

**VILLAGE OF CASTLETON-ON-HUDSON
PUBLIC HEARING
PLANNING BOARD
October 19, 2011**

Present: Bryan Olmstead, Chair
Barbara Milano
Mark Wochinger
Ellen Allen
Tad Johnston

Absent: Diane Cooper

Also Present: Glenn Hebert, Building Inspector
Derek Gardner, Clarke Engineering
Steve Hart, Hart Engineering
Kirk Zelenke
Joe Zelenke

The meeting was called to order at 7:05 PM by Bryan Olmstead.

Public Hearing:

The Public Hearing tonight is to discuss a preliminary site plan approval at Scott Avenue, Castleton, NY. Steve Hart says this is a 10,000 square foot building lot area.

Water and sewer are connected. The DOT sent letter to Steve with their approval for his submitted plans. The grading drains to the rear of site. There is now a 40 foot buffer on other side of wetlands (previously 30 feet). There is a 20 foot side buffer and 10 foot wide tree buffer.

Glenn Hebert says he would like to see the buffer on the map, so there is no confusion down the road. He would also like to see on the map storm water swails between houses, between property lines for draining on both houses.

Steve replies he does have drainage swails on all three sides on the map.

Tad says we don't have on this contract and we need to have set back buildings to be the same and consistent with the Village. He says it is in the resolution.

Glenn Hebert replies that if the property owner meets all the requirements of the zoning set backs, you cannot take away his/her rights as a property owner. He suggests consulting with the Village Attorney, Craig Crist about this matter.

Mark and Barb agree that an issue should not be made about this. Bryan says he will address this matter with the attorney as Glenn suggests.

Mark asks about the sidewalk on the left side of the plans at the end and if it is in the right position? Steve replies that if it goes past the driveway, it is matched up. He says it might be 45 degrees.

Glenn asks if sidewalks are required? Residents are responsible to maintain sidewalks in front of their property. Above Campbell Avenue, there are no sidewalks on either side.

Mark says he feels sidewalks are important. Derrick Gardner says he sees no issues with this request.

Mr. Zelenke says sidewalks don't go anywhere. How would this look if only 2 houses are developed?

Bryan says that the property owner maintaining their sidewalks should be put in the final resolution. Tad says this should be added as a notation.

Glenn says that the final plat shall be stamped as approved and filed with the Rensselaer County Clerk's Office. Steve says he can have a final plan to us in 1 week.

Tad says on the survey swail, it is marked as survey. Steve explains there is an 8 inch pocket that goes nowhere and heads to the rear of site. The swail goes nowhere and says that Derrick Gardner had picked this up earlier and Steve corrected it.

Bryan asks Glenn when he goes to look at the property, does he take measurements? Glenn says definitely yes, he measures setbacks to make sure they are correct and in conformance with plans.

Tad asks Steve Hart if the deed got filed for archeological. Steve replies yes.

Glenn asks if the 12 foot was conveyed to the Village? Steve replies he is not sure if there is a resolution to accept. Glenn explains this does have to be conveyed in order for it to be accepted.

Barb makes motion to accept the preliminary site plat tonight and Tad seconds the motion.

Steve says he can make these changes and get a new set of plans to us in 1 week. He does not want to wait another month until the next meeting. He prefers the issue of house conformity not be brought up. The buyer should have flexibility if they want to push the house back. He would like to keep the language as it is to not further hold up this matter. Tad replies he wants to look into it. Glenn says to Steve he has to wait until next month's meeting.

Steve further questions what the final note is so as not to wait another month to hold things up. Tad replies that has not yet been determined.

Bryan says he will talk with the Village Attorney and formulate a letter and have Peg, the Village Clerk mail it certified to Steve Hart as to the answer on this topic. Then Steve can formulate his final plans stamped. In 2 weeks, Bryan will call a meeting to address the final plat.

Glenn says he will need the plan at least 3 to 5 days before the meeting to be able to review them. Steve says he can submit a copy to Glenn for review and if he has any recommendations, he can let him and Bryan know. Glenn said he will need to make 6 copies. Steve says he will provide 2 for now to Glenn and Bryan.

Tad says we are setting a precedent and that we should look at this subdivision as a 10 lot.

Glenn says his opinion is to meet on the next regularly scheduled meeting and then approve the final plat. Bryan thinks we wouldn't be able to get resolution approved in 2 weeks time. Steve says can we meet informally before the next meeting as he has a conflict and will be sending a representative from his company.

Steve asks Bryan if he is asking the Village Attorney to fix the location of the houses?

