

A Public Hearing regarding proposed Local Law #4 Amending Chapter 140-49-A, Article IX of the Code of the Town of Rochester re: Site Plan Procedures was held on August 4, 2005 at 7:00pm.

PRESENT:

Supervisor Duke	Councilman Gray	Councilman Hornbeck
Councilman Ryan	Councilman Santosky	Town Clerk Sommer
Attorney Christiana		

Councilman Hornbeck led the Pledge of Allegiance to the Flag.

Supervisor Duke opened the public hearing and shared the non-binding comments received from the Ulster County Planning Board. (Filed with the Town Clerk).

Michael Baden presented his draft version of the proposed local law and his recommendation to combine Section A and B of this Code. (Filed with the Town Clerk).

No further comments.

A Motion was made by Councilman Hornbeck to close the public hearing at 7:10pm.

Seconded by: Councilman Santosky

Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC

The Town Board Meeting was held immediately following the public hearing that began at 7:00pm.

PRESENT:

Supervisor Duke	Councilman Gray	Councilman Hornbeck
Councilman Ryan	Councilman Santosky	Town Clerk Sommer
Attorney Christiana		

OPEN TO THE PUBLIC:

Kandy Santosky suggested that the reports from the various committees not be read and discussed since it takes up so much time at the Board meeting.

She also suggested that speakers not be scheduled after a public hearing for the same reason.

Kim Massie of Marbletown reiterated his concern regarding mufflers at the speedway.

Councilman Hornbeck suggested the speedway run the cars one week without mufflers and then see if that would make the noise more desirable when mufflers are used.

Shane Ricks was told that a list of all committees in progress are listed on the WEB site. It was suggested to Shane to FOIL the Town Clerk for minutes of meeting where committees and committee members were approved.

David O'Halloran asked if the Town Board appoints all committee members, he was told yes.

Carl Chipman asked about the ECC.

Michael Baden asked why the Planning Board & ZBA minutes have not been on the WEB for several months. He also requested that the Board table the resolution for Site Plan check list until they had time to review what he presented to the Board.

PRESENTATIONS:

Rick Fritschler, Chairman of the Ulster County Environmental Management and Water Quality Management Agency discussed with the Board the Phase II-Municipal Separate Storm Water System (M4S).

It was shared that several members of the Town from the Planning/Zoning Committee and the Environmental Commission met with Rick and Dave, from Ulster County Environmental Management regarding helping the Town perform an NRI (Natural Resource Inventory).

Open Space Institute:

Bob Anderberg, VP and General Council of OSI presented an overview of the mission and purpose of the Institute. He also discussed some of the negotiations regarding the Davis Farm.

MINUTES OF MEETINGS

A Motion was made by Councilman Gray to approve the following minutes as submitted:

- July 7, 2005 Public Hearing LL#3-amending Chapter 140 Article IX
- July 7, 2005 Town Board Meeting
- July 27, 2005 Audit/Workshop Meeting

Seconded by: Councilman Ryan Unanimously approved

SUPERVISOR'S REPORT: Filed with the Town Clerk.

Correspondence Received:

Letter copied to Walter Andrews, EPA from Steven Owens dated 7/14/05 responding to allegations of unauthorized discharge of fill into wetlands.

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- Letter from Jessica Sweeney dated 7/14/05 thanking the Board for financial support for a student trip.
- Letter from Max Finestone, Democratic Committee Chair dated 7/19/05 requesting that the link to the Democratic WEB site to the Town WEB site be removed until such policies are in place to do so.
- Letter from James Hoover, President of the Stone Ridge Library Board dated 7/24/05 requesting ways the Library can better serve residents of the Town of Rochester.
- Letter from Raymond Bajada dated 7/25/05 regarding a mud hole created by the moving of a culvert pipe which runs under his driveway.
- Letter from Jonathan Blair dated 7/7/05 regarding the swimming hole on Towpath Road.
- Letter from Senator Bonacic dated 7/28/05 acknowledging acceptance of a copy of the Town's Casino Resolution.

