

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

APRIL 23, 2013

THE MEETING FOR THE PLANNING BOARD OPENED WITH A SALUTE TO THE FLAG BY VICE-CHAIRMAN RICHARD GORRES AT 7:30 P.M.

ROLL CALL: Vice-Chairman, Richard Gorres, Daryl Matthews, Thomas Wilkin, Katherine Beinkfner

ABSENT: Judith Mayle, Nathaniel Baum, Cindy Hilbert

MINUTES

March 14, 2013

The minutes were moved to the end of the meeting

Knudsen/Lavery – Lot Line Revision (South Street) SBL#95.1-7-23.211

Ms. Brooks stated she wanted to come back before the board first since this was where she had gotten the variance from the Zoning Board. Ms. Brooks asked the board if they wanted to take lead agency, or give lead agency to the Town of Lloyd. Mr. Gorres stated since the lot in the Town of Lloyd is the lot with houses on it, he, personally, would allow the Town of Lloyd to take lead agency on this application. Mr. Matthews stated it made more sense for the Town of Lloyd to take lead agency. Mrs. Beinkfner stated she was all for it. Ms. Brooks stated the Town of Lloyd would then do their public hearing first. Mr. Wilkin stated this was such a small project, could they do a joint public hearing? Ms. Brooks stated that would streamline the process for the applicant. Mr. Wilkin stated the board would have to check that out to see if they could have a joint public hearing on this. The board discussed calling the Planning Board Attorney, and decided to contact the Association of Towns and ask them if a joint public hearing would be allowed. Mrs. Beinkfner stated that Ms. Brooks could advertise for a joint public hearing and if that was not allowed, then the applicant could always come back and have another one. Ms. Brooks stated that the Town of Lloyd Planning Board would have to do their public hearing first because they are completing SEQRA. Mr. Wilkin stated if they are going to have a joint public hearing then several members of this Planning Board should attend.

Clerk will contact the Association of Towns to see if a joint public hearing can be held between the Towns of Lloyd and Plattekill.

DISCUSSION

Paribelli-proposed three lot subdivision (Barclay Road)SBL#101.2-2-5.11

Ms. Brooks stated they had been before the board in March of this year, and they talked about finding records for the Home Occupation Class II for the landscaping business. Ms. Brooks stated that at the March 12th. meeting it was determined that the project would need two variances, one for more than one single family dwelling on a lot, and the other for access to a lot off a road other than the designated private road. Ms. Brooks stated that both variances being manifested by the fact that they were proposing a private road. Ms. Brooks stated that Mr. Clouser also raised the issue of potential wetlands. Ms. Brooks stated that Mr. Paribelli wanted to talk to the board regarding the wetlands and the fact that they are not regulated at this point and time. Mr. Paribelli stated that he asked Mike Nowicki (who flagged the wetlands) if he would give his opinion in a letter, that if it did become part of the wetlands map eventually, if they could put a road in, and he said he didn't see any reason why not, because it is in the buffer and is not in the wetlands. Ms. Brooks stated Mr. Paribelli had a concern that he does not want to keep moving with going to the Zoning Board of Appeals and engineering the roadway and doing a soil and erosion control plan, until he can have some sort of assurance that this town would be consistent with the other towns they are working in, and not make him try to adhere to the guidelines that don't exist yet with the D.E.C. Mr. Paribelli stated he is only putting in two lots, one for his daughter and one to sell to recoup some of the expenses for the road, and that is it. Mr. Paribelli added that they would not be bothering the wetlands. Mr. Wilkin stated that Mr. Clouser (refer to minutes of March 12, 2013) had indicated Mr. Paribelli would need to have a stream disturbance permit, because the wetland area is within 100 feet of Black Creek. Mr. Wilkin stated that Mr. Clouser also wanted more information on the methodology used to delineate the wetland; describe the type and condition of the wetland quality; and describe the wildlife and vegetation along with the potential habits present during delineation. Mr. Wilkin stated that Mr. Clouser indicated Mr. Nowicki should put together a narrative about the wildlife and vegetation. Ms. Brooks stated she would like the March 12, 2013 minutes when they are approved. Clerk will e-mail the final minutes to Ms. Brooks when they are approved. Ms. Brooks stated she had a question about the variances, does she ask the Planning Board for a referral or just go to the Zoning Board and they will ask for the Planning Board comments? Mr. Wilkin stated he didn't think the Zoning Board could change things on the road standards, he thought that was the Town Board. Ms. Brooks stated "more than one family on a lot," that would be a density issue, and it is also a private road specification. Mr. Wilkin stated the town did have another issue where they had a duplex on a private road and the Town Board handled that. Ms. Brooks asked what the reasoning was if someone has the density, why they couldn't have two homes on one lot. Mr. Gorres stated the only time they have asked someone to switch driveways is when they do a flag lot. Mr. Wilkin stated that the private road specifications say that all lots have to access the private road. Mr. Paribelli stated they are talking about everything that is being created, that is brand new. Ms. Brooks asked if they have to say that lot #1 is even on a private road, why can't lots #2 and #3 be on a private road. Mr. Wilkin stated right now it is all one lot. Ms. Brooks stated that the private road specifications have nothing to do with the Zoning Board at all, that would be the Town Board, but the Town Board can't grant variances.

