LUMBERLAND PLANNING BOARD
1054 Proctor Road
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Jess Gluckler, Chairman
Richard Plunz, Vice Chairman
Pamela Bucksbee, Secretary
Martin S. Miller, Attorney
Timothy E. Gottlieb, Engineer
Susan Wade, Clerk

Greg Bodnaruik, Member
Ed Gavalla, Member
Karel Konrad, Member
Susan B. Morley, Member
Caroline Akt, Alternate
Martha Tully, Alternate

MEETING MINUTES

509th meeting **APRIL 3, 2012**

OPENING: Jess Gluckler, Chairman, called the meeting to order at 7:30 PM with the Pledge of Allegiance.

ROLL CALL: Present were: Greg Bodnaruik, Pamela Bucksbee, Ed Gavalla, Jess Gluckler, Sue Morley, Richard Plunz, Caroline Akt, Martha Tully, Tim Gottlieb, Marty Miller, Susan Wade.

OTHERS PRESENT: Hall Smyth, James Bates, Muareen Petersen, Alex Grech, Terresa Bakner, Steve Dubrovsky, Mike Watkins, Nadia Rajsz, Daniel Sturm, Andy Boyar, Dave Sparling

REVIEW/ACCEPTANCE OF MARCH 6 MEETING MINUTES: The minutes were accepted as presented.

CORRESPONDENCE: none

CONTINUING BUSINESS:
#343--Glenview Subdivision. The project still awaits additional engineering; thus, no new information was presented.

#345--Hall Smyth-Bloom Road Subdivision.
The regular meeting was recessed and the Public Hearing was reopened by unanimous vote of the members present. At the workshop meeting held on March 22 it had been determined that the project was in compliance with all technical matters. The project was in compliance with all administrative matters as a result of proceedings at the March 6 public hearing. There were no comments from the public.

The Public Hearing was closed and the regular meeting was reopened by unanimous vote of the members present.

Sue made a motion, seconded by Greg, that the Board be designated Lead Agency; unanimously adopted. The Board reviewed the SEQR form; a motion was made by Ed, seconded by Greg, to accept negative declaration for SEQR, and unanimously adopted. A motion was made by Rich, seconded by Ed, to approve the subdivision as presented, and unanimously approved. The plans and mylars were then stamped.

#344--Petersen Subdivision.
The regular meeting was recessed and the Public Hearing was opened by unanimous vote of the members present. At the workshop meeting held on March 22 it had been determined that the project was in compliance with all technical matters.

- ✓ It was noted that the application is on file.
- ✓ The application fees and escrow funds have been paid.
- ✓ The certified mail receipts were surrendered for the file.
- ✓ The affidavit of publication of the meeting notice in the River Reporter was surrendered for the file.
- ✓ The Environmental Statement (SEQR) had previously been presented as part of the application.

There were no comments from the public.

The §239 review letter from the County had not yet been received.

The Public Hearing was closed and the regular meeting was reopened by unanimous vote of the members present.

Sue made a motion, seconded by Greg, that the Board be designated Lead Agency; unanimously adopted. The Board reviewed the SEQR form; a motion was made by Ed, seconded by Greg, to adopt negative declaration for SEQR, and unanimously approved. A motion was made by Sue, seconded by Pam, to conditionally approve the subdivision as presented, subject to the receipt of the §239 review letter from the County with no negative findings; unanimously adopted.

NOTE: The §239 review letter was received on April 4 by fax, and the plans and mylars were stamped that day.

#346--Chapin Estates. Terresa Bakner, Attorney for Chapin Estates, and Steve Dubrovsky, Project Manager, represented the project.

- ✓ Dan Sturm and Andy Boyar, supervisors of the towns of Bethel and Highland, respectively, addressed the Board about the benefits that had/would accrue to the area taxpayers as a result of increased property taxes and school taxes. Mr. Sturm stated that the build-out in Bethel has resulted in no strain on services, and that Chapin has developed the project "correctly". The members had no questions for these gentlemen.
- ✓ Ms. Bakner reviewed the documents that had been distributed to date to the members.
- ✓ Tim stated that he and Glen Smith, the project engineer, had been at the site the previous day. It was observed that the plans include rain gardens next to the homes and swales at the roadsides, so no retention basins would be needed.
- ✓ Martha asked about the effect on the transportation/traffic study if there was 100% build-out. Ms. Bakner stated that the study assumed a worst-case scenario (total build-out). Martha noted that the study was based on 3-bedroom houses. Ms. Bakner averred that if all were assumed to be 5-bedrooms, the results of the study would not change considerably, and that if one were to arbitrarily double the numbers, the effect is that there is still no impact.
- ✓ Sue mentioned the Board's concern about the recent fire that resulted in the total loss of a house in the existing Chapin community, and that inaccessibility of water had been cited as a significant factor in the loss. Mr. Dubrovsky stated that construction will be completed in a few weeks on a 1 to 1-1/2 acre pond, 10-12 feet in depth (about 3 million gallons capacity) that will