Supervisor's Update:

Supervisor Duke reviewed the highlights of the Audit/Workshop Meeting.

Legal Matters: No report

Liaison Reports:

Councilman Hornbeck shared the highlights of the last Planning Board meeting and the Fire Department meeting. Councilman Gray shared highlights of the ZBA, Historic Preservation Commission meetings and highlighted the 53 property transfers recorded during April/May & June of 2005 in the Assessor's office. He also reported that the first revaluation was held with 30 people in attendance.

Transfer Station: No report.

Highway: No report.

Committee Reports/Board Member Reports:

Councilman Gray to meet with RUPCO on 8/8/05 to begin planning work on an application for a Main Street Grant. He also reported on REAP (The Rural Economic Area Partnership) that created a zone for funding for senior citizen homes, planning, etc. in the Town of Wawarsing and Sullivan County. Mr. Gray wants to see if our Town can take advantage of these opportunities.

Ethics Board:

It was decided that the Ethics Board members meet with the Town Board at the Audit/Workshop meeting on 8/24/05 to discuss recent amendments to the Ethics law.

Planning/Zoning Committee:

Supervisor Duke and Councilman Gray reported that the committee met and discussed the following proposals:

Minor subdivisions

Overlay district for Route 209.

Architectural and design review.

Rural Character Sub-Committee

The subcommittee, after discussion adopted the following working definition of rural character by Ann Morris and David Curtis:

In the physical sense, "rural character" means a landscape dominated by open spaces, farmland and natural woodlands still capable of sustaining native wildlife, with the population tending to cluster around small town centers and hamlets. Family farming and related businesses still account for a sizable proportion of the rural economy, and businesses are locally owned and home grown. Homes and business structures, even when new or renovated, still respect the historic heritage of the region.

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In the spiritual sense "rural character" also has to do with the values inherent in a rural way of life. These include individuality, self-sufficiency, simplicity, tolerance, neighborliness, privacy, and a sense of community based on shared values - the most important of which is a connection with the land, its natural beauty and its bounty.

Economic Development Sub-Committee - no July meeting.

Inventory Committee - Visit with Rick Fritschler re: NRI.

Telecommunications Committee:

Councilman Gray gave an update on the TW Cable, Webjogger's, Nextel and Cinular.

Cost of Community Services Study Report - second draft review completed - updates underway. After review by our consultant volunteer from Chazen's, the document will be finalized. The expected completion date is the last week of August, 2005.

Property Tax Committee: The first meeting was 8/1/05 with 9 members attending. Their charge was discussed, written suggestions to be detailed and the Town Board will consider and implement them.

Business Development Committee: No July meeting

RESOLUTIONS:

Local Law #3-2005

Site Plan Checklist

A Motion was made by Councilman Gray that the Town Board table the resolution until further discussion on the document Michael Baden presented tonight.

Seconded by: Supervisor Duke

Motion not carried 3-2
Gray - Duke - nay

Resolution #124-2005

A Motion was made by Councilman Santosky, seconded by Councilman Ryan that the Town Board adopt Local Law #3 -2005, a Local Law amending Chapter 140-149A, article IX of the Code of the Town of Rochester regarding regarding Site Plan Procedure.

The Code of the Town of Rochester Section 140-49(A) shall be amended as follows:

A. The Planning Board shall consider the public health, safety and general welfare, the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular and shall consider all applicable requirements of this chapter. The Planning Board in its discretion may require the following of applicants:

1. Name and address of applicant.
2. Name and address of owner.
3. Name and location of project.
4. Tax Map Data (Section-Block-Lot).
5. Total area of the project site (acres).
6. Location map drawn at a scale of one inch equals not more than 2000 feet, showing the relationship of the proposed site plan to the adjacent properties and to the general surrounding area including.
7. Adjoining parcels of land together with names of the record owners.
8. Highways or other major improvements.
9. Boundaries and designations of zoning districts affecting the site.
10. Date of plan preparation and/or date of plan revision.
11. Scale of Plan and placement of North Arrow.
12. If the application involves physical disturbance to the site, construction of additional buildings, or alterations of site drainage, all site plans must be signed and sealed by a NYS licensed Engineer and/or Architect, unless otherwise specified by the Planning Board.