Steve says he needs to speak with Ms. Rapp if the outcome is he has to move all the houses back. Bryan says he intends to have the resolution written as like for the Seaman Ave subdivision.

Tad believes the front of the homes should be consistent in the Village to maintain the character of the Village.

Barb says she is almost positive there was no restriction as to where the houses can be built on the Seaman Ave subdivision.

Bryan again says he intends to keep the language in the resolution as like for the Seaman Ave subdivision and if counsel says this does not have to be put in, then the Board will not require it.

Glenn says this has to be put to a vote. Tad makes a motion to set consistent setbacks, contingent on advice from counsel.

Barb and Mark vote No. Bryan says he seconds the motion. Ellen votes yes to the motion.

Glenn asks the Board if they want to show the buffer across the entire plan? Bryan and Steve reply it is not an issue.

Tad brings up the issue of the question of Planning Board members being sworn in. Glenn replies he will have an answer for Bryan in the imminent future if Mark and Ellen are on the Planning Board. If not, they have to be sworn in.

Derreck Gardner says we are over escrow. He will send a letter to everyone about this to address.

Bryan asks Steve if he will need this before the final plat? Glenn says if we don't get the escrow, the final plat will not be stamped.

Tad asks if the application fee was transferred to escrow. Glenn replies yes, the money was reimbursed back to the applicant.

Tad and Bryan says that the attorney fee last time to prepare the resolution was \$2,500 and that it would be a similar fee this time.

Bryan makes a motion to close the Public Hearing and Barb seconds the motion. Public Hearing is closed at 8:00 PM.

New Business:

Glenn relays he was at a meeting last week and there was a discussion of a \$75,000, 2 year bond and a 1 year maintenance bond for \$75,000. Neither bond was put up. A Mr. VanFleck built 2 homes and sold the properties. The Zelenke's now own this development. Glenn says he discovered there is \$5,000 still in escrow and that sidewalks and granite curbs are the issues. Glenn is asking the Planning Board to remove the sidewalks from the property as the plans do not show a continual sidewalk. The Zelenke's are looking to have the Planning Board amend the resolution so that sidewalks and curbs are not there.

Glenn does not know if Mr. VanFleck conveyed the 15 foot to the Village.

Bryan believes this is a question for the Village Attorney.

Joe Zelenke said he bought lots from Mr. VanFleck who said to him then that they didn't have to be put in. He says they are now in a tough spot as they didn't figure this into their cost factor.

Tad says this is a legal issue. The Board needs to know where the Village stands on this position. He doesn't know if this falls back on KSR Holding.

Joe Zelenke says the survey says proposed easement and not conveyed.

Glenn says if the money is not in for escrow, the final plans should not be stamped in. If it is not conveyed to the Village, we cannot go on private property and put sidewalks on it.

Bryan says he will inquire with the Craig Crist, the Village Attorney about the 8 lot subdivision on the bond issue and sidewalk conveyance.

Glenn says he only has a preliminary plat hung in his office. Derrick Gardner says he will check to see if he has a final stamped set of plans on the Seaman Ave subdivision.

Bryan says he will check with Mariann Carner as she was the Board Chair then.

Glenn hands out a list of houses in the Village to be condemned and demolished. There are 4 buildings on Main Street that are damaged and beyond repair. The houses are 49 S. Main St.; 78 S. Main St.; 82 S. Main St.; and 15-17 S. Main St. where no letter of danger has gone out on this property.

These houses are included in Clarke Engineering's report. The homeowners are taking them down and paying all expenses associated with that.

New Business:

Tad distributes to the Board a letter he sent to the Zoning Board of Appeals (ZBA) regarding Dave's Garage which he was under the impression is not subject to site plan review. Tad had a conversation with Glenn who said the property was subject to site plan when the property changes hands.

Tad says the ZBA should do an interpretation of the code and that is why he sent them a letter.

Mark disagrees and says that any communication should come from the Board chair and not Tad.

Tad says that he realized that after it was sent and apologizes for this. To his knowledge, the ZBA took no action on this letter at their Monday meeting.

Tad makes a motion to send letter for an interpretation from the ZBA on this issue whether the existing use requires a site plan review and Bryan seconds the motion. All Board members are in favor.

Old Business:

Bryan makes a motion to accept the September minutes and Barb second the motion.

Mark suggests Bryan ask Peg for copy of certified letters she mailed to the public for the hearing tonight as opposed to finding out from someone else.

Bryan makes a motion to adjourn the meeting and Tad seconds the motion. The meeting was adjourned at 8:50 PM.

The next scheduled meeting is **November 2, 2011 at 7 P.M.**

Respectfully submitted,

Helen Barrington, Recording Secretary