

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

JANUARY 8, 2013

THE PLANNING BOARD MEETING OPENED WITH A SALUTE TO THE FLAG BY
CHAIRPERSON CINDY HILBERT AT 7:35 P.M.

ROLL CALL: Chairperson, Cindy Hilbert, Vice-Chairman, Richard Gorres, Thomas Wilkin,
Darryl Matthews, Katherine Beinkafner, Judy Mayle

ABSENT: Nathaniel Baum

MINUTES

November 13, 2012

December 4, 2012

December 11, 2012

MOTION: Mr. Wilkin made a motion to approve the minutes of **November 13, 2012** with Mr. Gorres seconding the motion. Ms. Mayle abstained. All other members voted aye.

MOTION: Mr. Wilkin made a motion to approve the minutes for **December 4, 2012** with Mr. Gorres seconding the motion. Ms. Mayle abstained. All other members voted aye.

MOTION: Mr. Wilkin made a motion to approve the minutes for **December 11, 2012** with one correction on the last page, Mr. Gorre's name is misspelled. Mr. Gorres seconded the motion. All ayes on the vote.

OLD BUSINESS

A Messina and Sons Site Plan/Special Use (Orchard Drive) SBL# 101.1-6-4.311

Mr. Messina, owner of the business and Mr. Anthony Meluso of Gardiner Engineering, representative for the project were present. Ms. Hilbert stated the Planning Board received the narrative, dated January 2, 2013, from M. Meluso. Ms. Hilbert indicated the Planning Board had requested that information at the last meeting (December 11, 2012). Mr. Wilkin stated that on page one, second paragraph of the narrative it states "...whether any other pre-existing, permitted businesses are also being required to resubmit their site plans..." Mr. Wilkin stated he does not think that there was ever a site plan done on this, the only thing that was given was a zoning permit. Mr. Wilkin added that the subdivision that is talked about in the narrative is a lot line change that was done in 1998. Ms. Mayle stated you have a site plan that is associated with a lot line revision, Mr. Messina has a site plan, but no special use permit that goes along with it. Mr. Meluso indicated that back when Mr. Mark Jaffee was the Code Enforcement Official, he

met with Mr. Messina at the site and they talked about the uses that were taking place on the property at that time. Mr. Meluso presented a letter dated December 13, 2012 from Mr. Jaffee regarding the Messina Scrap Metal Recycling Zoning Permit (see file for letter). Ms. Mayle stated it looks like Mr. Messina was sent to the Planning Board because it was determined that Mr. Messina did not have site plan approval under the Town Code. Ms. Mayle stated what the Planning Board was trying to do was help get Mr. Messina through the process as painlessly as possible, and get some kind of narrative to help Mr. Messina craft something to go to the Town Board for them to make a determination that this particular use can be identified. Mr. Meluso stated when he looked at the 1998 Town Code, it looks like the Code Enforcement Official makes the call and issues a zoning permit, and the only way they should be before the Planning Board is if a use is not consistent to what the permit states. Ms. Mayle stated Mr. Meluso would have to show the Planning Board that the Code Enforcement Officer has the sole authority to make a determination and issue a permit. There was discussion regarding the official duties of the Code Enforcement Officer. Mr. Meluso stated that he was hoping an outgrowth of sending this to the Town Board would be that the Planning Board recommend to the Town Board that they add a definition for the site plan establishment. (See NYSDEC Part 360-12). Mr. Meluso added that there were definitions for junkyards or farms, and nothing in between. Ms. Mayle stated the Planning Board has to fashion an argument to the Town Board that the type of use that is being proposed here fits with the other kinds of uses that are allowed in that area. Mr. Meluso stated it is a recycling, handling and recovery facility. Mr. Wilkin stated the business could be covered under "trucking terminal" but he thought the Town would be better protected if they had a recycling law. Mr. Meluso asked how they get to the next step. Mr. Meluso added that the Town personnel keeps changing over the years with the Town Board and Building Inspectors, but Mr. Messina has been doing the same thing since day one. Mr. Wilkin stated that Mr. Meluso indicated he submitted a new SEQRA form, but he didn't see the new SEQRA form. Mr. Wilkin stated this will be going up to the Ulster County Planning Board for review. Mr. Wilkin asked Mr. Meluso if there was an easement for the leach field. Mr. Meluso showed on the map where the septic tank was located (on the front right side of the building) indicating the tank was probably in the wetlands. Ms. Mayle asked where the sorting of the metals took place. Mr. Meluso indicated some of the more valuable metals were sorted inside, and things that come in boxes, like aluminum tops of cans or 1/4 inch plates of steel are put on forklifts and they stack it up. Mr. Wilkin stated the Planning Board should highlight what Mr. Clouser stated at the last meeting, according to section of the code 110-11 (b), when this goes to the Town Board. Mr. Wilkin added that Mr. Clouser was concerned that the business may be operating in the 100 foot buffer around the wetlands. Mr. Meluso stated that they were not operating in the 100 foot buffer, he moved the 100 foot buffer on the site plan. Mr. Wilkin asked Mr. Meluso when the last time the wetlands were flagged. Mr. Meluso stated 1998. Mr. Wilkin stated Mr. Meluso would have to have the wetlands re-flagged. Ms. Hilbert asked if any of the Planning Board members had any questions. Ms. Mayle stated she felt that it would be critical to distinguish between a junkyard, because the Town Board does have the authority to make a determination that the use fits in the area, if it is a use that is already allowed in another zone, they don't have the authority to amend the zone to include that use in the new zone. Mr. Meluso asked when they get back to the Planning Board, after they go to the Town Board, would they have to address landscaping and fencing? Ms. Mayle stated the first step is going to the Town Board. There was discussion

