

**PLANNING BOARD MEETING  
FEBRUARY 11, 2015**

**PRESENT:**           Roxanne Pecora, Chairperson  
                  Fred Zimmer  
                  Daniel Michaud  
                  Michael Minor  
                  Darin Dekoskie  
                  Margaret Yost (arrived 6:55 PM)

**ALSO PRESENT:**  Myles Putman, M.L. Putman Consulting  
                          Joseph Eriole, Esq.

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 6:35 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 January 14, 2015 meeting and if there were any changes or corrections.

**DAN MADE A MOTION TO APPROVE THE JANUARY 14, 2015 MINUTES SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MINUTES PASSED WITH A VOTE OF 5-0.**

**VOUCHERS:**

Joseph Eriole, Esq. (P.B. Re: ZBA Decision Melamud).....	\$1,330.00
Joseph Eriole, Esq. (Church Communities).....	\$2,330.00
M.L. Putman Consulting (January, 2015).....	\$1,800.00
April Oneto (secretarial services).....	59 1/2hours

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

**ZBA DECISION REGARDING MELAMUD:**

Joseph Eriole, Esq. briefly discussed the Malamud decision given by the Zoning Board of Appeals.

Joe stated that he took a look at the ZBA Decision and has had an opportunity to briefly discuss this with Mr. Malamud's counsel. He stated that he is not in entire agreement with their conclusions which matters only to the extent that their direction as to what the Planning Board's jurisdiction is just beyond their jurisdiction. Where they purely deal with interpretation he is in agreement with

the need for the applicant to return to the Planning Board for renewal. There was some discussion regarding what the scope of the consideration will be when they do come back before this Board. This is a matter that involves some legal analysis that goes beyond that performed by the ZBA. He will review this and provide the Planning Board with an opinion. He believes that even the applicant acknowledges that they need to come back before this Board but the question is what the scope of that discussion is about and what sort of conditions if any, the Board can put on the renewal.

Michael Minor stated that he has a letter from the Town Board stating that the Planning Board has nothing to do with enforcement. Michael stated that since this is an enforcement issue and either Joe is right and there is some action that the Board can take or they are right but they can't both be right. He feels that this is an enforcement issue since a Conditional Use Permit was already granted. He stated that he was told this was an enforcement issue and none of his business. He believes that the Planning Board is an independent Board. It cannot be none of his business when it suits another Board and his business when it suits another Board. He does not know what to do if we discuss this and vote on it.

Joe stated that depending on the way a person defines the word enforcement the Town Board can be right about this. He thinks the notion of Planning Board being able to control conditions on permits and to oversee ongoing permits which one could also interpret as an aspect of enforcement. There is a nuance there but he understands exactly what Michael is referring to. This is why he wants to make sure that the Board is armed with all the research and the facts.

Joe stated that he will have this opinion to the Board before the next meeting.

**OLD BUSINESS:**

**CHURCH COMMUNITIES FOUNDATION (“The Mount Community Expansion: Case #2013-19 – Special Use Permit/ Site Plan Review – 825-1001 Broadway (US Rt. 9W), Ulster Park; SBL: 72.001-2-13.1**

Applicant represented by Hans Boller, Michael Moriello, Esq., and Dennis Larios. Joseph Eriole, Planning Board Attorney, stated that for the benefit of the public and the rest of the Board, Joe and Myles have worked with the applicant prior to this meeting. Joe and Myles have worked with their consulting team. Joe has reviewed it based on its legal sufficiency based on the record before this Board. Myles has reviewed the technical aspects of it and if those respect the resolution before the Board this evening and find it is acceptable with this Board's approval then he feels that the applicant is in the same place regarding the document. It was pointed out that Fred has reviewed the changes to the maps and they meet with his satisfaction.

Joe stated that he received a letter from the applicant today that confirms the Fire Department's satisfaction with the plans. Obviously everything is dependent upon everything being done according to the plan.

Chairperson Pecora read the seven (7) page Resolution of Decision for Church Communities ("The Mount Community Expansion"), Case #2013-19, expansion of the religious community in the RF-1 District.

**MICHAEL MADE A MOTION TO APPROVE THE RESOLUTION OF DECISION FOR CHURCH COMMUNITIES (THE MOUNT COMMUNITY EXPANSION), CASE #2013-19, AS READ, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

Copy of the approved and signed Resolution will be notarized and filed with the Town Clerk. A copy of the Resolution will be forwarded to the applicant, applicant's attorney and a copy placed in the Planning Board file.

