

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

OCTOBER 13, 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, Kathie Beinkafner, Nathaniel Baum, Darryl Matthews

Absent, Judith Mayle, Richard Gorres

MINUTES

September 22, 2015

There was a determination to table the minutes. The clerk will check who seconded the motion made by Mr. Wilkin (page 3 under Emily Estates).

PUBLIC HEARING

Emily Estates 4 Lot Subdivision (Freetown Hwy.) SBL#101.2-4-30.4

Mr. Brown submitted the addresses and green cards to the Planning Board. Mr. Baum reviewed the mailings and found them to be acceptable. Ms. Hilbert read the public hearing notice. Mr. Brown presented the proposal to the audience and Planning Board members. Ms. Hilbert asked if anyone in the audience had any questions regarding this application. Mr. William Andrew Miller, a member of the audience, residing at 22 Emily Drive stated he has walked the property and it is wet and when the water comes down the hill, it has nowhere to go. Ms. Hilbert asked Mr. Miller is there was water in the retention pond. Mr. Miller indicated there was no water in the retention pond. Mr. Miller added that he has pictures of Eastern box turtles that are down in that area, and he found baby turtles early in spring. Mr. Miller indicated that his biggest issue was the road. Mr. Miller indicated that he was told that this road was just binder and not acceptable for a town road and if the people coming in are going to complete this, he would be looking for a road bond. Mr. Miller stated he is looking for some guarantee that this is going to be done. Ms. Hilbert stated there wouldn't be a road bond per say, because the owner is proposing as part of the completion of the subdivision that he would finish the road. Mr. Miller stated he has heard that before. Mr. Miller asked when the road would be done, before or after the construction of these new lots. There was discussion that the road would be put in before construction of the new lots. Mr. Miller

asked if it would be approved town road or just binder? Mr. Clouser stated it would be an approved town road. Mr. Wilkin stated the road would be built to town specifications, the Planning Board cannot guarantee that it is going to be a town road, that is for the Town Board to determine. Mr. Brown stated that they have a construction schedule that is on the maps. Mr. Brown added that the retention pond was not operating as it should, the water is actually by-passing the pond, that is why there was no water in there. Mr. Brown stated that they are modifying the pond to make sure the water gets into it. Mr. Brown stated regarding the septic systems, the tests were all witnessed by the Health Department and approved. Mr. Brown added that they are also leaving a good buffer of trees between the houses and the downhill neighbor. Mr. Brown stated that there is quite a bit of pitch between where the houses were located and the back of the lots so he doesn't anticipate any problems with getting to daylight on footing drains. Mr. Wilkin stated for everyone's information, this was a previously approved subdivision, done in three phases, the lots were already laid out and the lots haven't changed. Mr. Earl Reagan explained that he owned the four acre lot to the left of the development and that his land runs down the hill and levels out back. Mr. Reagan asked Mr. Brown if the proposed septic on the lot closest to his property would affect the ability of that water on his property to drain off. Mr. Brown stated that lot is pitched to the pond and there is also a swale line along these property lines (showing on the map). Mrs. Nicole Silva asked Mr. Brown if the builder proposed the style of houses which would be built and would they fit with the covenants and deed restrictions. Mrs. Silva stated she didn't want a bunch of bi-level homes built on the lots. Mrs. Silva presented the Board and Mr. Brown with a copy of the covenants dated April 14, 2008. Mr. Brown stated he would supply his client with a copy of the document. Mrs. Debra Reagan asked Mr. Brown if he knew the timeframe as to when the houses were going to be built. Mr. Brown stated the builder would be finishing the lower portion of the road and the drainage work first, the houses would probably not be built until spring. Mrs. Reagan asked how many feet the proposed house would be from her property line. Mr. Brown stated approximately sixty feet. Mrs. Reagan asked Mr. Brown how far away the driveway would be from the property line. Mr. Brown stated approximately thirty feet. Mrs. Reagan asked the Board if she could get the builder's contact information. Mr. Wilkin stated the Board would prefer Mrs. Reagan address the Board with any questions she may have and the Board would contact the builder, because that way, it will be part of the record. Ms. Hilbert asked if anyone in the audience had any further questions on this application.