Mr. Wilkin stated the Town Board can't grant variances, but they could change the law or make an exception to the code, if they wanted to. Ms. Brooks stated they will have to find out if the Town Board can grant a waiver for the private road specifications and under what conditions. Wilkin stated he did not know if a Home Occupancy could be allowed on a private road or not. Ms. Brooks stated they would contact the Town Board to be scheduled on their agenda. Mr. Wilkin stated that maybe Ms. Brooks should contact the Town Board before contacting Mr. Nowicki. Ms. Brooks agreed.

Ms. Brooks will discuss the private road issue with the Town Board.

ROCKING HORSE RANCH

Ms. Brooks stated they received contingent final site plan approval on June 14, 2011, but Mr. Turk didn't have all of his architectural drawings, so the final maps were signed on January 13, 2012. Ms. Brooks stated that she knows they have two years to start construction and she started to get a little nervous because she wasn't sure whether it was two years from the June 14th. or two years from when the maps were signed. Ms. Brooks stated that Mr. Turk was hoping to start construction in October. Mr. Gorres stated he didn't think Mr. Turk would need an extension because a contingent approval isn't a final approval, it is not final until all the contingencies are met and the map was signed. Ms. Brooks stated then she would ask for a six (6) month extension from the January 13th. date. Mr. Wilkin asked Ms. Brooks if she would rather wait until the Fall. Mr. Wilkin stated from what the Planning Board Attorney said, site plans do not need to be signed. Ms. Brooks stated that she probably shouldn't ask for an extension until she needs it. Mr. Wilkin stated they have four people here tonight, they can take a vote that they consider the date good until January 13th. of 2014. Mr. Gorres polled the board to see if January 13, 2012 was the date of final approval for the site plan.

Mr. Wilkin-o.k. with the final date of approval for the site plan being January 13, 2012

Mrs. Beinkafner-agreed

Mr. Gorres-agreed

Mr. Matthews-agreed

Mr. Gorres added that if Mr. Turk doesn't get started by this December, then Ms. Brooks could come in and the board would give her the six (6) month extension.

Ms. Brooks thanked the board.

MINUTES

March 14, 2013

MOTION: Mr. Wilkin made a motion to approve the minutes with the following changes:
Page 4 change County to "Ulster County Planning Board and Ulster County Planning Department." Mr. Matthews seconded the motion. All ayes on the vote.

VOUCHERS

David Clouser, Planning Board Engineering vouchers

Voucher-in the amount of \$910.00 for engineering review on the **Paribelli 3 Lot Subdivision**.
The applicant has \$750.00 in their escrow account. A partial payment of \$750.00 will be made to David Clouser.

On discussion: The board discussed what amount the escrow should be increased. It was determined that \$1,000.00 increase would be asked to replenish the escrow.

MOTION: Mr. Gorres made a motion to approve the partial payment of \$750.00 to David Clouser for engineering review with Mr. Matthews seconding the motion. All ayes on the vote.

MOTION: Mr. Gorres made a motion to ask the applicant for an increase of \$1,000.00 to replenish his escrow. Mr. Matthews seconded the motion. All ayes on the vote.

Voucher-in the amount of \$866.60 for engineering review by David Clouser on the Fosler Road LLC Multi-Family project.

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

Voucher-in the amount of \$120.00 for Attorney review from Jason Shaw on the Fosler Road LLC Multi-Family project.

Voucher-in the amount of \$1,437.40 for Attorney review by Jason Shaw on the Fosler Road LLC Multi-Family project.

On discussion: *There was discussion regarding the \$100.00 charge against Planning Board General Fund for discussion with the Planning Board. The clerk will check the recording to verify the discussions were on MML Homes and Knudsen/Lavery Lot Line Revision. Mr. Gorres stated they will make two motions.*

MOTION: Mr. Gorres made a motion to approve the voucher in the amount of \$1,337.40 to Jason Shaw for review of Fosler Road LLC. And a voucher in the amount of \$120.00 for review by Jason Shaw, to come out of the escrow of Fosler Road LLC. Mrs. Beinkafner seconded the motion. All ayes on the vote.

MOTION: Mr. Gorres made a motion to approve payment of \$100.00 to come out of Planning Board General Fund for attorney review by Jason Shaw. Contingent upon verification that the discussion was on MML Homes roadway and Knudsen/Lavery undersized lot. Mr. Matthews seconded the motion. All ayes on the vote.

Voucher-in the amount of \$994.80 to come out of the Shawangunk Estates escrow for engineering review by David Clouser & Associates.

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

On discussion: Mr. Matthews stated there is a remaining balance of \$442.30 in the Shawangunk Estates escrow. Mr. Wilkin stated they would have to increase the escrow.

MOTION: Mr. Gorres made a motion to increase the Shawangunk escrow account by \$1,500.00 with Mr. Wilkin seconding the motion. All ayes on the vote.

Voucher-in the amount of \$342.90 to come out of the MML Homes escrow for review by David Clouser & Associates.

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 \$74.80 to come out of the Rainieri escrow account for review by David Clouser & Associates.

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 8:45 p.m.

Respectfully submitted by
Susan Bolde, Planning Board Clerk