

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

MARCH 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, Thomas Wilkin, Darryl Matthews, Judith Mayle, Richard Gorres (arrived at 7:45 p.m.)

ABSENT: Kathie Beinkafner, Nathaniel Baum

MINUTES

February 24, 2015

The minutes were tabled until the end of the meeting

PUBLIC HEARING

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

Ms. Brooks was present to represent the applicant. Supervisor Croce was in the audience. Ms. Hilbert read the public hearing notice. Ms. Brooks presented the proposal to the audience and Planning Board members. Ms. Hilbert asked if anyone in the audience had any questions or comments. Ms. Orne went up and took a look at the map. Mr. Saltzman asked when the project would start. Ms. Brooks stated the property has already been leveled, an entryway has been put in there, and the Veteran's Committee is working right now on funding for the actual memorial itself. A member of the audience asked how much of the property was going to be used for the Veteran's Park. Ms. Brooks indicated a little over an acre.

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

Ms. Brooks indicated there was a suggestion that at one point when the park gets active, a crosswalk would be painted. Ms. Brooks stated she brought that information to the Highway Superintendent and he had no objections. Ms. Brooks added that would not be installed until necessary. Ms. Hilbert asked Ms. Brooks to have the Highway Superintendent put that in writing for the record. Ms. Brooks stated an unlisted action had been declared and a negative declaration was declared by the Planning Board at the last meeting.

MOTION: Mr. Wilkin made a motion to grant preliminary approval on the Lot Line Revision with Mr. Matthews seconding the motion. All ayes on the vote.

MOTION: Mr. Wilkin made a motion to waive Final Public Hearing with Mr. Matthews seconding the motion. All ayes on the vote.

MOTION: Mr. Wilkin made a motion to grant Final Approval contingent on all fees paid, all maps and mylars submitted. Seconded by Mr. Matthews. All ayes on the vote.

The final maps and maylars will be submitted for signature by the Chairperson.

OLD BUSINESS

CellCo Partnership d/b/a Verizon Wireless site plan modification (1718 Route 44/55)SBL#94.4-3-5

Mr. Michael Moore of Young/Sommer LLC was present to represent the applicant. Mr. John McCauliffe, Engineer for the applicant was also present. Mr. Moore stated the Planning Board had asked for some more information at the last meeting (February 24, 2015) regarding the SEQRA form. Mr. Moore indicated they have provided a whole packet. The following information was provided:

- Information on the backup generator that will be held in the equipment shelter (a diesel powered generator (see tab 9).
- Additional information on the lighting to be placed on the equipment shelter (revised drawing sheet C-5) motion activated LED lighting, focused downward
- They Submitted an application (and application fee) to the Supervisor's office for the license.

Mr. Gorres asked where the antennas would be located on the tower. Mr. Moore stated that they are ten feet below the antenna array that is presently there, they would be located at 150 feet, the existing antenna are at about 160 feet. Mr. Moore stated that they would be the third array on the tower. Mr. Wilkin asked Mr. Moore if the all the changes were made to the EAF. Mr. Moore stated he made the following changes to the EAF:

- Add Modena Fire Department (page 3 C.4.-c) *Mr. Wilkin stated Plattekill Fire Department should be deleted*
- (Page 9 E.1-a) Addition of non-farm rural, forest, and commercial
- (Page 9, E.1.-b) addition to the Land uses and cover types on the project site
- (Page 13, E.3-hii) addition of Shawangunk Scenic Byway Route 208 and 44/55

Mr. Wilkin stated page 2 B.e-Ulster County Planning Board 239M referral should be crossed off.

