

**TOWN OF ESOPUS
PLANNING BOARD MEETING
JANUARY 15, 2014**

PRESENT: Roxanne Pecora, Chairperson
 Fred Zimmer
 Michael Minor
 Margaret Yost
 Michael Manicone
 Darin Dekoskie

ALSO PRESENT: Myles Putman, M.L. Putman Consulting
 Joseph Eriole, Planning Board Attorney

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:40 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.

Chairperson Pecora informed the Board that Rich Williams has resigned from the Board and there is one vacancy at this time.

MINUTES: Board members were asked if there were any changes or corrections to the minutes of the December 11, 2013 meeting.

MARGARET MADE A MOTION TO APPROVE MINUTES OF THE DECEMBER 11, 2013 PLANNING BOARD MEETING AS CORRECTED SECONDED BY MICHAEL MINOR. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Michael Minor.....yes
Darinyes
Roxanne.....yes

VOUCHERS:

April Oneto (secretarial services).....53 1/2 hours

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

OLD BUSINESS:

**COPPERSEA DISTILLERY: CASE #2013-16 - Special Use Permit - 1592
Broadway (US Route 9W; State Hwy 5508),
West Park; SBL: 72.003-1-26**

Margaret recused herself from Coppersea Distillery (lands of Weiner) application and she left the room at 7:45 p.m.

Ira Weiner, property owner, and Angus MacDonald were present.

Ira requested that the Board postpone their decision regarding SEQR until he could meet with Myles Putman and Angus regarding the FEAF. He stated that this form was completed without him present and there are some inaccuracies in the form that he would like to correct. Following some discussion by the Board it was agreed that the decision would be postponed and that Ira and Angus needed to arrange a time slot for the next pre-submission meeting with Myles to review these concerns.

Margaret returned to the Board at 8:00 p.m.

**ESCAPES REALTY LLC: Case #2012-08 – Minor Re-subdivision – 183; 192
Martin Sweedish Rd., Town of Esopus; SBL: 71.
003-5.26.11**

Applicant David Pakenham and John Wasylyk, North Engineers, was present for this application.

Myles reviewed MLP Consulting Report dated 1/13/14. Copy of report given to applicant and copy placed in file.

The applicant submitted the revised SEAF and it is acceptable for the current proposed subdivision plan and provides the site disturbance information that was previously requested.

It was pointed out to the applicant that the maps require an owners consent to file block for property owners to sign.

FRED MADE A MOTION TO RESCIND OUR PREVIOUS REQUEST FOR SUBMISSION OF PART 1 OF THE FULL EAF AND ACCEPT THE SHORT EAF PART 1, DATED 12/24/13, AS SUBMITTED BY THE PROJECT ENGINEER, FOR ESCAPES REALTY LLC, CASE #2012-08, MINOR RESUBDIVISION, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes

Fred.....yes
Margaret.....yes
Michael Minor.....yes

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

FRED MADE A MOTION THAT THE PLANNING BOARD ADOPT PART 2 OF THE SHORT EAF AS PREPARED BY M.L. PUTMAN CONSULTING FOR ESCAPES REALTY LLC, MINOR RESUBDIVISION, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Michael Minor.....yes
Darin.....yes
Roxanne.....yes

FRED MADE A MOTION TO DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR FOR ESCAPES REALTY LLC, CASE #2012-08, MINOR RESUBDIVISION, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Michael Minor.....yes
Darin.....yes
Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO GRANT CONDITIONAL FINAL PLAT APPROVAL FOR ESCAPES REALTY LLC, CASE #2012-09, MINOR RESUBDIVISION, CONDITIONED UPON RECEIPT OF:

- 1. SIX PAPER COPIES AND ONE MYLAR OF THE THREE ENGINEERING PLANS SUBMITTED AND THE SURVEYOR'S MAPS PREVIOUSLY SUBMITTED SIGNED BY ALL PROPERTY OWNERS AND**
- 2. PAYMENT OF RECREATION FEE IN THE AMOUNT OF \$6,000.**

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

Michael Minor.....yes
Fred.....yes
Margaret.....yes
Michael Manicone.....yes
Darin.....yes
Roxanne.....yes

NEW BUSINESS:

**CHURCH COMMUNITIES FOUNDATION: (The Mount Expansion) Case #
2013-18 – Site Plan Review –
1001 Broadway (US Rt. 9W), Esopus; SL: 71.001-2-13**

Present for the application were Dennis Larios, Brinnier & Larios, Project Engineer; Richard Risely, Esq., Michael Moriello, Esq., Dan Shuster, Shuster Associates, Hans Boller, Church Communities and Mark Barth, Church Communities.

