure. Ms. Kellogg stated that they are requesting that the applicant do a seventy two hour water test, that additional information on screening be provided, lighting and address the issue of the access road. Ms. Kellogg stated they would like to see the board address some of the issues that the Ulster County Planning Board raised. Ms. Kellogg stated there seems to be a loophole between the conservation subdivision and the multifamily law, and the applicant is allowed to avoid certain requirements by making application under the conversation subdivision. Ms. Kellogg stated that the applicant is avoiding a number of requirements that might normally be asked of an application this size, and they would request that the board not close the public hearing and address some of the concerns of the residents and re-schedule the public hearing. Ms. Kellogg submitted copies of her letter to the board members for their review. Ms. Hilbert addressed Ms. Kellogg and stated one of the board members was trying to understand how Ms. Kellogg was interpreting the difference between multi-family and conservation subdivision. Ms. Kellogg stated under the conservation subdivision you are allowed to put in single, one, two or three or four family units, but it doesn't tie back and require that they meet all of the same requirements of the multi-family. The multi-family requires active recreation area, and a certain amount of percentage of land that is maintained as open space for the recreation, and who maintains ownership and control, and the garbage pick-up. Ms. Kellogg stated there are a series of requirements that are imposed under the multi-family that aren't imposed under the conservation subdivision. Ms. Hilbert stated on the plans there is an area denoted for garbage. Ms. Hilbert added that the applicant had indicated prior, that he wanted the property to remain as untouched as he could keep it. Ms. Kellogg stated it did not allow people who are residents in the area to access the conservation area, then you are forcing them out. Ms. Hilbert stated that the applicant didn't have any intention of developing any of it, he had no intention of having people ride four wheelers down in the area. Ms. Kellogg re-iterated that there really wasn't a clear summation of information in the application. Ms. Hilbert asked what Ms. Kellogg thought was lacking other than the water test and the screening and addressing some of the comments from the Ulster County Planning Board. Mr. Marshall was asked by a member of the audience if the D.E.C. was notified. Mr. Marshall stated they were notified and did not respond to the public hearing notification, they have been involved in this project from the very beginning, they have reviewed the D.E.C. wetlands and have signed off on them. Ms. Kellogg read a section of the multi-family code. Ms. Mayle indicated to Ms. Kellogg that this was not a multi-family, but a conservation subdivision project. Ms. Kellogg stated that part of what she

was saying was that the multi-family has a set of criteria and in reality what is happening is the board is circumventing the requirement that the applicant meet those criteria by falling under the conservation subdivision. Ms. Kellogg stated she is asking the Planning Board whether they are going to require that the applicant comply with the requirements of the multifamily even though a multi-family unit is allowed in the conservation subdivision. Ms. Mayle stated the Planning Board does not write the laws, they are left with dealing with how the laws are written and how it is applied on this particular application. Under their code for conservation subdivision, this applies to one family, two family three and four family, those particular types of units under their code are not classified as multi-family and it is specifically identified in the code. It excludes them from multi-family, so because they are being proposed as four family maximum units it falls under an application of a conservation subdivision not a multi-family, if they were trying to propose more than four units on the lot, then that would trigger a potential multi-family issue and then trigger all the things that Ms. Kellogg was pointing out. Ms. Kellogg said in the Town of Plattekill zoning law when they are looking at a standard subdivision, the expectation in interpreting it is you have your individual residential units, you could have town houses or condos, the expectations there are that those are owner occupied units. Ms. Kellogg stated by completing a long form the board would have answered some of the questions that the residents are looking for answers on. Ms. Kellogg added that the board could impose some of the conditions that they have under the multi-family, this is not a traditional subdivision. Ms. Kellogg stated that some of the Planning Board Engineering comments allude to that, and the Ulster County Planning Board alludes to that. Ms. Kellogg added that there is a loophole, but that doesn't preclude the board from imposing some conditions on this application. A member of the audience stated he felt that this was clearly a multi-family project, and it seemed like every short cut that could be taken was taken. Ms. Mayle stated unfortunately that was the way their zoning code was defined, and they just can't summarily determine that they like some of the regulation in the multi-family and cherry pick that particular provision and now apply them to a conservation subdivision application when there is no regulations in that provision to allow for that. Ms. Mayle stated the board is confined to the statute that they are given and how this is defined in their code as not being a multi-family and if the applicant had come under multi-family they may have been able to put more homes out there than they currently have. Mr. Saltzman stated they are asking the board to review the concerns of the audience and take another two weeks and let them know if they have valid concerns or not. Mr. Saltzman added if the long form (EAF) was used, a lot of their questions would be answered and this would have been a different kind of exchange. Ms. Hilbert stated they went with the short form because it was an unlisted action. Mr. Clouser stated the D.E.C. says that unless it is a Type I action, you use the short form. Ms. Kellogg stated it is considered thirteen units if you consider the existing house. Mr. Marshall stated they looked into that and you can't consider that. Mr. Falk of 836 South Street asked the board if they could imposed better living conditions on this even though it is not considered a multiple dwelling. Another question was who was going to watch over the property. Ms. Hilbert stated it would be Mr. Lockhart, the owner. Mr. Marshall stated that the Rainieri's are retaining lot #1, which is the existing home.