Ms. Mayle stated a structural analysis was done on the original tower and part of the analysis was to see if it could sustain the additional twenty feet with the pole, and if it could sustain co-locators. Mr. McCauliffe stated a structural analysis was done by Verizon on this pole and it was determined that it was sound. Mr. McCauliffe stated he could provide the Board with the report.. Mr. Moore stated that they would confirm the proper address. Mr. Moore asked if a public hearing could be scheduled with the expectation that they would answer whatever questions the Board may have. Ms. Mayle stated the size of the building should be inserted on the site plan. There was discussion regarding what the correct address was for the celltower site. Mr. Moore stated he would get information on the size of the fuel tank, a structural report will be provided, and they will find the correct address for the site. There was discussion regarding when to go over Part II of the Long From EAF. Ms. Hilbert stated they would schedule a public hearing for the next meeting (March 24th.) and complete Part II of the SEQRA before they open up the public hearing. Ms. Hilbert asked Mr. Wilkin if he was alright with not having the radio frequency report reviewed on this co-location, because he had mentioned having a review of the

radio frequency report at the last meeting. Mr. Wilkin stated he brought up the comment, but just wanted to see if the Board wanted it reviewed. There was a determination to have Mr. Clouser review Part II of the SEQRA.

MOTION: Ms. Mayle made a motion that the Planning Board Take Lead Agency with Mr. Gorres seconding the motion. All ayes on the vote.

MOTION: Ms. Mayle made a motion to type this an Unlisted Action with Mr. Gorres seconded the motion. All ayes on the vote.

The applicant was scheduled for a public hearing for March 24, 2015. SEQRA will be completed prior to opening up the public hearing.

Rainieri Conservation Subdivision & Site Plan (South St.)SBL#101.2-2-5.11

Larry Marshall was present to represent the applicant. Mr. Marshall went over his response to comments that were made at the January 13, 2015 and February 10, 2015 public hearings, along with the letters and emails which were received after those dates. The March 6, 2015 response comments are summarized as follows: (please see file for complete report)

Development will add a significant amount of traffic to South Street

Mr. Marshall stated in accordance with the Institute of Transportation Engineers (ITE) “Trip Generation Manual”, 9th Edition, they used the most current edition, and looked at the proposed development and the number of trips that would add to South Street. Based upon the estimation, this conservation subdivision would add approximately 70 trips throughout the day and in the peak (afternoon) hours, it is approximately a little more than 6 trips in the hour which is one vehicular trip every 9 minutes based upon this development. This does not take into consideration what is traveling on the road, it is simply an analysis of what this development would add to South Street. Mr. Marshall stated they also compared it to single family detached dwellings and two family dwellings that would be permitted in the conventional subdivision plan, and as an alternate that development would add approximately 110 trips per day to South Street, with a peak hourly rate of a little over 10 trips per hour. Mr. Marshall added that they did not think it was a significant traffic increase to this roadway. Ms. Mayle asked Mr. Marshall why he did not think this was a significant increase to South Street. Mr. Marshall stated because it is one trip every nine minutes, it is not a Dunkin Donuts that adds a vehicular trip every twenty five seconds. Mr. Gorres asked Mr. Marshall if there was any standards for this type of road for how many vehicular trips per hour it can handle. Mr. Marshall stated that AASHTO looks at vehicular trips and makes recommendations on roadway width based upon the number of trips traveling on a road in a day.

Vehicles on South Street travel at speeds exceeding the posted speed limit

Mr. Marshall stated that they felt this was an enforcement issue. The development will not cause the vehicles already traveling on South Street to increase or decrease speed. If there is an existing issue, residents of South Street should contact the local police department and request that they monitor the speed and issue tickets as necessary. Mr. Marshall added that this development will not change the driving habits of people that travel on South Street.

Accessibility of support services (emergency response vehicles, police, etc.

Mr. Marshall stated parking areas for each of the three proposed buildings have been designed to comply with the 2010 New York State Fire Code for access and appropriate turnarounds. Fire trucks, ambulances and police vehicles will be able to enter and exit the sites without having to back out onto South Street. Mr. Marshall stated as they worked through this plan, there is basically an “L” shape at the end of all the parking areas, and that is to facilitate those vehicles to be able to come into the site and exit and that turnaround does totally comply with the regulations for appropriate turnarounds for the 2010 Fire Code. Ms. Hilbert stated that the board had made some comments at a previous meeting on the width of the driveway and how the emergency vehicles would access it. Mr. Marshall stated the original width of the driveway, the section accessing the parking area was only twelve feet wide, and the board had requested he widen it to fifteen feet.

