

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

AUGUST 27, 2013

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

ROLL CALL: Chairperson Cindy Hilbert, Vice-Chairman Richard Gorres, Thomas Wilkin, Darryl Matthews, Nathaniel Baum, Katherine Beinkafner (arrived at 7:45 p.m.)

Planning Board Engineer: Andy Willingham for MML Homes only

ABSENT: Judy Mayle

MINUTES

August 13, 2013

MOTION: Mr. Wilkin made a motion to approve the minutes as written with Mr. Matthews seconding the motion. All ayes on the vote.

A. Messina and Sons Site Plan/Special Use & Lot Line Revision (Orchard Drive) SBL# 101.1-6-4.311

Mr. Meluso, project representative for Mr. Messina, was present to represent Mr. Messina. Mr. Messina was also present. The Planning Board members reviewed the Lot Line Revision plan dated August 13, 2013. Mr. Meluso stated they submitted the Threatened and Endangered Species report (dated August 3, 2013). Mr. Meluso stated he would like Mr. Clouser, Planning Board Engineer to review the Threatened and Endangered Species report. Ms. Hilbert gave Mr. Meluso a list of what she felt was outstanding for his reference. Mr. Meluso stated he had a signed, original copy of the NYS D.E.C. letter (dated August 19, 2013). Ms. Hilbert indicated there was a signed copy in the file. Ms. Hilbert read a section of the Threatened and Endangered Species Report “*All new activities that occur within the NYSDEC regulated 100 foot Adjacent Area some of which has been previously impacted for decades prior to Article 24 regulations will require an Article 24 permit from the NYSDEC.*” Mr. Meluso stated that the fact that they would require an Article 24 Permit from the D.E.C. was actually in Brian Drumm’s report too. Mr. Meluso stated they knew they needed to do a Stormwater Analysis if they disturbed more than one acre of land by either graveling it or putting up a building and disturbing previously impervious area and making it pavement. Mr. Meluso continued, stating that they are kind of defined by that one acre of disturbance and they understand that, but there was a letter from Theresa Laibach from D.E.C. and she told them under 6NYCRR Part 360 they were exempt from having to file for a SPEDES permit, but he will get further clarification from her. Mr. Wilkin referenced the letter from the NYS D.E.C. dated August 19, 2013 page two as follows; “*Note: If this site is within an MS-4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department.*” Mr. Wilkin added that this Town is a MS-4

municipality, so that has to be done. There was discussion by the Planning Board as to who was the MS-4 Officer. Mr. Meluso indicated the building would be designed for the next meeting and the SWPPP for construction would hopefully be done before the next meeting. There was a discussion in regard to completing SEQRA. Ms. Hilbert asked the Planning Board if they had any comments. It was indicated that the Threatened and Endangered Species was submitted.

Lot Line Revision SEQRA

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

MOTION: Mr. Wilkin made a motion to declare this an unlisted action with Mr. Gorres seconding the motion. All ayes on the vote.

Ms. Hilbert referenced the letter from D.E.C. dated August 19, 2013 on the SEQRA form.

MOTION: Mr. Wilkin made a motion to declare this a negative declaration with Mr. Gorres seconding the motion. All ayes on the vote.

Site Plan SEQRA

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

MOTION: Mr. Wilkin made a motion to declare this an unlisted action with Mr. Gorres seconding the motion. All ayes on the vote.

Ms. Hilbert referenced the letter from D.E.C. dated August 19, 2013 on the SEQRA form.

Mr. Wilkin asked Mr. Meluso how long he thought it would take him to get the correspondence from Theresa Laibach of the NYSD.E.C. Mr. Meluso stated it would not take very long.

MOTION: Mr. Wilkin made a motion to declare this a negative declaration with Mr. Gorres seconding the motion. All ayes on the vote.