Dennis Larios gave a Power Point review of the project which will include:

1. The former convent will be expanded to provide additional space for classroom, day care and some living accommodations.
2. A new education building will be constructed to the south of the “Hall of Learning”.
3. A dining hall will be built to the northwest of the existing convent.
4. In a corner of the site adjacent to the northern access drive and state highway, applicant proposes to construct a workshop “factory” building, a maintenance building and an underground water supply tank.
5. About 200’ north of the “Hall of Learning” an area will be developed for a total of five residential buildings, each with a 4,300 sq. ft. footprint. Each building will house approximately 25 people.

Dan Shuster gave a review of the environmental impact. Dan stated that only 10 acres out of the 400+ acre site will qualify as a Type 1 Action. He stated that they have prepared a FEAF which analyzes the 18 areas of potential significance. They feel that most of the impact will be mitigated by the design of the project.

There are 10-11 acres of federal wetland and none of this will be affected by the proposed action. There is 100’ buffer created around the wetlands. They have submitted a study regarding the impacts of plants and animals. The only endangered species found was a bald eagle nest which has relocated due to Hurricane Sandy. They do not propose anything within 100 feet of this site.

They have provided a visual analysis since the Hudson River is listed as an area

of statewide significance. This analysis shows that from the eastern shore virtually none of the activities will be visible.

The factory building will be located approximately 170 feet from Route 9W and will be screened further by landscaping. An Archeological Study was completed and no significant finds were made and due to the location of the buildings it was decided that no further archeological studies were necessary. This application will have to be referred to the Waterfront Advisory Board. They have evaluated each of the relevant policies and how this project complies and they feel that it is consistent with the LWRP. They have submitted a Coastal Assessment report and reviewed the Town's Comprehensive Plan adopted in 1994 and believe that this project is consistent with that plan.

Myles has prepared the SEQR Lead Agency Coordination Forms for a Type 1 Action to be sent to New York State Department of Environmental Conservation, New York State Department of Transportation and the Ulster County Health Department. Myles recommended that the Board take action on this and make a motion to declare this a Type 1 Action pursuant to SEQR. Joseph Eriole, Esq. (Planning Board Attorney) reviewed this material and agrees that at this point in the process it is appropriate to take this action. Myles stated that the 30 day timeframe will not be up until after our next Planning Board Meeting.

Fred raised the issue of this being a possible subdivision and the project requiring a Use Variance. He feels that they need to be checked on the SEQR Forms prior to being sent out. Joseph Eriole stated that he has reviewed the code extensively for this case and does not believe it requires a subdivision. He stated that common ownership meets the definition of a lot which can include more than one building as long as there is a common relationship between the use. Fred stated that he does not feel that this included manufacturing. He does not feel that this type of manufacturing would be a permitted use in the RF1 Zone. Fred stated that questions regarding what will be manufactured and will these items be used on site exist. If any of the product is being sold to the general public, we need a way of defining this because then this would be considered manufacturing which is a use not consistent with zoning in this area and a use variance will be required.

Hans stated that manufacturing is part of their religious life. Whatever is made and sold is filtered back into the religious community. Fred stated that we need this defined so that it is clear under the Code and if it should change ownership at some point it can easily be broken out. Dan Shuster stated that the Zoning Code has a definition of a Religious Community. Richard Risely stated that they do not want to subdivide the property and there is no place in the Code that says that they need to subdivide it. Joseph Eriole agrees that there is nothing in the law that would require a subdivision. Discussion continued regarding the need for a subdivision.

Darin stated that he does not see a problem with requesting a Use Variance. Richard Risely stated that it is a permitted use and does not see the need for this variance. Joseph Eriole stated that this is a legal question bearing on the nature of a religious use.

Fred has requested that the subdivision block and the use variance block be checked on the SEQR Lead Agency Forms before they are sent out. Discussion continued regarding the Assessor's letter and the possibility of taxing the factory by the use of a suffix for the tax bill. Hans stated that they want to define the factory and to pay taxes on it. They will rely on their legal counsel to work out the mechanical issues. Darin asked what the harm would be if the use variance box was checked on the Lead Agency Forms. Joseph Eriole stated that if you send the forms out and it is decided that the use variance is required then the forms would have to be sent out a second time but if you checked it and it was decided that it was not required there is no harm done and you have not lost time in the process.