Adequate sight distances along South Street at the proposed entrances

Mr. Marshall stated that the sight distances of the proposed entrances have been measured and found to exceed the American Association of State Highway Transportation Officials (AASHTO) regulations. The required sight distance for a driveway entrance on a 35 mile per hour road, which is the speed limit on South Street, is 250 feet. No sight distance for the proposed entrances is less than 770 feet. Mr. Clouser stated the Town’s policy has been ten times the miles per hour speed limit. Mr. Clouser added that AASHTO has several tables for sight distance, the one that is the closest to the Town’s policy comes up to about 330 feet. Ms. Mayle asked what the vegetation was like on the property on lot #3. Mr. Marshall stated lot #3 was primarily meadow or field, and lot #4 is wooded. Mr. Marshall stated the tree line is shown in green on the plans. Ms. Mayle asked what the vegetation looked like along the (property boundary) road. Mr. Marshall stated there was some overgrown brush around the existing stone wall, and it goes into woods. Ms. Mayle stated they should also add that ten feet within the property line there should be nothing growing more than two feet high, so there is restriction on trees so that the sight distance is maintained. Ms. Hilbert stated that language should also be included in the maintenance agreement. Mr. Marshall stated that Mr. Lockhart is going to plant ten white pines along the westerly side of South Street to shield the view of the building from the roadway. Ms. Mayle asked Mr. Marshall how long the sediment trap would remain on lot #3. Mr. Marshall stated it would remain through construction. Ms. Mayle stated the trees would then be planted after construction. Mr. Marshall stated once the site has become stabilized, then the temporary sediment basin would be removed and the trees would be planted, and then the infiltration basins would be constructed. Ms. Mayle asked how many trees were going to be planted. Mr. Marshall stated there are ten proposed on lot #4, eight along the road between the building and the roadway on lot #3 and there are an additional nine trees to be planted between the building on lot #3 and the existing residents to the south, and ten white pines between lot #2 and South Street. Ms. Mayle asked Mr. Marshall if there was a size of the trees going in. Mr. Marshall stated they did not specify a size, but they would work with the board on that. Mr. Lockhart stated he would basically duplicate his other four family right up the road on South Street.

Applicant should be required to submit a Full Environmental Assessment Form

Mr. Marshall stated they had discussed at several meetings whether this project met the threshold to be considered a Type II Action, it was determined that it was an Unlisted Action. DEC created the new short EAF for the purpose of covering most unlisted actions, and the Board declared themselves lead agency and declared a negative declaration on the project at the December 9, 2014 meeting.

Drainage from the development will impact existing drainage courses/infrastructure

Mr. Marshall started as required by New York State Department of Environmental Conservation the stormwater runoff from the proposed development has been analyzed and compared to existing conditions. Appropriate treatment and attention measures have been provided on the site to reduce the peak runoff from the development to pre-development levels. The Stormwater Pollution Prevention Plan (SWPPP) has been developed in conformance with the appropriate regulation and found to be acceptable by the town of Plattekill Planning Board Engineer.

Appearance of infiltration basin located along South Street serving Lots #3 and #4

Mr. Marshall stated the infiltration basin is designed to be a grass lined depression with a maximum depth of 36 inches. It will hold water during storm events and allow the water to infiltrate in the surrounding soil. If the infiltration basin begins to hold water for an extended period of time, the owner must repair the basin. A long term stormwater maintenance document will be filed in the Ulster County Clerk's office obligating the owner of the property to properly maintain the basins in his/her property. The document will permit the Town of Plattekill to perform maintenance if the property owner does not a charge the owner for the repairs performed.

Effects of development on surrounding environment and wildlife

Mr. Marshall stated the proposed development has been designed as a conservation subdivision that will preserve nearly 27 acres of the 36.5 acre site. The open space will be allowed to continue in the natural state and will not be cleared or constructed on. The open space fully encumbers the existing wetlands on the site, permanently protecting them and preventing any encumbrances or impacts. The large open space will prove permanent buffers to surrounding properties from the proposed development. Restrictions will be placed on the open space, in the form of a deed covenant, preventing any future impacts to the open space. Mr. Marshall stated they are basically creating a large preserve on the site which will continue to exist as it currently does.