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

Mr. Brown indicated to the Board what he added to the plan, and stated that he had the surveyor sign the plans. Ms. Hilbert asked Mr. Clouser if he had any questions. Mr. Clouser asked Mr. Miller if he had pictures of the box turtle. Mr. Miller stated he had pictures and would provide pictures for the Board, along with a certified affidavit saying that he found them at the property site. Mr. Clouser stated he believed that was a

species that was of special concern by the State. Mr. Clouser stated he wanted to clarify the sequence on what is going to be done; the roadway work is going to be done before final signature of the subdivision plat. Mr. Brown stated it would be a condition of final approval, then. Mr. Wilkin stated Mr. Brown had said he would be doing the drainage first, then do the road. Mr. Brown stated yes. Mr. Clouser stated if there is some part of the work that is necessary but isn't done, they would have to have a bond. Ms. Hilbert asked if it would be for the whole subdivision. Mr. Clouser stated he did not know, that would be for an attorney to figure out. There was discussion as to whether any part of the road was dedicated to the Town or not. There was discussion regarding the retention ponds. Ms. Hilbert asked who maintained the ponds. Mr. Clouser stated that the Highway Department was going to have an independent contractor come in and take care of the ponds, but the Highway Department ended up taking it over. Mr. Wilkin added that the biggest issue is who inspects the retention ponds. Ms. Hilbert stated that would be a Town Board issue, and she would make a note to talk to the Supervisor about that. Ms. Hilbert asked Mr. Brown if he spoke to the Highway Superintendent about the hammerhead. Mr. Brown indicated he had spoken to the Highway Superintendent and he was o.k. with the hammerhead. Ms. Hilbert read the memo from the Highway Superintendent dated August 24, 2015 as follows; *"I have inspected the approximately 400' of unfinished roadway of Emily Drive and found the subbase material to be acceptable. Test holes were dug in numerous locations with the contractor's backhoe, we measured the thickness as well as the type of material. There are no issue with the subbase at this time."* The Highway Superintendent was in the audience. Ms. Hilbert asked Mr. Wager if the Planning Board could get something in writing that indicated he was o.k. with the hammerhead. Mr. Wager stated he would get a memo out to the Board on that issue. **Mr. Brown stated he would waive the 45 day timeframe for action by the Planning Board after the public hearing (see section of the code 93-15).**

Liberty View Farms Site Plan (Crescent Ave.) SBL#95.1-7-16.1

Ms. Patti Brooks was present as representative for the applicant. Mr. Billiam VanRoostenberg was also present. SEQRA was reviewed by the Planning Board.

MOTION: Mr. Wilkin made a motion that the Planning Board take Lead Agency with Mr. Matthews seconding the motion. All ayes on the vote.

MOTION: Mr. Wilkin made a motion to declare this an Unlisted Action with Mr. Baum seconding the motion. All ayes on the vote.

The Board went through Part II of the Short form EAF.

MOTION: Mr. Wilkin made a motion to declare this a Negative Declaration with Mr. Matthews seconding the motion. All ayes on the vote.

Public Hearing was opened.