Roxanne informed everyone present that she was forwarded an e-mail late this afternoon from the Building Inspector/Code Enforcement Officer stating that he believes that this application will need a ZBA variance or rezoning. Michael Moriello suggested that the Use Variance be checked on the Lead Agency Form with a notation that the Planning Board asked that this be checked but the applicant does not agree. Roxanne suggested that the ZBA be contacted for an interpretation of the Code and get back to this Board with their decision. She also stated that this Board will need something in writing from Tim Keefe, Building Inspector/Code Enforcement Officer.

Michael Minor stated that it is the intent of this Board to separate the area for manufacturing out for tax purposes and do it within the regulations of the Town and if we do not do this right then we have created a problem. Michael Minor made a suggestion that we make a motion to refer this to the ZBA for their interpretation. Following additional discussion the Planning Board Attorney, Joseph Eriole, will contact the Building Inspector to discuss this issue. The applicant will also be contacting the Building Inspector to discuss this issue.

MICHAEL MINOR MADE A MOTION TO CLASSIFY CHURCH COMMUNITIES FOUNDATION, CASE #2013-18, AS A TYPE 1 ACTION PURSUANT TO SEQR SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

- Michael Manicone.....yes
- Fred.....yes
- Margaret.....yes
- Michael Minor.....yes
- Darin.....yes
- Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO CIRCULATE THE LEAD AGENCY FORMS AND CHECK THE USE VARIANCE BOX LISTING THE ZONING BOARD OF APPEALS AS AN INVOLVED AGENCY AND A CAVEAT STATING THAT APPLICANT DOES NOT AGREE THAT A USE VARIANCE IS REQUIRED.

Q – Michael Moreillo asked that the Board not circulate this form since we do not know what the answer is. He was okay with sending it out with us including the stipulation that the applicant does not necessarily agree with the checkmarks for subdivision and use variance.

DARIN MADE A MOTION TO ESTABLISH AN ESCROW ACCOUNT FOR CHURCH COMMUNITIES FOUNDATION, CASE #2013-18, IN THE AMOUNT OF \$15,000.00 SECONDED BY MICHAEL MINOR. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Michael Minor.....yes
Darin.....yes
Roxanne.....yes

Joseph Eriole stated that regarding the Planning Board fee the applicant will need to pay for the Site Plan Review Fee and other fees if necessary will be collected when a decision is made. Hans Boller submitted a check in the amount of \$1,675.00.

Margaret asked what the new educational building will be. Hans stated that it will be their high school and the lower school will stay where it is. When asked about the new dining hall Hans stated that the new dining hall will have a new kitchen. Margaret stated that there are renter buildings and a winery on the property and if they were going to keep them or restore them. Hans stated that they have no plans to do that at this time. Hans invited the Board members to contact him to arrange to visit the site.

Myles asked that Dennis Larios provide blow-up drawings for the convent/education building. Fred stated that there were four lots with different SBL numbers and when were they combined to make up the 411 acres. Applicants stated that there are two parcels exhibited in the maps, one parcel is not shown and 9 acres are under water.

ZBA REFERRALS:

Jonathan Ahmadjian – 121 River Road, Ulster Park

Applicant is requesting a zoning variance of Article VII Section 123-35 – reduction in lot area.

Following review of the request the Planning Board has no comments since both lots are already undersized.

MISCELLANEOUS:

Joe Eriole stated that regarding the Church Communities Foundation application the Building Inspectors note raised an issue that needs to be sorted out. Legal research will need to be done to settle this issue.

The Board was informed that Rich Williams has submitted his resignation from the Planning Board. We presently have one vacancy. The Board received a resume and letter from a Town resident interested in filling this vacancy. The Town Board reviewed this at their last meeting. Michael Minor expressed to Gloria VanVliet, Councilperson and Planning Board Liaison, that it is important that this vacancy be filled quickly since the Planning Board has some large projects coming before us that we will have difficulty dealing with since some of the issues are out of our area of expertise. It is the Boards understanding that the applicant, whose resume they received, has qualifications that members of the present Board do not possess. It is felt that this individual would be an asset to the Board and save the Town and the applicants coming before this Board money in engineering fees.

DARIN MADE A MOTION TO ADJOURN SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. MEETING ADJOURNED AT 9:55 PM.

NEXT MONTHLY MEETING: FEBRUARY 12, 2014

DEADLINE DATE: JANUARY 29, 2014

NEXT PRE-SUBMISSION: FEBRUARY 5, 2014

Respectfully submitted:

April Oneto,
Planning Board Secretary