

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

MARCH 24, 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, Richard Gorres, Judith Mayle, (arrived at 7:45 p.m.) Kathie Beinkafner, Darryl Matthews

PLANNING BOARD ENGINEER: David Clouser, Planning Board Engineer

ABSENT: Nathaniel Baum

***MINUTES***

March 10, 2015

**MOTION**: Mr. Gorres made a motion to approve the minutes with the following corrections:  
Page 1 add “*Mr. Matthews seconded the motion.*” Mr. Matthews seconded the motion. All ayes on the vote.

***PUBLIC HEARING***

**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. The Planning Board members reviewed the Long Form EAF.

Part I of the Long Form EAF was reviewed and Part II was completed with the following addition:

- Page 8 #14-e under other impacts (*require additional electrical service, but no, or small impact*)

**MOTION**: Ms. Mayle made a motion that based on a substantive review of the applicant’s EAF as well as the supporting documentation, application and site plan, there will be no adverse impacts from the project, therefore, an environment impact statement does not need to be prepared and this Board declares that a **negative declaration** be issued. Mr. Gorres seconded the motion. All ayes on the vote.

Open Public Hearing

Ms. Hilbert read the public hearing notice. Mr. Matthew checked the addresses with the property owners within the five hundred foot property boundary. Mr. Moore presented the proposal to the

audience and Planning Board members. Ms. Hilbert asked the audience if anyone had questions or comments. A member of the audience asked Mr. Moore if he was planning on increasing the height of the existing tower. Mr. Moore stated no, they would be co-locating on the existing tower. There were no other comments from the audience.

**MOTION:** Mr. Gorres made a motion to close the public hearing with Mr. Matthews seconding the motion. All ayes on the vote.

Ms. Mayle stated the Board needs something from the Town Board in regard to the bond and whether that needs to be increased. Ms. Hilbert asked Mr. Moore if he spoke to the Supervisor in regard to that. Mr. Moore stated he was told that was all part of the Town's deliberation. Ms. Hilbert asked Mr. Moore when that would be addressed. Mr. Moore stated that would be addressed at the April 1<sup>st</sup>. meeting. There was a determination to grant preliminary approval.

**MOTION:** Ms. Mayle made a motion to *grant preliminary approval* with Mr. Gorres seconding the motion. All ayes on the vote.

Mr. Moore asked the Board if he would need to supply another set of drawings for final approval. Ms. Hilbert indicated they would need five maps for signature (with a signature block). Mr. Moore stated he would supply five (5) 24 X 36 maps.

**MOTION:** Mr. Gorres made a motion to *grant contingent final approval* with the following contingencies:

1. If there are any damages as a result of their improvements that they will repair the damages
2. Response from the Town Board in regard to the bond and whether that needs to be increased.
3. Acceptance of the bond and issuance of the license which is approved by the Town Board
4. Payment for any fees that are accessed by the Town for the license
5. Maps and all final fees

Seconded by Mr. Matthews. All ayes on the vote.

*The applicant received contingent final approval. When all the contingencies are met, the maps will be signed.*

## **OLD BUSINESS**

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

Mr. Lawrence Marshall was present to represent the applicant. Mr. & Mrs. Lockhart were also present. Mr. Marshall handed the Board a copy of the conceptual layout which showed the study. Mr. Marshall stated the study would not have a door, just a doorway, and it would not have a closet Mr. Marshall stated that he made the following changes to the plan:

- Notations were added to sheet #1 and #2 under sight distance table to remove and maintain existing vegetation on lot #4, North of the proposed lot #3 and #4 driveway and maintain the vegetation less than two (2) feet tall
- Active recreation areas were designated on the plans. In regard to lot #2, the active recreation area is over top of the septic system, and on Lot #3 and #4 they are located by the turn around
- A planting table has been provided on sheet #5, which has been completely added, with a planting detail, specifying the size and height of the initial plantings, and how the plants should be planted. A note has been added to the plan indicating if the plants were to die off then they will be replaced with the same size and species.
- Lighting plan has been submitted (see sheet #5) along with the figure cut sheet
- A statement has been provided on the sight distance for lots #3 and #4

Ms. Mayle stated she had made a comment at the last meeting about the infiltration basins and the inspections, it had been identified that they would be inspected regularly. Ms. Mayle stated Mr. Marshall should define what regularly meant. Ms. Mayle suggested a monthly inspection of the infiltration and retention basins. Ms. Hilbert asked Mr. Lockhart how often he inspects his other properties. Mr. Lockhart stated at least three times a week, if not twice a day. Mr. Matthew asked if the basins would be mowed. Mr. Marshall stated the minimum required maintenance is to mow them on an annual basis, but that is the minimum requirement. Mr. Marshall stated if it is operating in the manner that it should be, it should be able to be mowed when everything else is mowed. Mr. Clouser added that a monthly inspection is fine, especially when the site stabilizes. Ms. Hilbert asked the Board members if they had any comments. Mr. Wilkin asked the Board if they would require soil testing because this site was at one time an old orchard. Mr. Gorres asked Mr. Marshall if there were ever any apple trees on the part of the property where the buildings are proposed. Mr. Lockhart stated he did not believe so, all the apple trees are in the back of the property. Mr. Marshall added that lot #2 has been used as a gravel pit. Ms. Mayle asked if it would be accurate to say that the areas that are being developed on the remaining lots were not in active farming. Mr. Wilkin stated there are some apple trees located on lot #3 on the septic field. Mr. Wilkin added that without looking at an aerial photograph he can't really tell. Mr. Marshall stated the apple trees are located primarily on lot #1, there are a couple on the