Mr. Baum checked the submitted green cards and white receipts against the addresses for the 500 feet mailings. 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 questions regarding this application. Mr. Claudio Marinesto from 91 Palazzo Lane concern was that only one section, block and lot was put in the legal notice, and there are two section block and lots for the entire property. (*The proposed Bed and Breakfast resides in the RS-1 Zoning District with Section, Block and Lot 95.1-7-16.1*). Another member of the audience, who didn't give her name and address indicated she picked up her certified mailing which was postmarked October 2nd., and the meeting was October 13th., and she indicated to the mail clerk at the post office that she wasn't given very much notice, and the mail clerk indicated the Town had to give fifteen day notice. Ms. Hilbert stated the Town code says ten day notice. Mr. Marinesto asked what the status was of the wedding events. Ms. Hilbert stated the application in front of Planning Board was only for the Bed and Breakfast. Ms. Hilbert stated the Board would not be discussing the concern over the wedding venue or the farm as that was a separate issue right now. Ms. Brooks stated the application before the Board this evening was for use of two bedrooms of a three bedroom home for a Bed and Breakfast use. Ms. Brooks stated they have been before the Town Board with the agricultural use and received a letter from AG & Markets regarding the uses on the property. Mr. Marinesto indicated there have been four or five weddings so far this year without resolving the issue. Ms. Hilbert indicated she did not believe the Town or the Building Department had ordered a stop work order. Mr. Marinesto asked how Liberty View Farm LLC which was a commercial venue in a residential lot can ask for another commercial venue. Mr. Marinesto inquired if the owners of the property, Diana Merenda and Azlan Ahmad should ask for that use? Ms. Brooks indicated the application was made by Diana Merenda and Azlan Ahmad. Mr. Marinesto indicated it was made under Liberty View Farm LLC. Ms. Brooks stated it was in care of Billiam VanRoestenberg. Mr. Marinesto stated the legal notice said it was under LLC, which one was it? Ms. Brooks stated the LLC does not own any property, that is a name of a business and the record owner is clearly stated as Diana Merenda and Azlan Ahmad. Ms. Brooks stated the title that it was advertised in the legal notice was the title that everyone know it as. Mr. Marinesto stated the owner does not live in the house, Billiam VanRoestenberg does. Ms. Brooks stated an owner or authorized representative can live in the dwelling. Mr. Wilkin asked Mr. Marinesto to clarify what his issue was. Mr. Marinesto indicated he wanted to know who was supposed to apply to the Town. Mr. Haeser at 7 Palazzo Lane indicated he had a concern with the parking, and he asked the Board to consider some type of fencing so that he did not have to see headlights from the moving traffic. Ms. Hilbert asked if anyone in the audience would like to come up and take a look at the map. A member of the audience asked which driveway would be utilized for the Bed and Breakfast. Ms. Brooks responded that the driveway on the Northeast corner of the property would be used. There were no more questions from the audience.

MOTION: Mr. Wilkin made a motion to close the public hearing with Mr. Matthews

seconding the motion. All ayes on the vote.

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seconding the motion. All ayes on the vote.

There was discussion regarding the procedure and timeframe for posting and mailing legal notices. Section of the code 110-59 (D) was discussed " Hearing and decision" regarding the timeframe of sending legal notices out to the residents within the 500 feet of the proposed Bed and Breakfast. Ms. Brooks stated the Post Office tries to deliver them three separate times to the landowners and after three separate times they don't accept them, they will send them back to her. Ms. Brooks stated the intent of the code is to make sure that they made a valid attempt to contact the landowner within an appropriate period of time. Ms. Brooks added that some people choose not to pick up the legal notices. Mr. Clouser stated that the code reads that the notices have to give a five day notice prior to a public hearing. Ms. Brooks stated she believed that the Post Office can't return the certified mailing before fifteen days. Mr. Wilkin, responding to Mr. Marinesto's question about who was supposed to apply to the Town for the Bed and Breakfast proposal, read section 110-20 (E) of the Plattekill Code, Bed and Breakfasts as follows; " *There shall be a resident owner, manager or other agent of the owner residing on the premises at all times.*" Ms. Brooks stated that the application that they filled out for the Planning Board listed the record owner as Diana Merenda and Azlan Ahmad and the applicant's name as Billiam VanRoestenberg. Mr. Wilkin asked if Liberty View Farm is under a d/b/a. Ms. Brooks stated yes. Mr. Peter Frank, Attorney for the applicant indicated that he helped purchase the property for the owners. Mr. Frank stated Liberty View Farm is an operating company, it operates the land and the farm, and the house and the Bed and Breakfast that is owned by Ms. Merenda and Mr. Ahmad, and Mr. VanRoestenberg is an officer/agent for Liberty View Farm which has the operating authority over the property. Mr. Frank stated that he believes that Ms. Merenda, Mr. Ahmad and Mr. VanRoestenberg fully comply with section of the code 110-20. Mr. Wilkin stated that the Board does not have a legal document regarding that, he would like to see something in writing regarding that. Mr. Frank stated he could supply the Board with that legal document. Mr. Wilkin asked Mr. Frank if Liberty View Farm leased the farm or the house? Mr. VanRoestenberg stated it is a lease. Mr. Wilkin asked Mr. VanRoestenberg if he was an agent for Liberty View Farm? Mr. Frank stated Mr. VanRoestenberg was an officer of Liberty View Farm, which makes him an agent. Mr. Wilkin stated Mr. VanRoestenberg is an agent of Liberty View Farm, not the agent for the owner. Mr. Frank stated Mr. VanRoestenberg was also an agent for the owner by virtue of the fact that it is a limited liability corporation that they all own. Mr. Wilkin stated he would like to see paperwork that substantiates that and that it meets section of the code 110-20 (E).

