

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

February 23, 2016

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

ROLL CALL, Chairperson, Cindy Hilbert, Nathaniel Baum, Thomas Wilkin
Darryl Matthews, Lorraine Morano, Richard Gorres

Planning Board Engineer: David Clouser

Absent: Kathie Beinkafner

MINUTES

February 9, 2016

MOTION: Mr. Matthews made a motion to accept the minutes with corrections. Mr. Gorres seconded the motion. All ayes on the vote.

OLD BUSINESS

Dollar General Site Plan (1280 Route 32) SBL#107.8-6-4

Mr. John Joseph was present, along with Mr. Carr of Medenbach and Eggers Engineering P.C. Mr. Clouser stated that the wattage has been brought down to a 2.0 which was what the Ulster County Planning Board was looking for. Mr. Clouser indicated a monument sign was proposed and at the present time, no wall sign was being proposed, but that a variance may be needed for both depending on the square footage. Mr. Joseph stated that his client would request a variance for the wall sign, at the present no wall sign was being proposed. Mr. Clouser stated that a note should be placed on the plan indicating earthwork disposal would not be removed at peak times of the day. The Board discussed peak hours of traffic on State Route 32 which would be 8:00 to 9:00 a.m. in the morning and 3:00 a.m. to 5:00 p.m. Mr. Wilkin asked Mr. Joseph what time construction would start in the morning. Mr. Joseph indicated approximately 7:00 a.m. Mr. Clouser indicated the propane tank had been moved to the North end of the parking lot and that it would be a 1,000 gallon tank. There was discussion regarding whether the tank would be buried or not. Mr. Clouser stated if the tank was going to be buried, it would have to be noted on the map. Mr. Gorres stated if the tank is to stay above ground, it should be well protected. Mr. Clouser stated that soil infiltration testing is required in order to confirm soil infiltration rates. Mr. Clouser added that the Town is in the MS4 and the form that the Town has to sign (NOI acceptance form) has to conform to the NYS DEC standards. Mr. Joseph stated that

they submitted the building elevations. There was discussion that the required modifications from the Ulster County Planning Board were addressed.

MOTION: Mr. Wilkin made a motion that all the required modifications from the Ulster County Planning Board were addressed. Mr. Matthews seconded the motion. All ayes on the vote.

There was a discussion regarding whether final approval could be granted before the infiltration testing was complete and the Town signed the NOI. Mr. Clouser stated it could be a condition of final approval, and if the applicant can't meet that condition, final approval isn't granted.

MOTION: Mr. Wilkin made a motion to grant contingent final approval on the Dollar General site plan with the condition of getting the infiltration test for the Stormwater system complete as well as all final fees and five paper copies of the maps submitted. Seconded by Mr. Gorres. All ayes on the vote.

The applicant received contingent final approval.

OLD BUSINESS

Cellco Partnership d/b/a Verizon Wireless (Decker Road)SBL#108.3-1 & 18.1

Verizon Wireless Attorney Scott Olson was present to represent the applicant. Mr. Olson indicated they have scheduled a balloon test for March 3rd. with a rain/wind date of March 4th. at about 8:00 a.m. Mr. Wilkin stated after reading Ron Graiff's letter (see file for Ronald E. Graiff, P.E. Radio Frequency Consulting Engineer's letter dated February 19, 2016 to the Planning Board) it seemed that Mr. Graiff hadn't found justification for a need for the tower. Mr. Olson indicated that the company they used, V-Comm was a third party company, and basically this was the first time that Verizon used this company. Mr. Olson stated they have commissioned their internal engineer Paul Tucci to put together a new report. Mr. Olson stated they spoke to Mr. Graiff last week and they are on the same page as to what is expected. Mr. Shaw, Planning Board Attorney asked Mr. Olson if he agreed with or took issue with Mr. Graiff's report. Mr. Olson stated that there are some issues that he thinks are not really issues and he believes that the plots show that there is a need for the site. Mr. Olson added that his engineer said that there is an absolute need for the site, and that they have their engineers working on a new report. Mr. Shaw asked what the timeline would be on the new report. Mr. Olson stated that he believes that the report would be complete by the end of next week. Mr. Matthews asked Mr. Olson how this would affect the "shot clock". Mr. Olson explained why Verizon would still like an extension of the shot clock indicating they would not want to lose the right to sue, if need be, which is a right that they have under Federal Law. Mr. Wilkin stated from the letter that Ronald Graiff wrote, this would almost prove that this was an incomplete application and the Board could deny this application since the