fringe of the boundary between lot #1 and lot #3 right on the edge. Mr. Marshall added that where lot #2, lot #3 and lot #4 are located there are no apple trees, and regarding the County's requirements for soil testing, they only require them to test within fifty (50) feet of the structure, so you don't test the whole lot. Mr. Marshall added that within fifty (50) feet of the structures there are no apple trees. Ms. Mayle stated there has been some disturbance on lot #2 with the gravel pit, but for the remaining land, the development of the lot is outside of any previous orchard area, based on the maps presented to the Planning Board (see aerial map in file). Mr. Matthews stated Mr. Marshall may want to put an aerial overlay of the lots on the plans. Mr. Marshall stated he would add that to the final plan. Ms. Hilbert asked the Board members if they had any further questions or comments. Mr. Wilkin asked if the Board would wait until they received the Conservation and Open Space Easement back from the Town Board. Ms. Hilbert stated she spoke to the Supervisor and she did not get the impression that they were going to change anything in the document from the ones that were forwarded to everybody. Ms. Mayle stated they can make the motion contingent on receipt of the Conservation and Open Space Easement. Mrs. Beinkafner stated when she reviewed the document, on the very last line it said something about Orange County. Ms. Hilbert stated there was a reference to the Town of Shawangunk in there as well, and that would be corrected.

**MOTION:** Ms. Mayle made a motion to *grant preliminary approval* with Mr. Gorres seconding the motion. All ayes on the vote.

**MOTION:** Mr. Gorres made a motion to *waive final public hearing* with Mr. Matthews seconding the motion. All ayes on the vote.

**MOTION:** Ms. Mayle made a motion to *grant contingent final approval* on the Rainieri Conservation Subdivision and Site Plan with the following contingencies:

- Revision to the note on map #3 that the infiltration ponds will be inspected on a monthly basis
- A complete submittal of an aerial photograph depicting the current subdivision as an overlay confirming that the construction of the project on lot #2 was being constructed on a previously disturbed property for a gravel pit and thereby removing any potential soils from that lot as well as the development of the remaining lots which will be completed in areas outside of the previously developed apple orchard
- Payment of all fees
- Providing maps and mylars
- Contingent upon the Town Board approving the Conservation and Open Space Easement

*On discussion:* Ms. Mayle asked if there were any bonds that needed to be in place. Mr. Wilkin

asked if a landscaping bond would be required. After discussion it was determined that no bonds were required. Mrs. Beinkafner asked if the Ulster County comments were all addressed.

Ms. Hilbert reviewed the minutes in the file and noted that all the Ulster County comments were addressed.

Mr. Gorres seconded the motion. All ayes on the vote.

*The applicant received contingent final approval on their project. When all the contingencies are met, the submitted final plans will be signed.*

### **Hudson Valley Flyers Inc. Site Plan Modification (Freetown Road)SBL#101.2-3-6.1**

Mr. Lawrence Marshall was present to represent the applicant. Mr. Fred Schindler was also present. Mr. Marshall stated the Hudson Valley Flyers had previously done a lot line change with the neighboring property and since that time they would like to remove vegetation from the end of the runway for the purpose of utilizing the existing runway. Mr. Marshall stated it is a grass runway and the previous approval from the Town had some restrictions on it, and the Hudson Valley Flyers Club would like to see if they could have them removed and the purpose would be to allow the smaller plans to go up and over the trees. Mr. Schindler stated that they would like to add eight hangers. Ms. Hilbert stated she remembers when the Hudson Valley Flyers was before the Planning Board for the Lot Line Revision, they had said that their intention of purchasing additional land was to have a better sight distance for people coming in and going out and it was always the Hudson Valley Flyers Club intention to clear a portion of the runway and not necessarily extend the runway. Mr. Schindler stated some of the newer planes that their members are thinking about buying have more than the 185 horsepower rating, yet they are quieter because of the muffler system (see file for ZBA conditions of approval dated April 22, 1999). Mr. Wilkin confirmed that Mr. Schindler would not be expanding the runway. Mr. Schindler stated no, they really don't have to. Mr. Wilkin stated the modification to the site plan would be the proposed eight hangers. Mr. Schindler stated their main concern is putting in new hangers. There was discussion regarding disturbance of the trees. Mr. Clouser asked Mr. Schindler how much disturbance were they talking about. Mr. Schindler stated they would be taking out some trees, putting in a little bit of fill that they would be getting from Newburgh and work on growing grass, it would be about three and a half acres. There was discussion regarding the type of fill that would be going on the site. Mr. Clouser explained that it was contaminated soil that is put in the incinerator. Ms. Mayle asked if there were some sort of clean bill of health that came with that. Mr. Clouser stated the D.E.C. regulates it. Mr. Wilkin stated that Mr. Clouser's initial comments (dated October 30, 2014) indicated this application would have to go to the Ulster County Planning Board for review and comment. Mr. Wilkin added that he did not believe that the prior submissions were reviewed by the Ulster County Planning Board. Ms. Mayle stated that all the information that was on the original plan has to be identified on the current plan.

