

**TOWN OF ESOPUS**  
**PLANNING BOARD MEETING**  
**MARCH 14, 2012**

**BOARD MEMBERS PRESENT:** Roxanne Pecora  
Rich Williams  
Margaret Yost  
Mike Minor  
Darin DeKoskie

**BOARD MEMBER EXCUSED:** Fred Zimmer

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

**GUEST:** Rob Leibowitz, Ulster County Planning Board

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:05 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:** Board members were asked if there were any changes or corrections to the minutes of February 8, 2012.

**MARGARET MADE A MOTION TO ACCEPT THE MINUTES OF FEBRUARY 8, 2012 SECONDED BY MIKE. MOTION PASSED WITH A VOTE OF 4-1-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Margaret.....yes  
Mike.....yes  
Darin.....abstained  
Roxanne.....yes

**VOUCHERS:**

M.L. Putman Consulting (February, 2012).....	\$2,250.00
M.L. Putman Consulting (Port Ewen Housing).....	\$ 130.00
Michael's (Frame - Will Devine's Certificate).....	\$ 28.99
Daily Freeman (Citivision Public Hearing Notice).....	\$ 10.80
Clough Harbour (Port Ewen Housing).....	\$2,841.00
April Oneto (secretarial services).....	65 1/2 hours

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

**Guest - Robert Leibowitz, Principal Planner, Ulster County Planning Board.**

Rob appeared at the meeting to discuss the Land Use Referral Guide and to discuss the possibility of the Town of Esopus Planning Board signing the Referral Agreement which would allow the Planning Board to not have to send everything to the Ulster County Planning Board. Rob stated that the County is only interested in applications that have County impact, i.e. traffic, environment, etc. The purpose of this agreement is to streamline the process.

Discussion took place regarding this issue. Mike stated some of his concerns and the concerns of Fred Zimmer who was unable to attend this meeting. Following some questions and answers and general discussion it was felt by the majority of the Board present that this discussion should be tabled until next month. This would give new Board members an opportunity to review the material that was handed out and Fred would be able to attend the next meeting and voice his concerns.

**OLD BUSINESS:**

**HEPPNER: Case #2012-02 - Lot Line Adjustment - 212 Tilden Street (Town Hwy 918), Port**

**Ewen; SBL: 56.060-17 & 18**

George Williams, Surveyor, was present to represent the applicant. This application was sent to the Waterfront Advisory Board for their review. Response was received stating that they find no inconsistencies with the LWRP.

**DARIN MADE A MOTION TO DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR FOR HEPPNER CASE #2012-02 LOT LINE ADJUSTMENT SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Margaret.....yes  
Darin.....yes  
Mike.....yes  
Roxanne.....yes

**MIKE MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL SUBJECT TO RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY OWNERS FOR HEPPNER CASE #2012 LOT LINE ADJUSTMENT SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Margaret.....yes  
Darin.....yes  
Mike.....yes  
Roxanne.....yes

**NEW BUSINESS:**

**COOPER: Case #2012-04 - Lot Line Adjustment - 599 & 603 Old Post Road (Co. Rd. 82),  
West Esopus; SBL: 71.002-3-19.11 & 19.13**

No was present to represent this application.

**MEYER: Case #2012-05 - Lot Line Adjustment - 1269-1285 Rte 213 ( St. Hwy 116),  
St. Remy; SBL: 63.006-3-15.113 & 15.42**

Glenn & Susan Meyer were present to represent this application. Myles reviewed M.L. Putman Consulting Report dated 3/10/12, copy given to applicants and a copy was placed in the file.

**MARGARET MADE A MOTION TO WAIVE THE PUBLIC HEARING FOR MEYER CASE #2012-05 PER SECTION 107.16.A OF THE TOWN ZONING CODE, SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.**

**RICH MADE A MOTION TO DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR FOR MEYER CASE # 2012-05 LOT LINE ADJUSTMENT SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.**

Darin suggested that the line across Lot #5 needs to be removed and new maps printed.

**DARIN MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR MEYER CASE #2012-05 LOT LINE ADJUSTMENT SUBJECT TO RECEIPT OF NEW MAPS SHOWING THAT THE LINE TO PREVIOUSLY BE REMOVED BY FILED MAP #09272 BE REMOVED AND SUBMISSION OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY OWNERS SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Margaret.....yes  
Darin.....yes  
Mike.....yes  
Roxanne.....yes

**SCENIC HUDSON (WEINBERGER): Case #2012-06 - Lot Line Adjustment - 435 Broadway (US Rt 9W, St. Hwy 310); 2 Miranda Ct (Private Rd.), Port Ewen; SBL: 64.001-1-6 & 8**

David H. Dippel, Land Surveyor, was present to represent the applicant in this matter. Myles reviewed M.L. Putman Consulting Report dated 3/14/12, copy placed in file and copy given to applicant.