There was discussion regarding setting up the application for a public hearing for the Site Plan and Lot Line Revision.. After a brief discussion, it was decided that the public hearing would be scheduled for September 24, 2013. Mr. Wilkin stated the file information would have to be sent to the Ulster County Planning Department for review. The following items would need to be sent to the Ulster County Planning Department:

- Lighting Plan
- Landscaping Plan
- Building Plan

The applicant will be scheduled for September 24, 2013 for a public hearing

MML Homes-Proposed 27 Lot Subdivision (Crescent Ave.)SBL#95.1-3-8.1

Mr. Mike Moriello, Attorney for the applicant was present, along with Jason Pitingaro, representative for the applicant. Andy Willingham, Engineer (from David Clouser's office) was present. Mr. Pitingaro updated the Planning Board regarding the progress that has been made so far as follows:

- Mr. Pitingaro indicated not much on the overall project has changed, but they have been addressing the issues that were brought up by the Planning Board and Mr. Clouser's office.
- There are twenty six lots proposed
- There is a significant amount of wetlands on the property both Federal and D.E.C. wetlands. The JD (Jurisdictional Determination Form) for the Army Corp. of Engineers has been completed, and a copy will be provided to the Town of Plattekill Planning Board and David Clouser's office.
- The inter-municipal agreement has been addressed (the road extends from Plattekill into Lloyd and serves the five lots in Lloyd).

Mr. Pitingaro stated he has been before the Town of Lloyd Planning Board late in the year last year and their response was that they were satisfied with the subdivision but couldn't take any action since Town of Plattekill is lead agency.

- The pesticide sampling for all the lots has been done and approved by the Ulster County Health Department.

Mr. Pitingaro stated the sampling did reveal pesticides which they anticipated. Mr. Pitingaro stated they designated an area behind lot #5 which was the old twenty-seventh lot, to make it an area for disposal of the amount of soil that is necessary. Mr. Moriello stated in prior subdivision before the Plattekill Planning Board, the Ulster County Health Department had required fifty feet behind each house to be capped with six inches of clean soil. Mr. Pitingaro stated there are different methods of remediation. Mr. Moriello stated once you move the soil off the site and put it on the road, it becomes a solid waste and then you are dealing with the D.E.C. Mr. Wilkin stated he thought that capping is what the Ulster County Health Department called for. Mr. Pitingaro stated whatever method is favorably to the Planning Board is acceptable to him. Mr. Moriello stated Mr. Pitingaro and he would check with Mr. Clouser and see what he thinks. Mrs. Beinkafner asked Mr. Pitingaro if he had the data on the pesticide testing results and the concentration levels and locations. Mr. Pitingaro stated it was provided to Mr. Clouser's office, and he could send it to the Planning Board.

Stormwater Issues: Mr. Pitingaro stated that the major issues as far as rate control and offsite discharges have been dealt with. Mr. Wilkin asked if pond A-6C was located entirely in the Town of Plattekill or did it cross the line into the Town of Lloyd? Mr. Pitingaro stated it is now entirely in the Town of Plattekill. Mr. Pitingaro stated that the Town of Lloyd had requested they have their own access easement which will be across lot #23, but there is ample area to provide that. Mr. Wilkin asked if there could be one easement access for both towns, instead of two and both towns would have the right to use it? Mr. Pitingaro stated they could do that, he felt that was an issue that could be worked out as long as the Town of Lloyd is in favor of it.

Mr. Matthews stated he would think that the homeowners would like it if there was just one easement. The Planning Board members and Mr. Pitingaro went over the Planning Board Engineering comments dated July 1, 2013.

SEQRA-Mr. Wilkin asked Mr. Moriello what he thought the timeframe would be before Mr. Moriello would be ready to look at the SEQRA. Mr. Moriello stated he thought about a month. Mr. Pitingaro stated he provided plans to Mr. Clouser's office, and he felt that a lot of the issues were addressed on those plans. Mr. Wilkin stated the Planning Board usually reviews Part I and then Mr. Clouser completes Part II. Mr. Wilkin added that on October 7th. the new SEQRA forms kick in. Mr. Moriello stated that they had the old SEQRA form in already, and he didn't think D.E.C. would require that they go to the new SEQRA form.

Traffic Impact Issues-Mr. Pitingaro stated the access is approved by Ulster County Highway Department. Mr. Pitingaro stated he received a letter from Kim Dufresne, and Mr. Dufresne required clearing to the west, and there are some stone walls on the property they may have to move. Mr. Pitingaro stated he would provide a copy of the letter to the Planning Board.

