

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

JANUARY 28, 2014

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, Nathaniel Baum,  
Darryl Matthews,

Absent: Richard Gorres, Kathie Beinkafner, Judith Mayle

Planning Board Engineer: David Clouser & Associates

***MINUTES***

January 14, 2014

**MOTION**: Mr. Baum made a motion to approve the minutes with typographical corrections with Mr. Matthews seconding the motion. All ayes on the vote

**OLD BUSINESS**

**Orchard Heights-Proposed 8 Lot Subdivision (Palazzo Lane) SBL#95.1-7-29.314**

Bill James, representative for the applicant was present, along with Attorney, Ken Stenger. Mr. James indicated that they combined what was lot #5 and #6 into one lot, which is now lot #5. Mr. James added that the lots across the street are now lots #6 and #7, opposed to #7 and #8. Mr. James stated they are down to seven lots. (see map dated January 7, 2014). Ms. Hilbert asked Mr. Stenger if he ever reached out to the Planning Board Attorney regarding the issue of the swale easement and the maintenance of the swale. Mr. Stenger stated he would contact the Planning Board Attorney to discuss the issue with him before they filed the map. Mr. James stated what he did was extend the swale past the septic system. There was discussion regarding the soil remediation plan. Mr. Wilkin asked Mr. James if he would be removing the dirt or capping it. Mr. James stated he would be capping the soil. Mr. Clouser stated that there has to be some notice to the property owner of the remediation. Mr. Stenger stated that would be included in the deed. Mr. James stated he can add the soil remediation as sheet #5 of the plan with a note. Mr. Wilkin asked if there was any water test results. Mr. James stated that was part of the Ulster County Health Department approval. Mr. Clouser asked Mr. James what the results of the water testing was. Mr. James stated the results were all fine. Mr. James stated he would e-mail the water test results to the Planning Department. There was discussion regarding whether comments were received from the Clintondale Fire Department. Mr. James stated he remembered a Planning Board member was going to talk to the Fire Department members. Ms. Hilbert stated she would

get in touch with Mr. Gorres. Mr. Clouser stated that Mr. James would have to send the SWPPP to the Ulster County Department of Public Works. The comment regarding Cross Access was discussed (a comment from the Ulster County Planning Board) which states “*While one interconnection is proposed for this subdivision, the Town should explore whether there are additional opportunities to create interconnections with other adjacent parcels. The existing farm road is one opportunity as it already links to the properties located immediately to the west of the subdivision.*” Mr. Wilkin stated personally, he did not see that as a feasible solution. Mr. Clouser stated the board would need a super majority vote to override the Ulster County Planning Board comment. Mr. Clouser stated he would need the breakdown on the quantities for the driveways, he has the cost, but he needs the breakdown. Mr. James stated that he has gotten two quotes from two separate contractors. Mr. Clouser asked Mr. James if he would send the quotes to him. There was a discussion regarding granting preliminary approval.

**MOTION:** Mr. Wilkin made a motion to ***grant preliminary approval*** with Mr. Baum seconding the motion. All ayes on the vote.

In summary:

- Ms. Hilbert will contact Planning Board member Richard Gorres regarding his discussion on this project with the Clintondale Fire Department
- Mr. James will forward a copy of the soil remediation to Mr. Clouser for his review
- Mr. James will forward a copy of the SWPPP to the Ulster County Department of Public Works
- Mr. James will forward a copy of the breakdown on the quantities for the driveways to Mr. Clouser
- Mr. James will e-mail a copy of the water test results to the Planning Department

*The applicant will be scheduled for the February 25, 2014 workshop meeting.*

**Walden Playboy Club-Orchard Drive (107.1-1-4.1, 107.1-1-4.2)**

Mr. Wilkin recused himself from the discussion. Mr. Joseph Hoell was present, along with the President and the Vice-President of the Walden Playboy Club. Ms. Hilbert stated it looked like the last time the Walden Playboy Club was before the Planning Board was May of 2011. Mr. Hoell stated that sounded about right. Mr. Hoell stated they have an agreement with the Town, and they superseded the sunset law that the Town put in effect. Ms. Hilbert asked Mr. Hoell if this agreement was something that had to be renewed annually. Mr. Hoell stated no, part of the stipulation was to get permission from the Planning Board to have overnight parking on the property for their racers. Mr. Hoell stated there was nothing in the code for overnight parking, so this turned into from what they have been doing for the past thirty years, to camping. Mr. Hoell stated so far, they have delineated the D.E.C. wetlands, they have permission from the D.E.C., and they have installed a water treatment system so there is potable drinking water for people. Mr. Hoell stated it is Board of Health approved and Engineer approved. Ms. Hilbert asked if the parking was part of the original agreement with the Town. Mr. Hoell stated there has always been overnight parking. The President of the Walden Playboy stated they are just looking for the Planning Board’s blessing to say that they have done what they were supposed to do. Mr. Hoell indicated they were talking about overnight parking with self-contained motor homes. Ms. Hilbert asked what Mr. Lytle (project manager) was working on for this application. The President of the Walden Playboy Club indicated they were under the assumption that Mr. Lytle