Mr. Saltzman asked if there was a legal basis to request a long form (EAF). Mr. Clouser stated it is not mandatory. There was discussion regarding who would be allowed on the property. Mr. Marshall stated the desire of Mr. Lockhart was not to allow his tenants to go out and utilize the land. A member of the audience stated that Mr. Lockhart did not respond as to how he would keep them off the land. Mr. Saltzman asked Mr. Marshall who was going to own the conservation lot. Mr. Marshall stated lots #2, #3 and #4 and lot#1. Ms. Kellogg stated the residents were under the impression that the conservation area was going to be turned over to the town. Ms. Hilbert stated the town has no interest in taking that land over, the concept of the conservation easement is to protect that land so it can never be developed. Ms. Hilbert stated the board felt that some of that area back there had some environmental importance, being part of the Quassaick Watershed and the ridge. There was a question from an audience member regarding what the swale would look like. Mr. Marshall explained what it would look like. An audience member asked if there was a perk test done. Mr. Marshall stated they completed two infiltration tests in the proposed basin, the final rate that they received during their twenty four hour soak and four hour test was twenty three and a half inches in an hour. There was a concern about pollutants contaminating the nearby well. Mr. Marshall went on to explained how the pre-treatment system would work. Mr. Saltzman asked the board to consider the neighboring property owners issues. Mr. Wilkin asked Mr. Saltzman if there were any more issues that the board needed to address. Mr. Saltzman stated they spent a lot of time developing the issues and it is a pretty good representation of what they feel are the main issues right now. Ms. Hilbert asked the audience members if there were any additional questions. Several members of the audience requested the public hearing remain open. Ms. Hilbert polled the board as to if they wanted to keep the public hearing open or close it. Mr. Matthews stated he felt the board could move forward to address the issues that were presented and close the public hearing. Mr. Baum stated that the board has the important issues from the audience members to work with, and they have already extended the public hearing. Ms. Mayle stated she does not have an issue with keeping the public hearing open in case the residents had additional questions. Mr. Gorres felt that the public hearing could be closed. Mr. Wilkin stated he felt that they had all the issues of concern and he didn't have a problem closing the public hearing. Mr. Wilkin added that the board could accept written comments.

MOTION: Mr. Gorres made a motion to close the public hearing with Mr. Matthews seconding the motion. On the vote: Ms. Mayle-nay Mr. Matthews-aye Mr. Baum-aye Mr. Wilkin-aye Mr. Gorres-aye

Ms. Kellogg asked the board if they would accept written comments. Ms. Hilbert stated the board would accept written comments for the next 30 days. Ms. Hilbert stated the agendas are posted on the website, and there would be a public notice as to when this application would be scheduled on the agenda. Mr. Marshall stated he would like to go through his notes and respond to the public comments for the board's consideration as far as the comments on water, traffic and lighting and screening, and the driveways. Mr. Marshall asked the board if he could be provided with the written comments and if the board received any additional comments, he would provide a response. There was a determination that the board would schedule the application for March 10th. Ms. Kellogg asked about the 62 day timeframe from the close of the public hearing in which time the board would be required to take a vote. The board responded that the applicant

could waive the 62day timeframe. There was a determination that the applicant did not need to waive the 62 day timeframe at this time.

