

**PLANNING BOARD MEETING  
JANUARY 14, 2015**

**PRESENT:**           Roxanne Pecora, Chairperson  
                  Fred Zimmer  
                  Daniel Michaud  
                  Michael Minor  
                  Darin Dekoskie

**EXCUSED:**           Margaret Yost

**ALSO PRESENT:**  Myles Putman, M.L. Putman Consulting

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:35 PM. 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 November, 2014 meeting and if there were any changes or corrections.

**FRED MADE A MOTION TO APPROVE THE NOVEMBER, 2014 MINUTES SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MINUTES PASSED WITH A VOTE OF 5-0.**

Chairperson Pecora asked if the Board was agreeable with the schedule of the 2015 Planning Board meeting dates as submitted. Michael brought the Board's attention to the Pre-submission meeting dates so that the individuals who were present at this meeting would have time to make a submission for the next Planning Board Meeting if they chose to do so. All members were agreeable with the dates.

**VOUCHERS:**

|  |             |
|--|-------------|
| Planning Federation Membership Dues, 2015..... | \$ 250.00   |
| Clough Harbour (Aleo).....                     | \$ 1,906.26 |
| Church Communities (Church Communities).....   | \$ 2,310.00 |
| April Oneto (secretarial services).....        | 69 hours    |

**DAN MADE A MOTION TO APPROVE THE VOUCHERS AS READ, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.**

**PUBLIC HEARING:**

**BUSICK:**  Case #2014-09 – Subdivision – Minor-re-subdivision – 1725 Broadway

(US Route 9W; State Hwy 5508), West Park; SBL: 80.001-3-28.1

**DARIN MADE A MOTION TO OPEN THE PUBLIC HEARING FOR BUSICK, CASE #2014-09 SUBDIVISION SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR.**

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

Chairperson Pecora asked if there was anyone present who wished to speak regarding this application. She informed the audience that this is their second public hearing.

Shawn Murphy, Distasi, Moriello & Murphy located in Highland. He is here to represent the interests of Mark & Mary Ellison, 1727 Broadway - The Ellison property is located to the south of the Busick property. Mr. Murphy submitted a letter dated 1/14/15 and requested that it become part of the record.

Mr. Murphy stated that the Busick property enjoys a right-of-way over his client's property for the purpose of accessing a portion of the Busick property that is adjacent to the river. This is a deeded right-of-way easement that runs with the land. The way the parcel is configured it would run with the subdivided parcel. One concern his clients have regarding their easement, is if a future use of the Busick property increase the burden on that area. They are concerned regarding any future use of this area. Another issue regarding the right-of-way is that there is no maintenance agreement. His clients feel that it would probably be beneficial to have a maintenance agreement setting forth everybody's rights and obligations regarding the use of the right-of-way. They are concerned about potential runoff from the property particularly through the right-of-way area. He submitted pictures of his client's property after a rain/storm and it shows fairly significant runoff through the easement area. They are concerned regarding further development or disturbance of the subdivided parcel and how it would increase the potential of runoff on that property. Their last concern is the access to the property. The access is off of Route 9W and it is on a grade. The sight lines are not that good. His clients feel that there are potential problems for access in that area.

Chairperson Pecora asked if there was anyone else who wished to comment on this application. There was no one else who wished to comment on this application.

**DAN MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR BUSICK, CASE #2014-08 SUBDIVISION SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

- Darin.....yes
- Fred.....yes
- Dan.....yes
- Michael.....yes

Roxanne.....yes

**OLD BUSINESS:**

**BUSICK: Case #2014-08 – Subdivision -1725 Broadway (US Route 9W; State Hwy 5508), West Park; SBL: 80.001-3-28.1**

Chris Zell, Brinnier & Larios, and John Busick, applicant, were present for this application.

Michael stated that Mr. Murphy of Distasi, Moreillo & Murphy, seemed to be questioning what might happen to an existing right-of-way should there be further development of this property. Mr. Murphy stated that he knows that Seth Tapper has been before the Board and he has purchased the property directly to the north of this property and has expressed interest in purchasing this property. He is concerned that there is a plan to combine the properties and the use of the property which might affect them. Michael explained that we can not deal with what ifs. What is before the Planning Board at this time is a subdivision. Michael stated that we understand the concern but it seems premature because we are being asked to judge a subdivision based on what might occur in the future. Mr. Murphy stated that he cannot disagree with Michael’s analysis but his clients do have these concerns and he needed to bring them forward. Mr. Murphy stated that his clients are actually inviting a discussion with the potential purchaser of this property.

Chris stated that they are asking for a 2 lot subdivision and they have submitted plans for a single family residence. They have submitted Health Department approval for this application. They feel that they have answered all of the questions that they can at this point. He does not know who will purchase the property. He understands the concerns but if somebody wanted to join it to an adjacent property or change the use they would need to come back before the Planning Board. Right now, this is a simple 2 lot subdivision.