13. A space shall be provided for the appropriate approvals.
14. Applicable note pertaining to the owner's review and concurrence with the Plan, together with the owner's signature.
15. Submission of a Survey signed and sealed by a NYS licensed land surveyor, unless otherwise specified by the Planning Board.
16. If a survey exists, indicate any reference to the Survey and topographic data used in the preparation of the Plan (ie: file map date, file map number).
17. Zoning table showing what is required in a particular zoning district and what the applicant is proposing.
18. Illustration of zoning district boundaries.
19. The applicant shall provide the following information regarding utilities on and within 200 feet of the tract: location of septic tanks and leaching fields, direction of flow and size of sanitary sewers, storm sewers, culverts, water mains, and gas lines, location of fire hydrants, utility poles and street lighting.
20. The location, size and use of all existing and proposed building and structures.
21. If physical disturbance is proposed or if drainage features are altered, existing topography and proposed grade elevations at a contour interval of 2 feet shall be provided, unless otherwise specified by the Planning Board. The applicant shall provide the source of the contour data.
22. Soil types using data available from the Ulster County Soil Conservation Service.
23. The location, size and purpose of all existing easements, reservations and areas to be dedicated.
24. Existing lot lines with accurate metes and bounds.
25. Minimum building setback lines.
26. Proposed limits of disturbance and clearing shall be illustrated on the Plan. The total area of disturbance is to be indicated on the plan.
27. General site conditions, including but not limited to, orchards, landscaping, wooded areas, and other conditions that may impact the site.
28. Flood elevations and boundaries of on-site floodplains and floodways.
29. Existing lakes, ponds, streams (include stream classification), watercourses, wetlands, vernal pools, wetland buffers and wet areas.
30. Existing and proposed drainage ways and all drainage structures in and near the site and those which may be impacted shall be illustrated on the Plan.
31. Terrain with slopes that fall within 15% to 20% and slopes in excess of 20% shall be illustrated on the Plan.
32. The location of all existing and proposed site improvements, including pavements, walks, curbing, drains, culverts, retaining walls, fencing, parks, open space and recreation facilities, stonewalls and other stone structures.
33. The size and location of all existing and proposed off-street parking stalls shall be illustrated on the Plan, including loading areas and handicap stalls and signage.
34. Traffic circulation patterns shall be illustrated on the Plan using arrows.
35. Proposed road/driveway profiles existing and proposed grades, centerline grades, vertical curves, utilities, drainage structures, and other improvements, unless otherwise specified by the Planning Board.

36. Illustration and description of the method of sewage disposal and location of such facilities.
37. Proposed water supply, either individual well designs or connection with an existing water supply system to provide water for domestic consumption and fire protection.
38. Architectural elevations and floor plans shall be submitted for review, unless otherwise specified by the Planning Board.
39. The location, height, design and size of all temporary and permanent signs.
40. Identification of proposed landscaping and buffer screening areas, including a landscape plan, and species and quantities of proposed vegetation.
41. The location, direction, power and design of lighting.
42. The location and character of all power distribution and transmission lines.