data in front of the Board is so bad, and Verizon could resubmit and the shot clock would re-start. Mr. Shaw stated this is not a controversial site, the balloon test still needs to be done and the Planning Board is willing to put the application on every agenda which is twice a month. Mr. Olson reiterated that Verizon would not like to lose the right to sue, they do not want to sue, but they would like to keep that right. Mr. Shaw stated that the Board should stick with having this application on the agenda every two weeks, and the Board could do a couple of things; agree to extend to a date certain as proposed in the letter from Mr. Olson; agree to extend without any date certain; and the third option is to do nothing and have Verizon do whatever they feel like they have to do. Mr. Shaw added that he felt it would be the best thing not to decide on any of the three options this evening, but let him look into this a little bit more and at the next meeting he would send the Board a letter regarding this. Mr. Wilkin stated the Board would have to review the escrow for Verizon, because the Board has to have the report reviewed again by their Consultants and the Board would expect their Attorney may attend more Planning Board meetings in the future. Mr. Wilkin added that they would need at least \$5,000.00. Mr. Olson stated that the Board should send him a letter regarding replenishing the escrow. Mr. Wilkin added that if the escrow gets too low, the Planning Board would stop the review until money is added to the escrow account. Mr. Olson stated he understood. Ms. Hilbert gave Mr. Olson a copy of the Planning Board Engineers review comments. Ms. Hilbert stated Mr. Olson would be placed on the next agenda, and if he would not be attending he should let the Planning Board Clerk know. *The applicant will be scheduled for the next Planning Board meeting, March 8.*

Kitty Lane Subdivision proposal

Ms. Hilbert explained to the Planning Board Attorney, Jason Shaw that the question the Board had was regarding lot #1 of the original nine lot subdivision (Finn Estates Subdivision) which wasn't able to be developed, it has since been sold and it is going to be combined with another lot and that property is going to be subdivided again. The Planning Board members reviewed the map with Mr. Shaw. Mr. Shaw asked the Board what their concern was. Mr. Baum stated that the Board's original concern was regarding the original proposed nine lot subdivision that was approved, does taking that lot from the original subdivision act as a continuation into the new six lot subdivision. Ms. Hilbert stated that when that lot was part of the nine lot subdivision it was a buildable lot, it is not a buildable lot now. Mr. Shaw stated that by creating a new subdivision you are merging the lot and the original subdivision doesn't have anything to do with it. The Board members discussed putting restrictions on the lot.

NEW BUSINESS

Acworth Site Plan for Veterinarian Clinic (Route 32)SBL#94.15-2-2.1

Mr. Jack Zand, Attorney for the applicant was present, along with Ms. Acworth. Mr. Zand stated Ms. Acworth purchased three adjoining lots and would like to use the single family dwelling for a Veterinarian office. Mr. Wilkin asked Mr. Zand if he wanted to

combine all the lots into one. Ms. Acworth stated she was told she would have to combine the lots because she is using the whole area for parking. Mr. Wilkin stated D.O.T. is going to have to look at the site and if the lots are combined under the site plan, they are only going to give Ms. Acworth one curb cut and there are two curb cuts now. Mr. Gorres asked Ms. Acworth about the status of the manufactured single wide trailer. Ms. Acworth stated there is electric and a well there and she could potentially in the future do something with the single wide trailer. Ms. Acworth added that currently the manufactured single wide trailer is in disrepair. Mr. Wilkin asked Ms. Acworth if she would be putting kennels there. Ms. Acworth stated that is a whole separate issue and she would not be doing that right now. Ms. Hilbert stated there are two separate sites, a commercial site and residential site, and she did not think that D.O.T. would make them use one curb cut. Ms. Acworth asked the Planning Board if it would be better for her to leave the parcels as they are and not combine them. Mr. Wilkin stated under the table in the codebook under RR1.5 it states Medical Clinic is an allowed use, but the way the definition of Medical Clinics and Office is written it states "a building where health services are dispensed by medical professionals licensed by New York State." Mr. Wilkin stated if you look under Veterinary Office it says an office of a licensed Veterinarian "also see Veterinarian Hospital." Mr. Wilkin added that it states an Animal Hospital is "a facility where animals and pets are provided with Veterinarian care in combination with boarding for temporary periods." Mr. Wilkin stated there is a problem with the code. Mr. Wilkin showed Ms. Acworth what the setbacks would be if she decided to add a kennel to the site plan in the future. The Board discussed whether combining the lot would be better than leaving the lots separate. There was a determination to send a letter with map to David Corrigan of the NY State D.O.T. for his review and comment.
The applicant will be scheduled for appearance on an agenda when comments come back from the NY State D.O.T.

Escrow increase

MOTION: Mr. Baum made a motion to increase the escrow of Cellco Partnership d//b/a Verizon Wireless in the amount of \$5,000.00 with Mr. Matthews seconding the motion. All ayes on the vote.

ADJOURNMENT

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

The meeting adjourned at 9:35 p.m.

Respectfully submitted by
Susan Bolde, Planning Board Clerk