

**PLANNING BOARD MEETING
OCTOBER 12, 2016**

PRESENT: **Roxanne Pecora
Mark Anderson
Margaret Yost
Darin Dekoskie
Dan Michaud
Fred Zimmer**

EXCUSED: **Robert Brakman**

ALSO PRESENT: **Myles Putman, Consultant
Peter C. Graham, Esq.**

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:35 P.M. beginning with the Pledge of Allegiance to the Flag. Roxanne advised the public of the building's fire exits and roll call was taken.

MINUTES: Chairperson Pecora asked if the Board read the minutes from the Planning Board Meeting held on September 12, 2016 meeting and if there were any changes or corrections. There were no changes.

MARK MADE A MOTION TO APPROVE THE SEPTEMBER 12, 2016 MINUTES, SECONDED BY DAN. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Fred.....abstained
Roxanne.....yes

VOUCHERS:

M.L. Putman Consulting (Septebmer,2016).....	\$2,500.00
M.L. Putman Consulting – Tapper.....	\$ 375.00
M.L. Putman Consulting - Scenic Hudson.....	\$ 270.00
Public Hearing Fee – Tapper	\$ 200.00
Public Hearing Fee – Star Estates.....	\$ 200.00
Public Hearing Fee – APC Towers.....	\$ 200.00
Daily Freeman (Tapper).....	\$ 13.05

Daily Freeman (APC Towers, LLC).....\$ 13.05
Daily Freeman (Star Estates Development, LLC)..... \$ 13.05
April Oneto (secretarial services).....101 1/2 hours

FRED MADE A MOTION TO APPROVE THE VOUCHERS AS READ, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

PUBLIC HEARINGS:

STAR ESTATES DEVELOPMENT, LLC: Case #2016-06 – Special Use Permit – 1835 Broadway (US Route 9W), West Park; SBL: 80.001-4-5.2

MARGARET MADE A MOTION TO OPEN THE PUBLIC HEARING FOR STAR ESTATES DEVELOPMENT, LLC, CASE #2016-06, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR.

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. Copy was placed in the file.

Chairperson Pecora asked if there was any one from the public who wished to speak regarding this project. No one wished to speak.

FRED MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR STAR ESTATES DEVELOPMENT, LLC, CASE #2016-06, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR.

TAPPER (Still River LLC): Case #2015-12 – Special Use Permit – 1689 Broadway (US Route 9W), West Park; SBL: 80.001-3-23.1

MARGARET MADE A MOTION TO OPEN THE PUBLIC HEARING FOR TAPPER, CASE #2015-12, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR.

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. Copy was placed in the file.

Chairperson Pecora asked if there was any one from the public who wished to speak regarding this project. No one wished to speak.

FRED MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR TAPPER, CASE #2015-12, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR.

APC TOWERS, LLC & CELLCO PARTNERSHIP d/b/a Verizon Wireless:
Special Use Permit – Case #2016-07 – 1142 Broadway (US Route 9W), Esopus; SBL: 72.009-2-24.22

DAN MADE A MOTION TO OPEN THE PUBLIC HEARING FOR APC TOWERS, LLC & CELLCO PARTNERSHIP d/b/a Verizon Wireless, Case #2016-07, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY MARGARET.

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. Copy was placed in the file.

Chairperson Pecora asked if there was any one from the public who wished to speak regarding this project.

Will Freer – 743 Floyd Ackert Road, Esopus (Esopus Fire Chief)

Will stated that he is speaking on behalf of the fire district. On 9/15/16, they had a Public Meeting and there were approximately 30 people in attendance to discuss any issues with the cell tower. Will stated that there were some questions that were asked and they were brought back to APC who answered all of the questions. There were some people in attendance who were not very happy about this in the beginning but by the end of the meeting 90% of those in attendance were in favor of this project. He stated that it benefits the fire district with increased radio traffic and monetary benefit. Regarding the visual aspect the majority did not like the idea of the tree feeling that it would look out of place. The flag pole is not acceptable because the flags would be below the Fire Department's antennas and look like they were at half mast. The majority felt that the tower would be fine since there is already a tower there another one would not be that different.