The applicant is scheduled for the March 10, 2015 agenda.

OLD BUSINESS

Town of Plattekill Lot Line Revision (Route 32 & Patura Road) SBL#101.1-5-9 & 10.2

Ms. Brooks was present to represent the Town of Plattekill. Ms. Brooks indicated that they had addressed all the comments that the Planning Board raised at the last meeting. Ms. Brooks asked the board if a public hearing could be scheduled. The Planning Board went over the SEQRA short form (please see file for completed form). Mr. Wilkin asked Ms. Brooks if there was going to be a designated crosswalk for the Veteran's Memorial Park. Ms. Brooks stated in the event of large events, they do have crossing guards. Ms. Brooks added that they can make a suggestion to the Highway Superintendent that a striped crosswalk be installed. There was discussion as to whether this property was in the Agricultural Data Statement. Ms. Brooks stated it is adjacent to an AG District, so they filled out an AG Data Statement.

MOTION: Mr. Wilkin made a motion that the Plattekill Planning Board take lead agency with Mr. Gorres seconding the motion. All ayes on the vote.

MOTION: Mr. Wilkin made a motion to declare this an unlisted action with Mr. Gorres seconding the motion. All ayes on the vote.

MOTION: Mr. Wilkin made a motion to declare this a negative declaration with Mr. Gorres seconding the motion. All ayes on the vote.

There was a determination to set this application up for a public hearing for March 10, 2015.

Huckleberry Bluestone-proposed 9 Lot Subdivision (Huckleberry Turnpike)SBL#107.8-6-16 & 16.2

Stuart Strow, PE, of Brooker Engineering was present to represent the applicant. Mr. Strow gave a summary of what he has done on the project since he took over the project. Mr. Strow stated one of the items of concern was that the topography didn't reflect what was at the site.

Mr. Strow stated they revised the plans, they maintained the exact layout of the road and they tried to maintain the locations of the previous septic systems, they were approved by the Ulster County Health Department. Mr. Strow stated a lot of the revisions on the plan had to do with the stormwater, the major change that he has made was that he eliminated the retention basin that was previously proposed. Mr. Strow stated he would like to know where they stand with SEQRA. Mr. Wilkin asked Mr. Clouser since they started the SEQRA some time ago, can the old form be used. Mr. Clouser stated he would use the new SEQRA form, it needs to be re-certified. Mr. Strow asked the board if they would expect the new short form be completed. It was indicated a new short form should be used. Mr. Clouser went over his February 3, 2015 engineering comments. There was discussion regarding the septic system on lot #1 and the fact that the applicant would contact the Ulster County Health Department to see where they would want the septic system placed. Mr. Wilkin stated given the type of soil in the area, his concern was that the previous engineer had shown some elevations on houses, and it showed proposed basements. Mr. Strow stated he corrected that and he is not proposing basements and they will

put that on the record. Mr. Wilkin added that the plan indicates phase II and a nine lot subdivision on the correspondence, but this is not a true nine lot subdivision, it is really an eight lot with a lot line adjustment. Mr. Wilkin stated that lot #1 was done under the moratorium. There was discussion regarding establishing a Drainage District. The board directed Mr. Strow to the Town Board in regard to establishing a drainage district. Ms. Mayle asked Mr. Strow if he would show the actual septic and the reserve area on the plan.
The applicant will make the necessary revisions to the plan and contact the Town Board in regard to establishing the Drainage District.

VOUCHERS

Planning Board Engineering review by David Clouser

Voucher-in the amount of \$918.00 for review on the Rainieri conservation subdivision to come out of the Rainieri escrow.

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 \$952.80 for review on the Rainieri conservation subdivision to come out of the Rainieri escrow.

MOTION: Mr. Gorres made a motion to approve the voucher for payment with Mr. Baum seconding the motion. All aye son the vote.

Voucher-in the amount of \$533.60 for engineering review for the Chaissan 4 lot Subdivision to come out of the Chaissan escrow.

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

ADJOURNMENT

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

The meeting adjourned at 10:10 p.m.

Respectfully submitted by
Susan Bolde, Planning Board Clerk