Mr. Wilkin asked if the Town Board had reviewed the Conservation and Open Space Easement. Ms. Hilbert stated that the Town Board has reviewed it, and the Town Attorney has reviewed it, along with the applicant's attorney. Mr. Wilkin stated that a couple of months ago, the Board talked about the Conservation and Open Space Easement and if anyone had any comments to get them to the clerk. Mr. Wilkin stated he went over the easement and found some things that were conflicting issues. Ms. Mayle asked if the Town Board would be providing the Planning Board with comments on the Conservation and Open Space Easement. Mr. Wilkin stated the agreement talks about open meadows and cultivation, and if you are going to cultivate, you can't let the land go natural. Ms. Mayle asked Mr. Wilkin how that would impact the project. Mr. Wilkin

stated if you have open meadows that need to be mowed once a year, they are going to have to show where they are located. Ms. Mayle asked Mr. Wilkin if the agreement calls for the applicant to construct open meadows and maintain them. Mr. Wilkin stated they may need to go back and change some minor details and show what could be cultivated and what would remain meadows. Mr. Wilkin stated you need to have a policy, the Town should have an open space plan. Mr. Gorres asked Mr. Wilkin what this had to do with what Mr. Lockhart was doing, he is leaving open space. Mr. Wilkin stated you need to have a policy and where you are going with this open space. Ms. Mayle asked Mr. Wilkin if this was a theoretical discussion that the Town should be going in with their planning, but not relative to this project. Mr. Wilkin stated he would say that it is relative to this project, it is relative to any project that has open space. Ms. Kellogg stated part of what Mr. Wilkin is talking about is the whole point of this conservation easement is that you have areas of natural features that you want to maintain, preserve and be within the Town's open space plan and if you don't designate what is forest, what is meadow, then in your Conservation and Open Space Easement you have no ability to enforce what you are anticipating and expecting from the maintenance and ownership of that open space, which is intended to preserve the community. Mr. Gorres asked Mr. Lockhart if he knew of the last time anything was ever done with the property. Mr. Lockhart stated twenty or thirty years ago was the last time something was done with the land. Mr. Wilkin stated they don't have to answer this tonight, it will have to be discussed when the Town gets through their review of the Conservation and Open Space Easement. Mr. Marshall stated there is a reference stating that motorized vehicles are prohibited from the open space area.

Adequacy of potable water for the proposed development

Mr. Marshall stated the proposed development will consist of a total of twelve 2 bedroom dwelling units. With a total bedroom count of twenty four bedrooms, the anticipated water demand will be approximately 2,640 gallons per day. The peak demand for water is anticipated to be approximately eleven gallons per minute. (please see letter for complete response)

Prove suitable water available by completing a 72 hour pump test

Mr. Marshall stated the proposed development has the same anticipate water demand as six single family detached dwellings with four bedrooms in each. The water usage for this project is not significant and as outlined in the previous response, the aquifer recharge rates for the proposed open space significantly exceed the anticipated usage. A seventy two hour pump test is required for community water supplies and non-transient non-community water supplies. The proposed development does not meet the thresholds to be considered either one of these designations. Further, the development does not meet the threshold to be considered either a transient, non-community after supply or a public water system at all. The wells proposed on the site are not required to be tested or regulated by an outside agency. After drilling the wells, the owner will be required to supply to the Town of Plattekill Building Inspector and the Ulster County Department of Health with water quality testing results showing no coliform or E. Coli bacteria is present in the wells.

Project should comply with multi-family regulations as per section 110-22 (D)

Mr. Marshall stated the project is a conservation subdivision containing 4 family dwellings and is not a multifamily development. Section 110-22 (D) pertains solely to multifamily developments. In accordance with Section 110-48 (F) of the Town of Plattekill zoning code, 4 family dwellings are permitted in a conservation subdivision. The Planning Board has stated at several meetings that the subdivision is a conservation and not a multifamily development.