Doug Lewis – 8 Main Street, Esopus – He also owns the property at 12 Main Street which is exactly across from the fire house. He is a member of the fire department. He is up to speed on the tower. This is the first that he heard about the tree. He would have to look at this all day. He and his family are opposed to the tree. He said towers are a way of life and we need them for communication.

MARGARET MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR APC TOWERS, LLC, CASE #2016-07, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Roxanne.....yes

Chairperson Pecora read a letter dated 10/11/16 received from Jeff Anzevino, Scenic Hudson, who requested that it be read into the record. Letter read and copy placed in file.

OLD BUSINESS:

Darin Dekoskie recused himself for this application.

SCENIC HUDSON LAND TRUST, INC.: Case #2016-16 – Lot Line Adjustment – Winding Brook Lane, Esopus; SBL: 73.002-1-1.3 & 72.009-3-5.25

Michael Knutson, Scenic Hudson and Chris Zell, Brinnier & Larios were present for this application.

Letter received from Waterfront Advisory Board dated 10/6/16 and they did not find any inconsistencies with the LWRP. Copy of letter placed in the file.

Myles stated that the maps have been updated with the notes that Chris was asked to put on the maps and he feels that the Board can act on this application.

FRED MADE A MOTION TO APPROVE SCENIC HUDSON LAND TRUST, INC. LOT LINE ADJUSTMENT, CASE #2016-16, SUBJECT TO THE PAYMENT OF \$270.00 TO MYLES PUTMAN FOR PREPARATION OF FEAF, PARTS 2 AND 3, RECEIPT OF SIX (6) PAPER MAPS AND ONE (1) MYLAR SIGNED BY ALL OWNERS, SECONDED BY MARGARET. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

- Mark.....yes
- Fred.....yes
- Margaret.....yes
- Darin.....recused
- Dan.....yes
- Roxanne.....yes

Darin returned to the Board.

SUSAN BRISBOIS – SERENITY SCENE: INC: Special Use Permit – One Year Review

Applicant Susan Brisbois, Serenity Scene, 15 Rifton Terrace, Rifton was present regarding this application.

Chairperson Pecora stated that one year ago we gave approval for a one year Special use Permit for 15 Rifton Terrace. Margaret visited the site. She walked the property by herself. The outside is well maintained. She went inside with Susan and walked the entire building and it has been well kept. The common area is wonderful and all the

rooms are well taken care of. There has been no noise, no violations, no nothing. It is her recommendation that we renew this permit for five (5) years with a restriction that if she sells the property during this period of time the new owner has to return to this Board for a Special Use Permit so that we avoid the problems we had prior to this applicant.

MARGARET MADE A MOTION TO EXTEND THE SPECIAL USE PERMIT FOR SUSAN BRISBOIS, SERENITY SCENE, INC., 15 RIFTON TERRACE, RIFTON FOR A PERIOD OF FIVE (5) YEARS WITH THE RESTRICTION THAT IF THE PROPERTY IS SOLD DURING THIS PERIOD OF TIME THE NEW OWNERS WILL NEED TO COME TO THE PLANNING BOARD FOR A SPECIAL USE PERMIT, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Roxanne.....yes

Susan will receive a letter from the Planning Board stating that her Special Use Permit has been extended for five years with the restriction listed above.

STAR ESTATES DEVELOPMENT, LLC: Case #2016-06 – Special Use Permit – 1835 Broadway (US Route 9W), West Park; SBL: 80.001-4-5.2

Charles Ferri, Paul Seres, Allan Dumas, and Michael Moriello, Esq. present.

Chairperson Pecora read a letter dated 10/6/16 from the Waterfront Advisory Board stating that they have no inconsistencies with the LWRP. Copy of letter given to applicant and copy placed in the file.

Chairperson Pecora read a letter dated 9/30/16 from the Office of Parks, Recreation & Historic Preservations Division, John Bonafide, Director. Copy given to applicant and copy placed in file.