We received a response from the Waterfront Advisory Board dated 12/18/14. Letter read by Chairperson Pecora and copy of letter placed in file.

Fred stated that he spent a lot of time reading the easements. There is a cross easement between the Busick property and the Elllison property. This was a decision made by the family and agreed upon by the family and they run with the land. Any modifications to the easements the two parties would have to agree to. Fred stated that he ran across another easement which allows the Ellisons and their children to use the beach front. This will terminate should the Ellisons sell their property or their children expire. Fred asked Chris to put another note on the plan stating that “all the conveyance agreements and restrictions contained in Liber 1974, Page 73 still apply”. Chris was in agreement with this. Chris asked for Conditional Final Approval pending the addition of this note on the maps.

Roxanne asked if the applicant heard anything from NYSDOT. Chris stated that Fred spoke with them and Chris spoke with them and DOT has no problems. Fred stated that he did not ask for a letter. Michael stated that in this case since they are not denying access which is a consistent policy a letter is not required.

**MICHAEL MADE A MOTION TO MAKE A DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO SEQR FOR BUSICK, CASE #2014-09 SUBDIVISION SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Darin.....yes  
Fred.....yes  
Dan.....yes  
Michael.....yes  
Roxanne.....yes

**MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL BASED UPON ADDITION OF THE NOTE ON THE MAP AND RECEIPT OF 6 PAPER MAPS AND ONE MYLAR AND A RECREATION FEE OF \$2,000.00 SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Darin.....yes  
Fred.....yes  
Dan.....yes  
Michael.....yes  
Roxanne.....yes

**ALEO (Hasbrouck Hills): Case #2014-06 – Special Use Permit/Site Plan – Hasbrouck Ave., Port Ewen; SBL: 56.059 Block 4**

Applicant Edward Aleo was present along with Khattar Elmassalemah, Praetorius and Conrad, Engineer.

Resolution of Decision for Special Use Permit read by Chairperson Pecora with changes and additions made. Decision was signed and dated by Chairperson Pecora and will be notarized by the Town Clerk. Copy of the Resolution will be forwarded to the applicant and his engineer and made part of the record. (Letter of Credit will be split between the road and the other part to the completion of water/sewer work.)

**MICHAEL MADE A MOTION TO ACCEPT THE AMENDED RESOLUTION AS READ AND GRANT CONDITIONAL APPROVAL OF ALEO CASE #2014-06 SPECIAL USE PERMIT CONDITIONED UP RECEIPT OF 6 PAPER COPIES SIGNED BY APPLICANT SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Darin.....yes  
Fred.....yes  
Dan.....yes  
Michael.....yes  
Roxanne.....yes

**NEW BUSINESS:**

**CROSS: Case #2014-18 – Lot Line Adjustment – 164-166 New Salem Rd.,  
Kingston; SBL: 56.018-1-11.11 & 12.1**

Applicant was represented by his surveyor, Bert Winne. Myles reviewed M.L. Putman Report dated 1/8/15. Copy was given to applicant and copy was placed in the file.

There is an easement over Cross’s property to New Salem Road. Bert clarified that the access is just to be used for the stone house. This will be written into the right-of-way easement. This is not going to be allowed to be used if they want to subdivide the larger piece of property. They have other access on Salem Street but the site distance is very poor. Myles asked if the large property still spills across New Salem Road. Bert stated that it does. Myles pointed out that the applicant made an error on the EAF and will need to amend this (which he did).

**MICHAEL MADE A MOTION TO DECLARE CROSS, CASE #2014-18, LOT LINE ADJUSTMENT AS AN UNLISTED ACTION PURSUANT TO SEQR SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Darin.....yes  
Fred.....yes  
Dan.....yes  
Michael.....yes  
Roxanne.....yes

**MICHAEL MADE A MOTION TO WAIVE THE PUBLIC HEARING FOR CROSS, CASE #2014-18, LOT LINE ADJUSTMENT AS PER SECTION 107.16.A SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Darin.....yes  
Fred.....yes  
Dan.....yes  
Michael.....yes  
Roxanne.....yes

**MICHAEL MADE A MOTION TO DECLARE A NEGATIVE DECLARATION OF NON SIGNIFICANCE PURSUANT TO SEQR FOR CROSS, CASE #2014—18, LOT LINE ADJUSTMENT SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Darin.....yes  
Fred.....yes  
Dan.....yes  
Michael.....yes  
Roxanne.....yes

**MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR CROSS, CASE #2014-18, LOT LINE ADJUSTMENT, CONDITIONED UPON RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY APPLICANTS, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. ALL MEMBERS WERE IN FAVOR. VOTE WAS AS FOLLOWS:**

Darin.....yes  
Fred.....yes  
Dan.....yes  
Michael.....yes  
Roxanne.....yes

**AUYANG: Case #2014-19 – Lot Line Adjustment –Barry Drive, West Park; SBL: 80.001-5-5.1 & 6.1 (Langworth & Jones)**

Applicant was represented by David Dippel, surveyor. Myles reviewed M.L. Putman Review dated 1/8/15 and a copy was given to the applicant and placed in the file.