Mr. Frank reiterated that he would be happy to supply the paperwork. Ms. Brooks stated she felt that what they have submitted to date satisfies that section of the code. Mrs. Beinkafner stated that Mr. Frank will provide the paperwork the Town Board has and then there won't be any questions in regard to that. Mr. Wilkin stated the other concern from the public hearing was regarding the parking and headlights from the moving traffic. Mr. VanRoestenberg stated Mr. Hasaer's property is nowhere near where the

Bed and Breakfast guest are and that they are an operating farm, that this time of year they are loading up pick-up trucks for deliveries. Mr. VanRoestenberg stated that they unload and load for deliveries all the time. Ms. Brooks showed the Planning Board members where the parking was located and added that there were four parking spots for the three bedroom house. The Planning Board members reviewed the Ulster County Planning Board comments, which indicated there was no quorum and the Planning Board could take further action after the thirty day timeframe was up. There was discussion regarding when the thirty day timeframe expired. Ms. Brooks indicated the Planning Board had asked her to put something in writing regarding her conversation with the Board of Health (memorandum dated October 6, 2015). Mr. Clouser asked Ms. Brooks to put a dimension on the building and the property line. Mr. Clouser asked Ms. Brooks if there was any kind of an agreement on the use of the driveway located in the southern part of the property. Ms. Brooks stated that driveway has been there forever and there is no maintenance agreement or written right-of-way. Ms. Brooks added that they are not proposing to use that driveway. There was discussion regarding when the Ulster County Planning Board timeframe would be up. It was indicated that October 27th. Would be the end of the thirty day timeframe. *The project was scheduled for October 27, 2015.*

OLD BUSINESS

Greater Hudson Valley Family Health Center (24 Old Firehouse Rd)SBL#107.8-8-6

Mr. Jason Lichwick was present along with Joseph Minuta as representative for the project. Mr. Minuta gave an overview of the project to the Planning Board members, indicating this would be a walk-in medical facility with one Doctor on the premises at all times. Mr. Wilkin stated there is a Gateway meeting scheduled for Thursday morning (October 15th.). There was discussed regarding the fact that this would be a Type II action (a non-residential structure involving less than 4,000 square feet). Mr. Wilkin asked Mr. Minuta if he found out who owned the strip between the west side and Old Fire House Road? Mr. Minuta stated it is owned by the State Highway Department. There was discussion regarding what constitutes a “through lot”. There was a determination that two variances would be required for;

- Parking setback (110-16 G)
- Landscape buffer setback (20 foot setback requirement) (110-19)

Mr. Minuta stated they would need some discussion regarding the sidewalks. Mr. Wilkin stated they can discuss that at the Gateway meeting. The Board was asked to send a favorable recommendation to the Zoning Board of Appeals for the two variances. After discussion, the Planning Board members agreed to send a favorable recommendation to the Zoning Board. There was discussion regarding the Stormwater Model Hydrograph. Mr. Clouser explained to Mr. Minuta that the project is located within a Type II storm area (per NRCS mapping) and Mr. Minuta was using a Type III rainfall event in the HydroCAD model. Mr. Wilkin asked Mr. Minuta if he could put the tax map on the first sheet of the plans.

Greater Hudson Valley Family Health Center *Continued*

The Planning Board will send a favorable recommendation to the Zoning Board for the two variance requests on this application. The Gateway meeting will be held October 15th.

VOUCHERS

Jason Shaw, Planning Board Attorney review

<i>Voucher</i>	<i>Amount</i>	<i>Motion</i>	<i>Department</i>
Hurd's Family Farm	\$720.00	Mr. Wilkin/Mr. Baum	Planning Board General Fund
Liberty View Farm	\$810.00	Mr. Wilkin/Mr. Baum	Liberty View Farm Escrow
Liberty View Farm	\$472.50	Mr. Baum/Mr. Matthews	Planning Board General Fund

ADJOURNMENT

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

Respectfully submitted by
Susan Bolde, Planning Board Clerk