Myles reviewed ML Putman Consulting Report dated 10/6/16, copy given to applicant and copy placed in file. Myles submitted paperwork in support of a Negative Declaration pursuant to SEQR for the Boards review and comments.

Fred questioned where we stand after the reading of the letter from John Bonafide, New York State Office of Parks, Recreation and Historic Preservation (OPRHD). Paul stated that they are going to try to restore as much as possible. They have pocket doors, stain glass transoms, etc. that they plan on keeping. They are going to try to restore the floors

as much as possible. Their intentions are to keep the character of the original structure as much as possible. They are doing the same for the hotel and the distillery for their events. The idea is to preserve it as much as possible without going on the registry at all. Charles said that they do not want to ruin what is already there.

Margaret asked if the brick building is going to be where the 25 rooms will be. Paul stated that the 25 rooms will be between the two structures. There will be 12-13 rooms in the red brick on the second and third floor. The first will be comprised of ballroom space and event space. The kitchen will also be on the first floor and in the basement there will be the distillery. In the original building, there will be additional rooms and suites. The total amount of rooms will be 25-27.

Margaret asked what they are using to make the spirits. Paul stated they will be using corn. She asked what they would be doing with the solid waste products. They plan on giving the solid waste to the farms which they will use to feed their animals. She asked about the six tons of solid waste. Charles stated that this is including everything. She asked how many runs they will be doing in the distillery per day. Charles stated that they will do one run a day and the spent mash will be given to the local farms which they will use for animal feed. It will be placed in a big plastic bin and the farmers will come and pick it up.

Margaret asked how big the vegetable garden will be. Paul stated that they are going to be doing a sample gardening of the products they are going to use. They still plan on sourcing most of their raw materials from New York State. They are planning on planting a small amount of these grains so that on the tour they can show what they use. She asked about the amount of disturbance. Allan stated that it is not considered disturbance. He showed the area where the gardens will be. It is currently lawn space and as you come down the driveway it will be on your left. Dan asked how much total acreage. Allan stated that when you are doing gardens it is not typically calculated in your disturbance. Darin would like the total amount. Allan stated that they will be under one acre of disturbance. Allan stated that it is about .94 without the gardens and in this case they are not going to be doing excavation, taking out trees and stumps. Discussion took place regarding whether this would be considered disturbance. Allan will try to get the interpretation of this. Darin and Dan reminded them that they cannot go over .99 which will still put them under. Charles stated that if they get close to one acre they will remove some of the gardens.

Dan asked the status of the wastewater. Allan stated that they have submitted plans to the Ulster County Department of Health for modification of the existing waste water treatment plant. He stated that the facility currently has two sand filter beds and a septic tank. Allan stated that this is going to be modified to go to four open sand filter beds, a larger septic tank, a replacement dosing tank, the same disinfection. Ulster County Department of Health has looked at this and has given preliminary approval and a copy has been placed in the file. Concurrent with this information they submitted a New York State SPDES permit amended application. When the applicants purchased the property

they had the SPDES Permit transferred to them. They are asking for a modification to this permit.

Fred questioned what needed to be done according to SHPO. The Board reviewed what took place last month and Chairperson Pecora stated that Mark made a motion last month that the NYSHPO has not raised any substantive concerns that need to be addressed by this Board and that we should proceed since we have done our due diligence. Michael Moriello stated that with respect to SHPO they have to make their own findings. With respect to that permit they would still have to ask SHPO for a copy of that permit. It would not have any effect on what this Board does.

Chairperson Pecora read the SEQR Resolution dated 10/7/16.

FRED MADE A MOTION TO DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR FOR STAR ESTATES DEVELOPMENT, CASE #2016-06, SPECIAL USE/SITE PLAN, SECONDED BY ROXANNE. MOTION CARRIED WITH A VOTE OF 4-0-2. VOTE WAS AS FOLLOWS:

- Mark.....yes
- Fred.....yes
- Margaret.....abstained
- Darin..... yes
- Dan..... yes
- Roxanne.....abstained

Chairperson Pecora read the Resolution of Approval pursuant to Chapter 123 of the Town Code of the Town of Esopus dated 10/12/16. Copy given to applicant and copy placed in file.