Potential for soil pollution

Mr. Marshall stated the proposed development poses no more potential for pollution of soil than a single-family house. The septic system designs for the proposed development has been reviewed and approved by the Ulster County Department of Health. As part of the approval, the testing of the soils was performed by Mercuio-Norton-Tarolli-Marshall and the Ulster County Department of Health. The testing proved the soils were suitable for the construction for the proposed development. An email from Anthony Puccio from the Ulster County Department of Health approving the design was provided to the Planning Board as proof.

Impact of exterior lighting on neighboring houses

Mr. Marshall stated no exterior lighting is being proposed except for pendant lighting at the entrances to the dwellings. The proposed lighting is no different than the lighting typically found on single-family houses. Further, the applicant has proposed to plant rows of pine trees along South Street and behind the building on lot #3 to further mitigate any potential impacts of the proposed lighting.

Impact of noise on neighboring houses

Mr. Marshall stated as previously stated, the applicant will be preserving a large portion of the lot as open space. This preservation of the existing vegetation will provide a visual and noise buffer to surrounding properties. Further, the applicant will plant rows of pine trees along South Street and behind the building on lot #3 to further mitigate any potential impacts of the development.

Potential for presence of endangered species on the parcel

Mr. Marshall stated as answered in the Short Environmental Assessment Form, the project does not contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered. The answer to this question is automatically generated by the New York State Department of Environmental Conservation (NYSDEC) EAF Mapper. The EAF Mapper references the state and federal databases to provide the answer.

Overpopulation of Schools

Mr. Marshall stated in accordance with the Residential Demographic Multipliers as provided by Rutgers University, Center for Urban Policy Research, June 2006 edition, the proposed development is expected to generate 6.6 school age children. The expected generation is an average of ½ child per grade. This will not substantially alter any existing condition of school population. As a comparison, the aforementioned conventional plan would expect to generate 12.4 school age children. The proposed development is expected to generate approximately half

the school age children than a development permitted by the zoning code. Further, a public school district is required by law to provide suitable classroom space for all students within the district. If there is an existing issue of overcrowding of the school, the school district is required to remedy the situation.

Maintenance of proposed buildings

Mr. Marshall stated included within the New York State Code governing buildings is a section on property maintenance. This code section requires properties to be maintained in a specific manner to “provide minimum requirements to safeguard public safety, health and general welfare insofar as they are affected by the occupancy and maintenance of structures and premises.” The provisions of the code “shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structure, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises.” The maintenance of the proposed buildings is governed by this section and enforceable by the local building inspector. The properties will be maintained by the owner. If the owner fails to maintain the structures, he/she will be cited by the Building Inspector and required to bring the structures in compliance with the Property Maintenance Code of New York State. The maintenance requirements for the proposed development are no different than any other structure in the Town of Plattekill.

Ownership and stewardship of open space

The intension of the open space is to allow the area to continue to exist in its natural state. As the area will be permitted to remain wild, little to no stewardship of the land is anticipated. If an encroachment is discovered or an infraction of the regulations for the open space agreement found, the Town of Plattekill will have the right to cite the owner and require him/her to cease the infraction and remedy any impacts the infraction had on the open space.

Potential impacts to property values/development not consistent with neighborhood

Mr. Marshall stated that South Street contains 14 parcels with more than 1 dwelling unit. The potential development is consistent with neighboring parcels along South Street and is not significantly out of character with the neighborhood.

Single-family residential development would be more desirable to neighbors

Mr. Marshall stated as mentioned in previous responses, the conventional subdivision previously presented would likely consist of a mixture of single and two family residences. A conventional subdivision would result in the following:

- Three single family residential lots and seven two family lots, totaling 17 dwelling units, 6 more than proposed.
- Approximately 1,880 linear feet of public road for the town to maintain 1,880 feet more than proposed.
- An anticipated water usage of 5,940 gallons per day (3,300 gpd more than proposed)
- No preservation of open space (26.909 acres less than proposed)

- 109.9 vehicular trips per day on South Street (40.2 more than proposed)
- Peak vehicular trips per hour of 10.34 (4.10 more than proposed)
- Approximately 9.5 acres of cleaning/disturbed land (approximately 6.5 acres more than proposed)

A potential conventional subdivision would result in a greater impact on a majority of the concerns raised by the public. The conservation subdivision provides fewer dwelling units, less traffic, less water demand, and no financial obligations of the Town of Plattekill for maintenance of town roads while preserving a large portion of the parcel. Further, the proposed open space will provide a benefit to the local community and will provide protection to the existing on-site wetlands.