**DAN MADE A MOTION TO INCREASE THE ESCROW ACCOUNT FOR CHURCH COMMUNITIES BY \$3,000.00, SECONDED BY MICHAEL. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

**MICHAEL MADE A MOTION FOR CHURCH COMMUNITIES, CASE #2013-19, SPECIAL USE PERMIT/SITE PLAN TO SUBMIT TWO LARGE SIZE SETS OF MAPS ALONG WITH FOUR SMALLER SIZE SETS OF MAPS SIGNED BY THE APPLICANTS, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION WAS PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

Darin.....yes

Fred.....yes  
Margaret.....yes  
Dan.....yes  
Michael.....yes  
Roxanne.....yes

**NEW BUSINESS:**

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

Applicant John Remsen was present. Myles reviewed M.L. Putman Consulting Report dated 1/9/15. Copy of report was given to applicant and copy was placed in the file.

Applicant is proposing to merge three abutting undersized lots into a single parcel of conforming bulk Lot (2). The merger will eliminate encroachments upon pre-existing lot lines.

**MICHAEL MADE A MOTION TO CLASSIFY REMSEN, CASE #2014-21, LOT LINE ADJUSTMENT AS AN UNLISTED ACTION PURSUANT TO SEQR SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

**MICHAEL MADE A MOTION TO DECLARE A DETERMINATION OF NON-SIGNIFICANCE (NEGATIVE DECLARATION) PURSUANT TO SEQR FOR REMSEN, CASE #2014-21, LOT LINE ADJUSTMENT, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

**MICHAEL MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR REMSEN, CASE #2014-21, LOT LINE ADJUSTMENT**

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

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

**MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR REMSEN, CASE #2014-21, LOT LINE ADJUSTMENT CONDITIONED UPON RECEIPT OF 6 PAPER MAPS AND ONE MYLAR SIGNED BY APPLICANTS, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

**CHRISTIAN BROTHERS INSTITUTE, INC.: Case #2015-01 – Minor re-subdivision – 1850 Broadway (US Route 9W), West Park; SBL: 80.001-4-5**

Dennis Larios was present for this application. Myles reviewed M.L. Putman Consulting Report dated 2/4/15. Copy of report given to applicant and copy placed in file.

Dennis stated that there are no development plans and it is his understanding that the parcel will be acquired by the property owner to the south to operate as a vineyard. They will contact the Highway Superintendent for a permit for access. Dennis stated that the water line referenced is there and it was used to furnish water to Christian Brothers facilities from a surface water reservoir which has not been used since 2007. This has been replaced by well supply to avoid surface water filtration and that line will be terminated from use (capped off, cut off). They do not want to have the possibility of cross contamination. It will be permanently disconnected.

Myles asked if the owners of Lot 1B will not be involved in any way with any rights or responsibilities for the shared sewage treatment plant. Dennis stated that there are no rights to Lot 1B for the shared sewer plant. There is no planned activity on this lot. This is a single family residential zone. Since this is 62 acres

they are asking the Board to waive the Health Department approval. Michael stated that if this should change in the future they would have to come back before this Board. Fred stated since this is one single residence he is asking the applicant to put a note on the plans stating that Board of Health approval will be required prior to any building permit being issued for residential use.

**MICHAEL MADE A MOTION TO CLASSIFY THIS AS AN UNLISTED ACTION PURSUANT TO SEQR FOR CHRISTIAN BROTHERS INSTITUTE, MINOR RE-SUBDIVISION, CASE #2015-01, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

**MICHAEL MADE A MOTION TO APPROVE THE SKETCH PLAN FOR CHRISTIAN BROTHERS INSTITUTE, MINOR RE-SUBDIVISION, CASE #2015-01, SCHEDULE A PUBLIC HEARING FOR 3/11/15 AT 7:40 PM AND REFER THIS APPLICATION TO THE WATERFRONT ADVISORY BOARD, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

Applicant was told that there is a \$200.00 Public Hearing fee and that Christian Brothers has a balance of \$115.00 in their Escrow Account. Applicant was told to submit a check in the amount of \$85.00.

**ZBA REFERRAL:**

Catherine Cuthell – 145 River Road – Area variance for a garage in the front yard per Section 123.21 and a height variance as per Section 123.20.

Following review by the Board it was decided that the Planning Board has no comment.

**BUILDING DEPARTMENT LIAISON REPORT – Fred Zimmer**

Fred informed the Board that he spoke with the Building Inspector regarding Tucker Pond. The Rockland County Sheriff's Department visited the owner's address five times and found no one available to accept the paperwork. The Sheriff's Department taped the notice on the door on their fifth visit.

Fred stated that fines can not be imposed until this goes before the Court. Discussion took place regarding this situation. The Building Inspector will need to go back to the Town Attorney for direction.

**NEXT PLANNING BOARD MEETING:**                      **MARCH 11, 2015**

**DEADLINE DATE:**    **FEBRUARY 25, 2015**

**PRE-SUBMISSION DATE:**    **FEBRUARY 18, 2015**

**Meeting adjourned at 8:47 p.m.**

Respectfully submitted by:

April Oneto  
Planning Board Secretary

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