Discussion took place regarding modification of the SEQR Document and the 3rd Whereas was changed to 25 guest rooms, restaurant with 44 seats, farm distillery with an 18-seat tasting room and a 10 seat seating lounge.

FRED MADE A MOTION TO APPROVE THE SPECIAL USE PERMIT/SITE PLAN FOR STAR ESTATES DEVELOPMENT GROUP LLC, CASE #2016-06, CONDITIONED UPON RECEIPT OF 6 PAPER COPIES IF THE SITE PLAN, SIGNED BY APPLICANTS, SECONDED BY MARK. MOTION CARRIED WITH A VOTE OF 4-0-2. VOTE WAS AS FOLLOWS:

- Mark.....yes
- Fred.....yes
- Margaret.....abstained
- Darin.....yes
- Dan.....yes
- Roxanne.....abstained

**TAPPER (Still River LLC): Case #2015-12 – Special Use Permit /Site Plan– 1689
Broadway (US Route 9W), West Park; SBL: 80.001-
3-23.1**

Applicant Seth Tapper was present along with Michael Moriello, Esq., and Allan Dumas, Engineer.

Letter received from New York State Office of Parks, Recreation and Historic Preservation (OPRHP) dated 9/30/16. Letter read by Chairperson Pecora and copy was given to applicant and copy placed in the file.

Chairperson Pecora read SEQR Resolution dated 10/7/16. Copy given to applicant and copy placed in file.

DARIN MADE A MOTION TO DECLARE A DETERMINATION OF NON-SIGNIFICANCE, NEGATIVE DECLARATION, PURSUANT TO SEQR FOR TAPPER (STILL RIVER LLC), CASE #2015-12, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Roxanne.....yes

Fred stated that prior to new construction phase the limits of disturbance, as delineated on the site plan with all revisions, shall be marked with construction fencing.

Michael Moriello informed the Board that a Highway Work Permit will not be required for NYSDOT since the entrance they are using has already been approved.

DAN MADE A MOTION TO GRANT SPECIAL USE PERMIT/SITE PLAN APPROVAL FOR TAPPER (STILL RIVER LLC), Case #2015-12, CONDITIONED UPON RECEIPT OF 6 PAPERS COPIES OF THE SITE PLAN SIGNED BY APPLICANT, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Margaret.....yes

Darin.....yes
Dan.....yes
Roxanne.....yes

APC TOWERS, LLC & CELLCO PARTNERSHIP d/b/a Verizon Wireless:
Special Use Permit – Case #2016-07 – 1142 Broadway (US Route 9W), Esopus; SBL: 72.009-2-24.22

Matthew Kirwan, Esq. was present for this application.

Margaret stated that she has been touring the county and the New York State Thruway looking at cell phone towers and electrical towers. The best tower she saw was in Garrison and you don't even know it is there because of the location.

Chairperson Pecora stated that Matthew called her about a week ago and informed her that they have made a modification to the proposal before this Board.

Matthew stated that they heard the Board comments and had an opportunity to review the comments from the Ulster County Planning Board and based on this information they talked to Verizon and have decided to lower the height of the tower from the proposed 155 feet to 135 feet with the ability to extend to 155 feet if necessary in the future. There will be an 8 foot lightening rod at the top. He provided the Board with a letter stating this. The present tower used by the fire department is 120 feet.

Will Freer, Esopus Fire Chief, informed the Board that this is not what they had agreed upon. This is the first that he is hearing about this. He stated that this may not be acceptable to the Fire Board. Will stated that they would have to re-look at this proposal

Mathew Kirwan and Will Freer took a few minutes to discuss the current situation.

Will stated that the Fire Department held a public meeting and that they had a number of residents in attendance. They believe that they answered all of the questions the residents had and they were satisfied with the outcome. Roxanne requested a copy of the minutes from this meeting for our files.