was working on a lot of things, and they would put in phone calls, and they did not hear from him, so they have moved along the best they possibly could move along without Mr. Lytle. Mr. Hoell stated the map is theirs; they hired Mr. DuBois to engineer the water system. Mr. Hoell stated they are just asking for permission to do what they have done in the past. The vice-Chairman of Walden Playboy Club indicated they have four overnight events a year. Ms. Hilbert asked if the events were a holiday weekend. Mr. Hoell stated no, that is part of the agreement. Mr. Matthew stated the only way to do this would be to read the agreement. Mr. Matthews indicated he had a copy of the agreement. The President of the Walden Playboy Club stated they were given a checklist of things that they had to comply with, noise mitigation, dust mitigation, some landscaping and the last thing was the overnight parking and the water for the overnight parking. Mr. Hoell stated they have potable drinking water, treated, they have D.E.C. sign off on all the wetlands that they can continue to operate as they were, and they do their dust mitigation, their sound mitigation, and they are here to see what else the Planning Board would like them to do. Ms. Hilbert asked Mr. Clouser if he had any comments. Mr. Clouser stated he has not seen this application in a long time, and he was just looking through the minutes which were back in 2011. Ms. Hilbert asked Mr. Hoell why the Walden Motorcycle Club had to go to the Zoning Board. Mr. Hoell stated they went to the Zoning Board to prove their existence prior to 1987 that was in the sunset law. Mr. Hoell stated this was supposed to be the last step. The President of the Walden Motorcycle Club indicated it is a long time from 2011 until now, but as a Planning Board, dealing with the Board of Health took a long time. Mr. Hoell stated their project manager didn't help any. Ms. Hilbert asked if a new letter of agent would need to be completed. Mr. Hoell stated he would be the one on the letter of agent. Ms. Hilbert asked if this property was in the agricultural district. Mr. Hoell stated they are bordered by Mr. Wilkin's property and Mr. Mehlon's property, both farms. Ms. Hilbert asked if Mr. Hoell has an easement for the driveway access. Mr. Hoell stated as far as they know they have always had an easement shared between them and Mehlon's property. The President of Walden Playboy Club indicated he felt that Mr. Mehlon did not own that driveway, but had an access across it from his piece of property. Mr. Matthews indicated Walden Playboy Club owns the property going out to the road. Mr. Hoell stated correct. Ms. Hilbert asked Mr. Hoell if he could get copies of the deeds to show the easement or right-of-way and how it was deeded. Mr. Hoell stated he would get a copy of the deed. Ms. Hilbert added that they would need a copy of that for their records. Mr. Hoell stated he did not know how he is going to change the maps, because Mr. Lytle is not working for them anymore. Ms. Hilbert stated that she felt that the Ulster County Board of Health was the major hurdle. Mr. Clouser stated that easement should be shown one way or another. Ms. Brooks, a member of the audience, asked the Planning Board members if Walden Playboy could produce a separate document attached to the plan as part of site plan approval would that be acceptable to the board? Ms. Hilbert stated she thought it would need to be noted on the map as well. Mr. Hoell commented that if it was on the deed, then it was already done. Ms. Hilbert stated she would reach out to the Supervisor and Town Board to see if they have any more comments. Ms. Hilbert added that Mr. Hoell should get a copy of the deed. Ms. Hilbert asked Mr. Clouser if he had any concerns. Mr. Clouser stated that the easement is important and needs to be reviewed. Ms. Hilbert stated if Supervisor Croce or the Town Board has any issues she will have them contact Mr. Hoell, so they can work through their issues.

*The applicant will obtain a copy of the deed for the Planning Board file.*

***NEW BUSINESS***

**Henry & Lauren Pauli-2 Lot Subdivision (Cliff Avenue)SBL#95.1-6-8.11**

Ms. Brooks was present to represent the applicant. Maps dated December 4, 2013 were reviewed by the Planning Board members. Ms. Brooks stated she has asked for a waiver on the topography, because improvements are existing. Mr. Wilkin stated there would be a recreation fee on the one lot. The Planning Board members reviewed Part II of the Short Form EAF with the following change: #1 “*Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?*” “yes” was changed to “no” Mr. Clouser stated that he was curious that Ms. Brooks did not get a “hit” on threatened and endangered species (see EAF mapper summary report in file).