Myles stated that he feels that the Planning Board can support this proposal as it will eliminate an encroachment, it cannot approve the application at this time as a violation of Section 123-53-B will occur. The PUD District is still in tact as it was originally mapped and the remedy to this situation is an amendment to the PUD zone, which requires Town Board approval. The problem is that this application if approved will create a violation of PUD Zoning since Section 123-53-B states that the land has to be under single ownership and cannot bring a second landowner party into the PUD Zone.

Roxanne stated that the 1993 zoning is still in effect because this was an approved project. It may not have been built but the zoning was approved and the project was approved. The Town Board will need to do away with the existing PUD. There is nothing that can be done by the Planning Board. Mr. Dippel was told that his client would need to get on a workshop agenda for the Town Board.

**PECK (Land of Lindemann Properties, Inc.): Case #2012-07 - Lot Line Adjustment - 44 Peters Lane 9Town Hwy 858), Ulster Park; SBL: 72.001-1-8.11, 8.12 & 26.1**

Applicant Ted Peck and Jeff Vendetti were present to represent this application. Myles reviewed M.L. Putman Consulting Review dated 3/10/12, copy given to applicant and copy placed in file.

Myles stated that he would like to see before and after for all three involved properties. Written authorization letter dated 3/6/12 was received from Herbert Lindemann, Lindemann Properties, Inc. to represent them in this matter. Myles stated that an Agricultural Data Statement must be submitted.

Mr. Peck stated that Mr. Lindemann wanted to sell the property and originally Mr. Venditti was going to purchase the property and since then the situation has changed and Mr. Peck has decided to purchase the property. Mr. Peck stated that as far as he is concerned the properties are contiguous and this is why they kept the "L" shape at the end of the Venditti property heading up towards Lindemann. Roxanne stated that she thinks that we have approved something like this in the past and simply put a note on the map.

Roxanne stated that we are going to need a note stating that both properties are together as one and a note that indicates the variances from the Zoning Board placed on the map. Applicant was given a copy of the variance that needs to be placed on the maps as part of Note #6. Applicant was given an Agricultural Data Statement to be completed. Need table of areas for the three lots

(tax lots 26.1, 8.11 & 8.12), bulk standards need to be added, missing dimension on the northerly bounds of the 3.7 acre conveyance lot needs to be added. Applicant stated that he has the Brinnier & Larios Survey of the other side of the tracks if the Board needs to see it.

**MIKE MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR PECK LOT LINE ADJUSTMENT CASE #2012-07 SECONDED BY MARGARET. ALL BOARD MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Margaret.....yes  
Darin.....yes  
Mike.....yes  
Roxanne.....yes

**OLD BUSINESS:**

**FREER: Case #2012-03 - Minor Subdivision - 737 Floyd Ackert Road (Town Hwy 835), West Esopus; SBL: 71.004-2-3.1**

Applicant Will Freer was present along with his father Wayne Freer. Myles reviewed M.L. Putman Consulting report dated 3/10/12, copy given to applicant and copy placed in the file.

Applicant requested a waiver for the access strip.

**MIKE MADE A MOTION TO WAIVE THE ACCESS STRIP AS PER SECTION 123.21.D.5 SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.**

**MARGARET MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR WEDNESDAY, APRIL 11, 2012 AT 7:10 PM FOR FREER CASE #2012-03 MINOR SUBDIVISION SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Margaret.....yes  
Darin.....yes  
Mike.....yes  
Roxanne.....yes

Applicant was informed that there is a \$200 Public Hearing fee that needs to be paid by the deadline date.

**THE OMEGA INSTITUTE: Case #2012-01- Special Use Permit - Educational/Institutional**

**Use on residential property - 858 Cow Hough Rd., (Town Hwy 827) Dashville area; SBL: 71.002-6-12 & 13.1**

Barry Meddenbach, surveyor/engineer and Skip Backus, CEO Omega Institute, were present for this application. Myles reviewed M.L. Putman Consulting Report dated 3/13/12. Board members were invited to visit the site and Margaret, Mike and Myles did visit the site.

Barry stated that he will submit sediment and soil erosion control plan along with formal elevations. Barry asked if we could schedule the Public Hearing at this time. Radius of the turn by the existing house will be modified for the Fire Department. Roxanne asked if Rifton Fire Department has visited the site. Barry stated that they have not. He has called them a couple of times. The Health Department came out and inspected the test holes and we are trying to get a letter from them. They will need a SPDES Permit from the State and are waiting for the letter from the Health Department to apply for this. There are two wells on the property and they will have to be dug up. Skip stated that they have to conform to Class C for the Health Department.