Margaret asked what happens to the tower when it is no longer useable for Verizon. Matthew stated that as long as there are carriers on the tower the tower will remain. Verizon has a lease with the fire department to provide space for them on the tower so unless that lease terminates and Verizon walks away the tower will remain. Matthew stated that the terms of the lease are initially for 7 years with 5 year renewals. Matthew stated that they own the tower and they are leasing the land.

Fred asked if Verizon wanted to terminate service would they take it down. If the fire department was still using it, they would not take it down. They would still own the tower. Matthew stated that if Verizon decided the tower is obsolete they would remove

their antennas. APC will still own the tower and they will not walk away from a tower with a carrier on it. They have a lease agreement with the fire department so they cannot just walk away.

Will Freer stated that based on his conversation earlier with Matthew he feels that the fire department will be able to work with them.

Discussion took place regarding Scenic Hudson's letter. It was agreed that the Board does not like their idea and Matthew stated that it is more of an eyesore than the tower would be. It would be larger because you have to stick the antennas inside.

Matthew stated that he provided the Board with several packets of photo simulations that lowered the height of the tower based on the proposal. He stated that it is never going to be invisible. It is the function of the coverage they need to provide.

Extensive discussion took place regarding the color of the tower. The Board agreed that the mono pine may not be the best solution. Dan would like to see the minutes from the fire department meeting. Will Freer said that he will provide this. Matthew stated that they will be planting bushes at the base. Mark stated that they propose 27 trees. Matthew provided several samples. Fred would like to see it just be a colored pole. Mark agrees with Fred. He thinks a tree is ridiculous. Fred asked Will what the fire department wanted. He stated that those that attended their meeting were highly against the tree. They talked about the pole matching the color of the fire department. The consensus of the Board was that they should go with just a pole.

Roxanne stated that the Ulster County Planning Board had two disapproval recommendations.

Alternative Analysis: The applicant has looked at different coverage gaps, at alternative overall heights, two tower approach and the visual impacts were reviewed.

DARIN MADE A MOTION TO OVERRIDE THE ALTERNATIVE ANALYSIS DISAPPROVAL FROM THE ULSTER COUNTY PLANNING BOARD FOR APC TOWERS, LLC/CELLCO PARTNERSHIP, CASE #2016-07, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY DAN.

ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Roxanne.....yes

Visual Impacts: Applicant has provided information for lowering the height of the tower. The Board has looked at the analysis and does not have an issue.

MARGARET MADE A MOTION TO OVERRIDE THE ULSTER COUNTY PLANNING BOARD'S DISAPPROVAL BASED ON THE VISUAL IMPACTS, FOR APC TOWERS, LLC/CELLCO PARTNERSHIP, CASE #2016-07, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Roxanne.....yes

Fred suggested that we make a motion that the color of the pole be determined by the fire department and allow maximum tower height to be 155 feet if necessary. Discussion took place regarding this suggestion and it was the consensus of the Board that the Board needs to determine the color choices.

DAN MADE A MOTION TO SET THE HEIGHT FOR THE TOWER AT A MAXIMUM ACCEPTABLE HEIGHT NOT TO EXCEED 155 FEET WITH AN 8 FOOT LIGHTENING ROD AND LIMIT THE CHOICES OF COLORS BETWEEN GREEN, BROWN OR GALVANIZED GRAY. AUTHORITY FOR THE FINAL DETERMINATION OF THE COLOR WILL BE GIVEN TO THE FIRE DISTRICT, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Darn.....yes
Roxanne.....yes

Peter C. Graham, Esq. informed the Board that we should have Myles Putman prepare the SEQR Resolution and Final Resolution before the Board moves forward with this application.

MARK MADE A MOTION TO ADJOURN, SECONDED BY DAN. MEETING ADJOURNED AT 10:10 P.M. ALL MEMBERS WERE IN FAVOR.

NEXT MONTHLY MEETING: NOVEMBER 9, 2016

DEADLINE DATE: OCTOBER 26, 2016

PRE-SUBMISSION DATE: OCTOBER 16, 2016

Respectfully submitted by:

April Oneto
Planning Board Secretary