contain a standpipe/pumping station, located within ¼ mile of the proposed subdivision. This pond will provide water for firefighting. Richard stated that the pond should be included as a part of the application; Ms. Bakner stated that there will be a letter in the file noting it. It was noted that the pond is in the location desired by the fire department that will serve the new subdivision and that a letter from the fire department addressing its adequacy will be obtained upon its completion. Ms. Bakner stated that there is no liability to the Town of Lumberland resulting from the pond's existence or lack thereof. Marty commented that the issue is not that of liability, but of health, safety and welfare. Jess inquired as to why the reservoir cannot be accessed for fire-fighting purposes; the elevation prevents access.

- ✓ Martha brought up the concern about additional access to the site. Ms. Bakner stated that Lumberland will never have to provide road service to the subdivision, and that the homeowners' agreement requires road access to be maintained. Ms. Bakner stated that all avenues to obtain approval for additional access have been exhausted and are cost prohibitive. It was noted that the Town does not require more than one means of access to a property. There was discussion about whether the road into the site constitutes a private road or a cul de sac. Tim stated that a private drive can have a cul de sac at the end, and that the road plans comply with regulation 4.3.5. Martha commented that Mr. Smith's letter addressing road issues does not state why they are seeking a waiver.
- ✓ It was determined that the GML request to the County will be handled by Tim. He stated that he needs a full set of plans in order to proceed. Ms. Bakner will give Tim a complete set of all needed documents, including the soil sample and perk test results which are to be added to the plans.
- ✓ Richard asked whether the applicant intended that this project would be grandfathered under the old EIS. Marty stated that the prior information was presented as background. Ms. Bakner stated that the applicant will be seeking a negative declaration. A few members of the Board stated their preference to see an updated EIS. Marty commented that his preliminary assessment is that a Long Form with attachments should suffice in lieu of an EIS. Mr. Bates (environmental consultant for the applicant) stated that the Long Form can address the specific concerns that have been raised. Richard asked whether there are issues of segmentation; Marty answered in the negative.
- ✓ Mr. Dubrovsky reviewed the land-lock access situation for the site: the north side abuts the town of Bethel; to the east is the reservoir; to the south is utility property that is DEC-regulated and to which access will not be granted; and to the west is a 1500 acre conservation easement owned by Gibson McKean and regulated by the state.
- ✓ Ms. Bakner reviewed the night's discussion items:
    - the waiver request doesn't establish hardship;
    - traffic count is based on 3-bedroom dwellings;
    - plans need to include perk test results;
    - alternative access;
    - pond—letter needed from fire districts upon completion;
    - 10% open space—project has met the spirit of the law;
    - private roadway and cul de sacs – asked and answered.

The Board stated that it would not schedule a workshop meeting during the month of April, and that the situation would be reassessed at the regularly scheduled meeting on May 1.

OTHER:

John Burrow - Hollow Road lot improvement. Mr. Burrow presented his plans for a lot line change, which was approved at the March 6 meeting, for stamping. This was done on March 30.

A review of the files disclosed that all requirements for the special use permit for **Davies—Inn the Glen** had been satisfied, but that the plans had never been stamped. This was done on March 30.

Greg Bodnaruik attended the **Multi-Municpal Road Use workshop** on March 9.

The following members attended the **River Management Plan workshop** sponsored by the National Park Service (NPS) and Upper Delaware Council (UDC) on March 24: Caroline Akt, Greg Bodnaruik, Ed Gavalla, Martha Tully.

The following members attended the County-sponsored **workshop on SEQR** on March 29: Greg Bodnaruik, Ed Gavalla, Sue Morley, Martha Tully.

The following members attended the County-sponsored **workshop on agricultural issues** on March 29: Sue Morley, Martha Tully.

The fee for the Kestler/Kearney lot improvement has been received.

ADJOURN: 10:10 PM

Respectfully submitted,

Pamela Bucksbee

Pamela Bucksbee, Secretary