- Identify the club house, tractor shed and hanger locations
- Number the buildings
- Identify well and septic locations

Mr. Wilkin asked Mr. Schindler if he had fuel tanks on the property. Mr. Schindler stated that people bring in their own fuel for the airplanes, but they do have fuel tanks at the club house for heat. The Planning Board members reviewed the Zoning Board file. Ms. Mayle stated that the Hudson Valley Flyers Club was before the Zoning Board of Appeals in 1999 for a determination, because there wasn't clear direction in the zoning code as to if this was an allowed use, so the Zoning Board classified the Hudson Valley Flyers as a club, but they put limitations on it (see file for 1999 determination by the ZBA). Ms. Mayle stated she did not think that could be changed because you have an allowance of that use with specific restrictions. Mr. Matthews stated he looked through the codebook and there was not an allowance for an airport. Mr. Wilkin stated the Town Board could add an airport into the zoning. There was discussion as to whether the applicant could go back to the Zoning Board to have the restrictions lifted. Ms. Mayle asked Mr. Schindler what the two story hangers were being used for. Mr. Schindler stated some of the members used the upstairs of the two story hangers for a workshop. Mr. Schindler added that the two story hangers were quite low. Mr. Schindler stated a couple of the members went to the Building Department and spoke to the Building Inspector about putting wells in. Mr. Wilkin stated that Mr. Schindler should locate all the wells on the plans. Mr. Wilkin asked Mr. Schindler if there were any other wells on the property. Mr. Schindler stated the club house has water and heat and electricity. Mr. Wilkin asked for clarification on the Owner's Endorsement (letter of authorization). Mr. Schindler stated he is one of the shareholders. Mr. Wilkin asked Mr. Schindler if he was the person who was designated to represent the Club in this matter. Mr. Schindler answered yes. Mr. Marshall asked the Board for clarification in regard to what they would have to do next. Mr. Schindler stated all he would really like to do is get some trees down and some grass grown and put the hangers in. Ms. Hilbert stated that if there were going to be any changes to the original application that was approved by allowing higher horsepower engines, it would have to go back to the Zoning Board. Ms. Mayle stated she didn't know if she could do that because it was done on an appeal, and that was the Zoning Board's determination as a result of that appeal. Mr. Gorres stated they can consult the attorney. The Board members looked at the current code that this application would fall under. There was discussion regarding obtaining fill. A member of the Hudson Valley Flyers Club, who was sitting in the audience stated that they would have to get permission from the Town in regard to obtaining the fill, so the D.E. P. has a record of where it is going. Mr. Gorres stated he would check with the Building Department. Mr. Marshall stated if the Hudson Valley Flyers would forego the removal of the restrictions placed on them by the Zoning Board of Appeals on the site plan, then the Board could continue to work on it, they would add all the details that were on the existing site plan, the topography, the grading, drainage and the well locations. Mr. Wilkin asked Mr. Schindler if the club members used tie downs. Mr. Schindler stated they really don't use tie downs. Ms. Mayle asked Mr. Schindler what the shaded areas were that were in front of the hangers. Mr. Schindler stated some of the members put in concrete pads, it makes it a little easier to get the airplane out of the hanger. In summary:

- Mr. Clouser gave the applicant a list of items that need to be submitted.
- The Board would be going through the site plan for the expansion.

- SEQRA would have to be reviewed.
- The applicant will have to provide a site plan that is more detailed.

Mr. Marshall stated that he will go over all the options with the Hudson Valley Flyers Club and get back to the Board as to whether they would want to go forward and pursue any opinions from the Planning or Zoning Board Attorney. Ms. Mayle stated Mr. Marshall might be able to go to the ZBA and ask them for an interpretation now as to whether this use is under the current zone. *The applicant will make the necessary revisions and continue their review before the board*

### ***VOUCHERS***

#### **Review by David Clouser, Planning Board Engineer**

Voucher-in the amount of \$282.80 to come out of the escrow of Messina & Sons

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

Voucher-in the amount of \$1,238.80 to come out of the escrow of Huckleberry Bluestone with Ms. Hilbert seconding the motion. All ayes on the vote.

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

Voucher-in the amount of \$366.60 to come out of the escrow of Cellco Partnership d/b/a Verizon Wireless.

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

Voucher-in the amount of \$396.00 to come out of the SLW Holdings Subdivision escrow.

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

Voucher-in the amount of \$230.40 to come out of the Rainieri Conservation Subdivision and Site Plan escrow.

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

### ***ADJOURNMENT***

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

The meeting adjourned at 10:30 p.m.

Respectfully submitted by  
Susan Bolde, Planning Board Clerk