**DARIN MADE A MOTION TO CLASSIFY AUYANG, CASE #2014-19, LOT LINE ADJUSTMENT AS AN UNLISTED ACTION PURSUANT TO SEQR, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Dan.....yes  
Fred.....yes  
Michael.....yes  
Darin.....yes  
Roxanne.....yes

**DARIN MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR AUYANG, CASE #2014-19, LOT LINE ADJUSTMENT, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Dan.....yes  
Fred.....yes  
Michael.....yes  
Darin.....yes  
Roxanne.....yes

**DARIN MADE A MOTION TO MAKE A DETERMINATION OF NON-SIGNIFICANCE (NEGATIVE DECLARATION) PURSUANT TO SEQR FOR AUYANG, CASE #2014-19, LOT LINE ADJUSTMENT, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Dan.....yes  
Michael.....yes  
Fred.....yes  
Darin.....yes  
Roxanne.....yes

**DARIN MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR AUYANG, CASE #2014-19, LOT LINE ADJUSTMENT CONDITIONED UPON THE EASEMENT BEING NOTED ON THE MAP AND THE RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY THE APPLICANT, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Fred.....yes  
Darin.....yes  
Dan.....yes  
Michael.....yes  
Roxanne.....yes

**AUYANG: Case #2014-20 – Lot Line Adjustment – 2 & 20 Barry Drive, West Park; SBL: 80.001-5-8 & 9**

Applicant was represented by David Dipple, surveyor. Myles reviewed M.L. Putman Consulting Report dated 1/8/15. Copy given to applicant and copy placed in file.

David stated that the new lot line does probably cut into about 20% of the old area and he already informed Mr. Auyang that the Planning Board would probably want some review of the Health Department permits for the septic. The permits were issued in 1982 and have not been renewed. Mr. Dipple stated that the applicant has an individual who might be interested in purchasing the larger lot.

Following discussion among Planning Board members it was felt that the applicant needs to renew his Health Department approval for both lots.

**FRED MADE A MOTION TO DECLARE AUYANG, CASE #2014-20, LOT LINE ADJUSTMENT AN UNLISTED ACTION PURSUANT TO SEQR SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Dan.....yes  
Michael.....yes  
Darin.....yes  
Fred.....yes  
Roxanne.....yes

**FRED MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR AUYANG, CASE #2014-20, LOT LINE ADJUSTMENT, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Dan.....yes  
Michael.....yes  
Darin.....yes  
Fred.....yes  
Roxanne.....yes

**FRED MADE A MOTION TO MAKE A DETERMIANTION OF NON SIGNIFICANCE PURSUANT TO SEQR FOR AUYANG, CASE #2014-10, LOT LINE ADJUSTMENT, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Darin.....yes  
Fred.....yes  
Dan.....yes  
Michael.....yes  
Roxanne.....yes

**MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR AUYANG, CASE #2014-20, LOT LINE ADJUSTMENT, CONDITIONED UPON HEALTH DEPARTMENT APPROVAL FOR BOTH LOTS AND RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SHOWING THE PERMITTED SEPTIC AREA FOR BOTH LOTS AND SIGNED BY THE OWNER, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Darin.....yes  
Fred.....yes  
Dan.....yes

Michael.....yes

David was informed that this approval is good for 180 days and they can request two 90 day extensions by written request.

**REMSEN:** Case #2014-21 – Lot Line Adjustment – 123 East Main St., Port Ewen;  
SBL: 56.060-5-5.1., 5.2 & 5.9

No one was present to represent this application.

**ZBA REFERRALS:** None

**PLANNING BOARD/BUILDING DEPARTMENT REPORT:** Fred Zimmer

Fred brought the Board up-to-date on Tucker Pond. Tucker Pond never picked up the letter sent by the Building Department via Certified Mail/Return Receipt. A phone call was placed to the Town Attorney Paul Kellar, Esq. who informed us that the letter will need to be served to the property owners by the Rockland County Sheriff's Department. Tim Keefe, Building Inspector, is following up on this.

**DAN MADE A MOTION TO ADJOURN SECONDED BY MICHAEL. MEETING ADJOURNED AT 9:35 PM.**

**NEXT MONTHLY MEETING:**

**DEADLINE DATE:**

**PRE-SUBMISSION DATE:**

Respectfully submitted,

April Oneto,  
Planning Board Attorney