Ms. Hilbert asked Mr. Clouser if he had any additional comments. Mr. Clouser stated he felt that Mr. Marshall covered the points from the notes that he had, the site distance issue was the only point that he had a difference on. Mr. Clouser stated Ms. Mayle's suggestion about the clearing on the front of the lot was a good suggestion. Mr. Clouser stated the other item is the Conservation and Open Space Easement and how the Town will decide to deal with that. Ms. Hilbert stated the clerk will forward the latest drafted copy of the Conservation and Open Space Easement to Mr. Clouser and the Planning Board members. Ms. Hilbert stated Mr. Wilkin's comments would be forwarded to the Town Board. Mr. Wilkin asked Mr. Marshall if there would be one pressure tank for each building. Mr. Lockhart stated it would be one pressure tank for one lot. Ms. Mayle referenced page 3 of 4 on the map under the stormwater maintenance requirement, stating there is a note that the infiltration basins will be inspected regularly, and the detention basins will be inspected monthly. Ms. Mayle stated Mr. Marshall should define what he meant by "regularly," and there should be a note that the inspection would be available to the Town upon request. Ms. Mayle stated note #4 on sheet 4 should state "no obstruction of any kind." (see map for note) Ms. Mayle asked if there would be lighting for security. Mr. Lockhart stated he usually puts one floodlight on the face of the building to illuminate the parking lot for safety. Mr. Marshall stated they would provide the Board with a lighting plan and cut sheets for the Board's review. Ms. Mayle asked Mr. Marshall if there was any plans that provided the building elevations. Mr. Marshall stated Mr. Lockhart could provide the size of the study. Mr. Wilkin stated one of the issues that was not brought up, and Ms. Kellogg's letter brought that up, was the dual driveway. Mr. Wilkin stated at one point it was proposed as two separate driveways, but the Board brought the driveways together for safety reasons. Ms. Kellogg stated there is a double curb cut proposed, as opposed to a common, shared entry which would split off as you get into the property. Mr. Wilkin stated that the driveways are shared. Ms. Kellogg stated that was what they were asking for. Ms. Hilbert asked the Board if they had any comments on the letters received from the property owners (please see file for letters and emails from property owners on South Street). In summary:

- Add lighting plan sheet and cut sheets
- Specifications on the vegetation height (2 feet or less)
- Maintenance on the landscaping
- Revised building plan showing smaller study
- Double check the sight distance

- A note on the map about clearing the property within the right of way and who is going to maintain that

Ms. Hilbert stated Mr. Wilkin's comments would be forwarded to the Town Board. Ms. Hilbert stated for the record the Planning Board received a letter from Mrs. Orne, Mrs. Saltzman and an email from Mr. Landol and a letter dated February 21, 2015 from Mrs. Rainieri. Ms. Hilbert stated the clerk would supply the latest copy of the Conservation and Open Space Easement to Mr. Clouser, Ms. Kellogg and the Planning Board members. Ms. Kellogg asked the Board if a copy of the Rainieri letter could be scanned and sent to her as well. Mr. Marshall stated he would send the revised plans directly to Mr. Clouser for his review.

This application is scheduled for March 24, 2015 for continued review.

MINUTES

February 24, 2015

MOTION: Mr. Gorres made a motion to approve the minutes as written with Mr. Matthews seconding the motion. Ms. Mayle abstained. All others voted aye.

VOUCHERS

Voucher-in the amount of \$19.18 from the Southern Ulster Times for a legal notice in regard to The Town of Plattekill application.

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

ADJOURNMENT

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

The meeting adjourned at 10:00 p.m.

Respectfully submitted by
Susan Bolde, Planning Board Clerk