

PLANNING BOARD

JUNE 14, 2012

**DEFINITIONS**

**PUBLIC HEARINGS**

Application SP-225 SBA Towers IV, LLC would like to erect a cell tower on Walnut Street LLC in Arkville. Tax map # 285-2-48.111.

Application SP-226 Robert & Jutta Greenberg would like to operate a yoga studio on 129 Cross Road in Margaretville. Tax map # 284-2-32.

Application 12-2 Robert & Brian Sweeney would like to do a 2 lot subdivision on Morse Hill Road and Route 28 in Arkville. Tax map # 285-2-34.

**AGENDA**

1. Approve/amend minutes from the May 10, 2012 meeting.
2. Action on application SP-225 SBA Towers IV, LLC.
3. Action on application SP-226 Robert & Jutta Greenberg.
4. Action on application 12-2 Robert & Brian Sweeney.
5. Application SPR-48 Arthur DeBari & Charlene Roberts would like to open a video store on the basement level and a café and deli on the 1<sup>st</sup> floor at 42287 State Highway 28 in Margaretville. Tax map # 306.8-1-60.
6. Application BLA-246 Gary T & Toni A Smith would like adjust their lot lines on Searles Road in Margaretville. Tax map #'s 285-1-11.51 & 285-1-11.52.
7. Anything else to come before the meeting.

The Town of Middletown Planning Board held their regular monthly meeting on Thursday, June 14, 2012 at 5:30 p.m. in the Town Hall, 42339 State Highway 28, Margaretville.

Board Members present:

Chairman-----John Sanford

Other members-----Barbara Puglisi, Katherine Somelofski, Sue Finch and Glenna Herz

Others present: Charles Kowalski (alternate), E. VanBenschoten, Donald Ross, Rob Greenberg, Jutta Greenberg, Charlene Roberts, Arthur Debari, Ciro Schementi, Barbara Schementi, Victor Fairbairn, Cheryl Roberts, Marge Miller, Robert Sweeney, Albert Veraesca, Fred Morse, Rob Allison, Herb Finch, Kent Manuel (Del Co Planning) and Beth Bush.

Chairman Sanford called the definition discussion to order at 5:30 p.m.

The board continued with the definition discussion.

Bulk Storage – remove “above ground”.

Business/Professional Offices – add “including but not limited to” before the list of offices.

Campground – add “commercially” after “intended to be used”.

Car Wash – replace “automobiles” with “motor vehicles”.

Cell Tower – delete definition and replace with “ See Personnel Wireless Telecommunication” .

Cemetery – add “above or below ground”.

Craft/Antique Market – add “and/or”.

Cultural Recreation – change to “Recreation, cultural” – and add “, cultural” after “social”.

Educational Institution – remove “full time day”.

Family – remove all of the definition except “One or more individuals occupying a dwelling unit”.

Flag Lot – check zoning on with of the strip of land.

Flood Plain – replace with Regulatory 100 year Flood plain and Flood Way.

Forest Management – add “agricultural purposes”.

Grade Plane – check with building code definition.

Hotel – remove “consisting of ten (10) or more guest rooms” change to “accommodating ten (10) or more guests”

Household pets – Kent will check on the last sentence.

Junk – remove “appliances being deposited” to “unused appliances”, remove “inhabitable” and replace with “habitable”.

Junkyard – Kent will reword last sentence.

The board will continue with Kennel, Thursday, July 12, 2012 at 5:30 p.m.

Chairman Sanford called the public hearings to order at 6:30 p.m.

Application SP-225 SBA Towers would like to install a telecommunications cell tower on Walnut Street LLC on County Highway 38 in Arkville. Mr. Don Ross from Phillips Lytle, LLP representing the applicant explained the proposed cell tower. As to the height of the tower, there was some confusion at the last meeting, the tower will be 180’ high with a 4’ lightening rod. Verizon will be at the top and there will be space for 4 other carriers. Mr. Ross provided a large more detailed coverage area maps. **Barbara Schementi** - asked where the access will be, Mr. Ross explained that the access for this tower will be a 3000’ gravel road off 191 Elliott Hills Road due to the steepness of the entrance on County Highway 38. Barbara Shementi – wanted to know if the company would maintain the spur road and plow it in the winter? Mr. Ross explained that they would be plowing the access road only. Mr. Ross also explained that there will be a 14’ locked double gate of which the company will have 24 hour access to. Charles Kowalski asked if the property owner could be notified before construction started? Mr. Ross said yes they would be notified. It was asked how soon construction would start? Mr. Ross said 6-7 weeks. There was discussion regarding the road amongst the audience but the board could not hear the discussion it so it was unable to be recorded.