**MOTION:** Mr. Wilkin made a motion that the Plattekill Planning Board take lead agency for this application with Mr. Matthews seconding the motion. All ayes on the vote.

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

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

Mr. Clouser asked Ms. Brooks how the sight distance was on Cliff Avenue. Ms. Brooks stated it is a straight road from end to end. Mr. Clouser asked if the town is taking dedications. Ms. Brooks stated right now it is a user highway and they did show the assumed highway bounds on the plan, as well as putting a note on the plan “*subject to any right, title or interest the public may have in and to that portion of Cliff Avenue used for highway purposes.*” Mr. Clouser asked Ms. Brooks if she would be willing to put something on the map that would state if ever this road would be taken that it would be agreeable. Mr. Clouser asked Ms. Brooks how steep the driveways were. Ms. Brooks indicated the driveways were pretty steep. There was an indication that the driveways were pre-existing. Mr. Clouser asked Ms. Brooks if she would have the fire department take a look at the driveways, if there was something on record, it would be better for the Planning Board to show that they looked at it.

*There was a determination to set this application up for a public hearing for February 11, 2014.*

***DISCUSSION***

**Huckleberry Bluestone Subdivision**

Ms. Hilbert stated they received a letter from the applicant (dated January 28, 2014) asking the Planning Board to reconsider closing the file. Ms. Hilbert asked the board members what they felt about keeping the application open, giving them an extension asking them to prove that something was in the works within three months, or just keep the file closed. Mr. Matthews stated the applicant had said he had been told the work was being done, and the work was not getting done, and all of a sudden to get a letter stating that his application would be closed, he could understand the applicant’s point. Mr. Wilkin stated, building on what Mr. Matthews said,

if he has hired someone new, he would say the board should write a letter that the board would give the applicant a certain amount of time, no more than sixty days to show something has been done, and if he is to contact Mr. Clouser, he should copy the board as well. Mr. Wilkin added that he would prefer that the submittals come in to the Planning Department first. Ms. Hilbert asked the board if they felt the escrow should be increased. Mr. Wilkin stated the escrow should be increased by at least \$3,000.00. Ms. Hilbert added that they could state that if the applicant wanted to continue his application he would need to fill out and sign a new letter of agent, to show something to the Planning Board within 60 days that they are working with the engineer. There was discussion that any Board of Health approvals would be void after five years.

**MOTION:** Mr. Wilkin made a motion to send a letter to the applicant with the following conditions:

- Complete and sign a new letter of agent for the new engineering group
- Show something within 60 days to the Planning Department that work was being done on the progression of the project, if the board does not receive anything within that timeframe, the file will remain closed
- Increase the escrow by \$3,000.00
- Any correspondence that is submitted to Mr. Clouser's office should be copied to the Planning Board

Mr. Matthews seconded the motion. All ayes on the vote.

### ***DRIVEWAYS***

Mr. Baum discussed his concern regarding having the developer burdened with the responsibility for construction of the driveways. Mr. Baum stated he is under the belief that it should fall on the final buyer to take responsibility for construction of the driveway, because the Planning Board should not plan on how they establish their property as long as the Planning Board sets a guideline as to what they need to have for grades. Mr. Baum stated that they could not issue a building permit until the purchaser of that lot pays for the driveway and puts it in appropriately. Mr. Wilkin stated there was a problem with Hunt Road, they had a lot of topographical issues and they started putting in driveways which were not right, and the Highway Superintendent will tell you that he doesn't review driveways, he just gives curb cuts, and the Building Inspector that he doesn't review driveways, his authority starts at the foundation wall. Mr. Clouser stated at the time the Building Department was giving out building permits at the time and was telling the buyers of the Hunt Road subdivision that they would not get a certificate of occupancy until the driveway is constructed correctly. Mr. Clouser stated that some houses were ready to sell, ready for a buyer, they really wanted to close on it, and they sat for three months until the driveways were constructed property. Mr. Wilkin stated if it is on the maps, there is the trigger that someone has to be responsible for constructing the driveway properly. Mr. Matthews stated a lot of people that he has talked to in different townships say they pretty much put it on the developer to make sure the driveways are constructed properly and they also put it on the map.

***VOUCHERS***

Voucher from David Clouser for engineering review in the amount of \$2054.85 which is the remaining amount of the particle payment to come out of the MML Homes escrow.

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

***ADJOURNMENT***

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

The meeting adjourned at 9:25 p.m.

Respectfully submitted by  
Susan Bolde, Planning Board Clerk