regarding when the Town Board meetings were held. Mr. Wilkin stated at least they have a start as to where to go. Ms. Hilbert asked the Planning Board if they would like to have a letter drafted from the Planning Board to go to the Town Board. Ms. Mayle stated that would be appropriate. Ms. Hilbert stated it would more than likely be under “truck terminal,” they reviewed truck terminal and when Mr. Clouser was here at the last meeting the board had decided it was not “junkyard.” Mr. Wilkin stated the other alternative the Town Board may take is writing a recycling law. Ms. Hilbert stated she thinks at this point it is more important just to know that the Planning Board can get the business approved and settled before they address the change in the code. Ms. Hilbert added she knows how long it took to sit down and work out the flag lot. Ms. Hilbert indicated she would draft a letter. Ms. Mayle asked Mr. Meluso to coordinate with the Planning Board to let them know when Mr. Messina would be before the Town Board. Mr. Meluso stated he would be giving the Planning Board the amended SEQRA form.

MOTION: Mrs. Beinkafner made a motion to have the Planning Board draft a letter to the Town Board to approve A. Messina & Sons as a Trucking Terminal or adopt a recycling law. Mr. Wilkin seconded the motion. All eyes on the vote.

The applicant will go to the Town Board for a definition of their business. The Planning Board Chairperson will draft a letter to go to the Town Board.

DISCUSSION

McGlasson-5 Lot Subdivision SBL#101.4-1-15

Mr. Meluso stated he received a phone call from Mr. McGlasson who wanted him to finish the subdivision. Mr. Meluso stated Mr. McGlasson indicated that he would have to start all over again. Mr. Wilkin stated if Mr. McGlasson would like to hire someone else he is free to do so. Ms. Mayle stated Mr. McGlasson and Mr. Meluso are free to look at the file. Ms. Mayle stated the project has been closed, but Mr. McGlasson is free to re-apply.

MML Homes-Proposed 28 Lot Subdivision (Crescent Ave.)SBL #95.1-3-8.1

Ms. Hilbert stated she e-mailed everyone out a Subdivision Improvement Agreement for MML Homes. Ms. Hilbert stated the Town Board wanted the Planning Board to look over the agreement to see if the Planning Board had any thoughts or comments. Ms. Hilbert asked if anyone had a chance to review it. Ms. Mayle stated she felt the agreement should go to the Planning Board Attorney for his review and comment. The Planning Board members agreed that the agreement should go to the Planning Board Attorney for his review. Mr. Wilkin stated he did not think that Mr. Shaw had a copy of the plans. Ms. Hilbert stated she would send the agreement to Mr. Shaw for his thoughts, and if he needed any supporting information, that could be sent to him.

Knudsen/Lavery Appeal before The Zoning Board of Appeals

Ms. Hilbert stated the Zoning Board is making their determination on Thursday, January 10th. Ms. Hilbert stated she would try to attend the meeting. Ms. Hilbert stated she wanted to make sure the Planning Board had a consensus regarding this issue, if the Zoning Board asks for the Planning Board’s opinion. Ms. Hilbert stated she felt that the appropriate thing to do would be to

file for a variance, but that was her personal feeling. Mr. Wilkin stated he did not feel that the Planning Board needed Mr. Shaw at the meeting.

Planning Board Appointments

Ms. Hilbert stated at the last meeting there were a couple of recommendations and motions, but the board did not make a motion to appoint a Vice-Chair. Ms. Hilbert stated after she understood that she received the appointment, she reached out to Mr. Gorres to see if he would be interested in resuming the Vice-Chair position. Ms. Hilbert stated that Mr. Gorres indicated he was interested in the Vice-Chair position.

Vice-Chairman position

MOTION: Mr. Matthews made a motion to appoint Mr. Gorres to the position of Vice-Chairman with Mrs. Beinkafner seconding the motion. All ayes on the vote.

Voucher Committee

MOTION: Mr. Gorres made a motion to appoint Mrs. Beinkafner to the voucher committee with Mr. Matthews seconding the motion. All ayes on the vote.

Planning Board Attendance

Ms. Hilbert stated she received a letter from the Town Board regarding attendance. Ms. Hilbert stated that the letter indicates the Town Board is requesting an explanation from the members that have not met the attendance requirement. Ms. Mayle asked why they didn't say anything about attendance in 2011. Ms. Hilbert stated she was not forwarded that information. Ms. Hilbert added that she would have the clerk e-mail over the missed dates to the board members. Ms. Hilbert stated she could draft a letter to the Town Board indicating there was conversation from the Planning Board members questioning why it only included 2012 and did not go to years prior. Ms. Hilbert also indicated she could include that this was more a disciplinary action, and ask why it was addressed in this manner.

Clerk will provide missed meeting dates to the Planning Board members.

VOUCHERS

Planning Board General Fund

Voucher-in the amount of \$275.00 for the yearly Planning dues. To come out of the Planning Board General Fund.

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

Planning Board Attorney, Jason Shaw

Voucher-in the amount of \$1,669.41 to come out of the Planning Board General Account fund (for the Knudsen/Lavery Appeal).

MOTION: Mr. Gorres made a motion to approve the voucher for payment with Mr. Matthews

seconding the motion. All ayes on the vote.

David Clouser, Planning Board Engineer

Voucher-in the amount of \$900.00 to come out of the Planning Board General Fund.

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

Voucher-in the amount of \$1,292.85 to come out of the Gardiner Industrial Corporation's escrow account.

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

Voucher-in the amount of \$914.40 to come out of the escrow account of Fosler Road LLC.

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

ADJOURNMENT

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

The meeting adjourned at 9:23 p.m.

Respectfully submitted by
Susan Bolde Planning Board Clerk