Maintenance Responsibilities shared with Town of Lloyd-Mr. Pitingaro stated the maintenance responsibilities have been memorialized in the Inter-municipal Agreement. Ms. Hilbert stated there should be some sort of note as to who is going to maintain the drainage pond and stormwater basin as well as how the funds would be collected for the Stormwater District. Mr. Moriello stated he hasn't drafted one yet, but normally they would have a Stormwater Management Agreement. Mr. Wilkin stated although the pond A-6C is in Plattekill it takes all the drainage from Town of Lloyd. Mr. Pitingaro stated he wanted to point out that it is a minimal amount of drainage from the cul-de-sac and hammerhead. Mr. Wilkin stated although the pond A-6C is in the Town of Plattekill it seems more like a Town of Lloyd maintenance issue. Mr. Moriello stated that he was told by Mr. Murphy, Town of Lloyd's Attorney, that the Town of Lloyd does not want a Drainage District, they don't want to take care of it, they want the developer to pay for everything. Ms. Hilbert stated Mr. Wilkin had some comments on the Inter-Municipal Agreement. Ms. Hilbert stated she had a comment concerning the Inter-Municipal Agreement on paragraph #3-"...whereas said subdivision will be served by two roads, open of which will be partly in the Town of Lloyd and partly in the Town of Plattekill..." Ms. Hilbert added that she didn't know if they meant two roads, one of which is in the Town of Lloyd and one of which is in Town of Plattekill, or it should be "one road, of which part is in Plattekill and part is in Lloyd." Mr. Pitingaro stated he would clarify that paragraph. Mr. Moriello stated they should send Mr. Wilkin's comments to Plattekill Town Attorney, Paul Keller for his review. Mr. Wilkin went over his comments regarding the Inter-Municipal Agreement (see file for his comments). Ms. Hilbert asked Mr. Wilkin to draft a memo and provide the changes and recommendations to the Inter-Municipal Agreement so that Mr. Keller can review it. Mr. Pitingaro stated he did not feel there was a problem incorporating the comments. Mr. Moriello asked if the roadway length waiver would be a problem with the Planning Board. Mr. Gorres stated it never has been a problem.

General Planning Issues to be Addressed-

Agricultural Soils-Mr. Pitingaro stated there is not much land that is being used for agricultural. Mr. Moriello stated the Plattekill code says there has to be a 100 foot buffer from adjacent lands.

Mining Buffering-Mr. Pitingaro stated that the mining is regulated by the D.E.C. itself and already has a setback requirement that they have to adhere to. There was discussion concerning providing screening around lot #4. Mr. Pitingaro stated that they can definitively add the screening.

Pesticides-Mr. Pitingaro stated they will talk to Mr. Clouser and put a plan together.

Impact on Community Services-They have provided statements from the Community Service Providers. Mr. Wilkin stated that there were responses from the Clintondale Fire House, the Highland School District and the Town Police Department. Mr. Pitingaro stated they could get a letter from the Highway Department, but the Highway Department have been involved the whole time, as evident by the Inter-Municipal Agreement.

Mr. Moriello stated they have to do the stormwater plan and report. Mr. Pitingaro stated they have done the report. Mr. Moriello stated they would supply the construction cost so that Mr. Shaw could review it for the Letter of Credit. There was discussion regarding completing Part II of the SEQRA before October.

The applicant will make the necessary revisions to the plan and continued their review before the Planning Board.

DISCUSSION

SEQRA Overview Highlighting the New EAF Forms

Ms. Hilbert asked the board who would like to attend. Mr. Hilbert indicated she would call and register those who were interested in attending the seminar.

Training and Attendance

Ms. Hilbert asked the board to review the training memo. Ms. Hilbert indicated the clerk compiled the attendance for the board, so each member has a copy of their attendance so far.

VOUCHER

Jason Shaw, Planning Board Attorney

Voucher-in the amount of \$1,885.55 to come out of the Fosler Road LLC account for legal services.

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

ADJOURNMENT

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

The meeting adjourned at 9:17 p.m.

Respectfully submitted by
Susan Bolde, Planning Board Clerk