Application SP-226 Robert Greenberg would like to open a yoga studio in a proposed 1200 square foot building, approximately 15 students maximum per class. The bathroom will be tied to the well and

septic for the house. Barbara Puglisi asked how many classes per week? Mr. Greenberg said probably 3 per week. **Fred Morse** – has no objection and said he is right next door and didn't even know he had studio there.

Application 12-2 Robert & Brian Sweeney would like to do a 2 lot minor subdivision. Lot one is proposed to be 45+- acres and lot two is proposed to be 16+- acres using the stream for the boundary line. **Albert Veraesca** – wanted clarification on where the property was and if any houses would be built.

Chairman Sanford closed the public hearings and opened the regular meeting to order.

Sue Finch asked to have the deleted sentence added into the minutes and then made a motion to approve the minutes of the May meeting. Glenna Herz seconded motion. Motion carried.

Action on application SP-225 SBA Towers, LLC. Katherine Somelofski asked by there is a 4' radius? Mr. Ross said it was to relay with the Highmount tower. Katherine Somelofski asked if a taller tower provide better service? Mr. Ross said yes but once you get to a certain height you have to deal with additional FAA regulations and it would cost additional money. If the tower were higher could you get into our valleys and maybe not need an additional tower to cover some areas? Kent Manuel said that it may not always help due to our very steep valleys. Katherine Somelofski asked how tall the trees are in that area? Rob Allison thought they were 40' - 50' tall. Sue Finch said her husband thinks they are 100' or more. Rob Allison said there is a lot of new growth in that area so they are not that tall. Katherine Somelofski said that in there was a sentence that ended in the middle of number 9 in the application package. Katherine Somelofski asked if the fences would be locked? If so, will a key be given to emergency services? Don Ross said yes they will be provided a key. A long form EAF was completed by the applicant and reviewed by Planning Board. There were no impacts found upon review. Barbara Puglisi made a motion for a negative declaration. Sue Finch seconded motion. Motion carried. This application received County 239 approval. The county planning board raised a question about putting a light on top. Barbara Puglisi made a motion to approve this application with the condition that if any damage is done to the extension road during construction it will have to be repaired to reconstruction condition. Sue Finch seconded motion. Motion carried.

Action on application SP-226 Robert Greenberg. A short form EAF was completed for the application. Barbara Puglisi made a motion for a negative declaration. Katherine Somelofski seconded motion. Motion carried. Katherine Somelofski made a motion to approve this application as presented. Barbara Puglisi seconded motion. Motion carried.

Action on application 12-2 Robert & Brian Sweeney. A short form EAF was completed for the application. Sue Finch made a motion for a negative declaration. Glenna Herz seconded motion. Motion carried. This application was issued a denial by the Del Co Planning Board for soils tests. Sue Finch made a motion to override the county. Glenna Herz seconded motion . Motion carried. Katherine Somelofski made a motion to approve this application as presented. Sue Finch seconded motion. Motion carried.

Preliminary discussion on application SPR-48 Arthur Debari would like to open a café on the street level of their building on Route 28 in Margaretville and have the video store on the bottom floor. The board reviewed the parking and the plan shows 10 spaces. The board asked for a better parking plan for next month. Sue Finch made a motion to send for 239 review and table the application. Barbara Puglisi seconded motion. Motion carried.

Application BLA-246 Gary and Toni Smith would like to convey 3.26 acres from parcel a to parcel b to straighten out the property line. Katherine Somelofski made a motion to approve this application as presented. Kate VanBenschoten seconded motion. Motion carried.

DEP buyout parcel – Walnut Street LLC on County Hwy 38 would like to sell the parcel remaining from the cell tower lot. The board had standard comments on this buyout parcel.

Parcel on Little Redkill Road in Fleischmanns the board had standard comments.

There was a lead agency request from Del Co Emergency Services for their new 911 system. Sue Finch made a motion to decline lead agency. Barbara Puglisi seconded motion. Motion carried.

Sue Finch made a motion to adjourn the meeting at 8:15 pm. Barbara Puglisi seconded motion. Motion carried.