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43. The location and description of all subsurface site improvements and facilities.
44. A grading plan showing before and after contours. The plan should also show the extent and amount of cut and fill for all disturbed areas, including before and after profiles of typical development areas, parking lots and roads and the disposition of any cut and fill in excess of 750 cubic yards, unless otherwise specified by the Planning Board.
45. If the proposed action is a non-residential use and will disturb one acre or more, a Full Stormwater Pollution Prevention Plan (SWPPP) will be required. The SWPPP shall be in conformance with the "New York State Stormwater Design Manual" standards and proposed water quantitative and qualitative measures in accordance with the above noted Manual. An Erosion and Sediment Control Plan should be provided as part of the SWPPP and should include temporary and permanent methods of stabilization. If the proposed action involves a residential use and the amount of disturbance is between one and five acres, an Erosion and Sediment Control Plan will be required. All erosion and sediment control measures should be in conformance with the "New York Guidelines for Urban Erosion and Sediment Control". The Applicant will be required to submit a Notice of Intent (NOI) to the NYSDEC and the Town prior to commencement of construction.

This Local Law shall take effect immediately upon filing with the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Motion carried 3-2
Gray - Duke nay

Alternative Veterans Exemption

Resolution #125-2005

A Resolution was made by Councilman Ryan that the Town Board schedule a public hearing to be held on September 1, 2005 at 7:00pm at the Town Hall regarding proposed local law #4-2005 adding a new Article IV to Chapter 128 of the Code of Rochester (taxation) increasing the maximum veteran's exemption and providing an exemption for Gold Star Parents pursuant to section 458-A of the Real Property Tax Law; and it is further resolved that the Town Clerk is hereby authorized and directed to cause public notice of said hearing. The Town Board Meeting to immediately follow.

Seconded by: Councilman Gray

Unanimously approved

Electric Upgrade for Town Hall

Resolution #126-2005

A Resolution was made by Councilman Hornbeck that the Town Board award the upgrade of electric to Don Wright for \$4,125.00. To be taken from the Building line. Mr. Wright to be notified for a completion date.

Seconded by: Councilman Ryan

Unanimously approved

Highway Fund Transfer

Resolution #127-2005

A Resolution was made by Councilman Hornbeck that the Town Board transfer \$99,330.37 from line DA3501, State Aid/Chips (FEMA monies) to DA 5110.4, General Repairs.

Seconded by: Councilman Gray

Unanimously approved

Resolution #128-2005

A Resolution was made by Councilman Hornbeck that the Town Board transfer \$12,502.10 from line DA 51104.03, General Repairs, to DA 51304.03, Machinery.

Seconded by: Councilman Gray Unanimously approved

Resolution #129-2005

A Resolution was made by Councilman Ryan that the Town Board approve \$4395.00 for a plow blade for the newly purchased Town truck. To be taken out of the Contingency line.

Seconded by: Councilman Santosky Unanimously approved

OLD BUSINESS:**WEB Site update**

Supervisor Duke said we have moved forward on the suggestions made regarding developing policies for handling the website. Paul Champanier, a resident volunteered to draft a policy. The draft has been shared with the Town Board for review. We hope to have these policies in place shortly.

New Business: None

Open to Public:

Kandy Santosky said she feels that the Town's Airport Road property should not be the only location considered for cell towers and that the opportunity should be open to residents if they so choose to be in that business. (Cingular approached the Town re: a cell tower installed at the Town's Airport Road property).

David O'Halloran was told reports from the different committee's are available on the Town's website.

Stuart Fraser questioned the Ethics law.

Marge Bonner asked that draft laws be e-mailed to her for the website.

David O'Halloran asked about the websites safety procedures.

Alexia Grace spoke to the intersection of Route 209 and Queens Highway that it being a passing zone it is very difficult for anyone to cross.

Stuart Fraser asked about the status of the Sauer claim.

Mary Lou Christiana said the swim team that the Town helps support are very polite and good sports. (Her girls are on the Kingston Swim Team)

ADJOURNMENT:

A Motion was made by Councilman Hornbeck to adjourn the meeting at 9:40pm.

Seconded by: Councilman Gray

Unanimously approved

Respectfully submitted,

Veronica I. Sommer
Town Clerk/RMC