Mike stated that we might want to have information regarding the traffic in time for the Public Hearing. Rich stated that he takes this road often and it is heavily traveled but given the amount of traffic they are going to add he does not think that it will change much. Margaret does feel that we need so sort of information regarding the traffic. Skip stated that this is not the same as what they are doing in Rhinebeck. Having that type of traffic now or in the future is not in their plans. Mike feels that we will not be able to make a decision as a Planning Board without baseline data regarding the traffic. Barry stated that they have done traffic studies before. They are willing to provide this. Rich stated that he would like to see something on pedestrian traffic.

Darin stated that once we have the revised plan we should make a referral to Clough Harbour for their review.

Discussion took place about the possibility of a Public Hearing being scheduled. Myles stated that this will need to be referred to the County since Rob Leibowitz just stated that if it is a site outside of the 500 feet but it is building gross area of over 4,000 sq. feet of disturbance over 1 acre the County will want to see it. The SWPPP needs to be sent to Clough Harbour for review so an Escrow Account will have to be set up.

Barry asked if the engineer review is going to stop the project. If the engineer comes back with something then you don't close the Public Hearing until the issues are addressed. Barry stated that they would like to have the Public Hearing to see what issue the public may have. Barry stated that he can get the elevations, the soil and sediment control information and he could probably have some traffic counts for the meeting. Roxanne will talk with Pete Lilholt about what the Board wants him to review which will be the SWPPP in relation to this project. Barry will be responsible to submit a full set of plans and the SWPPP to Pete no later than Monday.

**MIKE MADE A MOTION TO ESTABLISH AN ESCROW ACCOUNT FOR OMEGA INSTITUTE CASE #2012-01 FOR \$6,000.00 SECONDED BY DARIN. ALL MEMBERS**

**WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.**

Rich.....yes  
Margaret.....yes  
Darin.....yes  
Mike.....yes  
Roxanne.....yes

**MIKE MADE A MOTION TO REFER OMEGA INSTITUTE CASE #2012-01 TO PETE LILHOLT, CLOUGH HARBOUR, TO REVIEW THE SWPPP IN RELATION TO THIS PROJECT SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Margaret.....yes  
Darin.....yes  
Mike.....yes  
Roxanne.....yes

Discussion took place about whether to send this to the County at this time. Roxanne stated that we should have the engineers review prior to sending this to the County. Barry disagreed. Roxanne stated that when we send it to the County we are saying that we have a complete statement. Barry will need to provide updated information to this Board so that it can be sent to the County in time for their deadline date of March 23, 2012.

**MIKE MADE A MOTION TO REFER OMEGA INSTITUTE CASE #2012-01 TO THE ULSTER COUNTY PLANNING BOARD FOR THEIR REVIEW SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR AND THE MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Margaret.....yes  
Darin.....yes  
Mike.....yes  
Roxanne.....yes

Discussion took place regarding setting a Public Hearing for this application. Barry stated that they would like to get the public input and if the Planning Board Consultant, the County or the public comes back with issues then we keep the hearing open and they go back and make their changes. Roxanne stated that we can always suspend the hearing.

**MIKE MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR OMEGA INSTITUTE CASE #2012-01 FOR WEDNESDAY, APRIL 11, 2012 AT 7:20 PM SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH**

**A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Margaret.....yes  
Darin.....yes  
Mike.....yes  
Roxanne.....yes

Applicant was informed that there is a \$200.00 Public Hearing fee and that the check for the Escrow and Public Hearing should be made out to the Town of Esopus and submitted before deadline date of March 28, 2012.

Barry stated that he will get the what he needs for the County Planning Board, Clough Harbour, and he will produce the Soil Erosion and Sediment Control plan right away. He will provide elevations and he will have the traffic accounts in time for the public hearing.

**ESCAPE REALTY (ROSENBLUM): Case #2012-08 – Re-subdivision – 183, 192  
Martin Swedish Road (Town Hwy 830),  
West Esopus; SBL: 71.003-5-26.11**

Abram Lewis Rosenblum was present for this application. Myles reviewed M.L. Putman Consulting Report dated 3/12/12, copy given to applicant and copy placed in file.

The maps as submitted show this as 5 lots instead of 3 making this a major subdivision. Abram submitted new maps just for the Board to look at and will be submitted next month. Mike asked applicant if he was separating Lot #4 because he expects to do something there. Abraham stated that they thought about tying that lot to the lot on the west side but after speaking with his surveyor he said that if they were going to dedicate any part of the road it would have to by law become a separate lot because it would not be contiguous. They would be happy to tie it to one of the other lots. They would like to tie it to another lot and make this a minor subdivision. Discussion took place regarding how to make this a minor subdivision. One option would be to tie the third lot with the fourth lot or any of the other lots. Abram stated that he thinks she has a buyer for one of the lots so it would be to their advantage to keep this as a minor subdivision. They would like to sell lots 1, 2 and 3. Abram stated that the previous owner (Carmen - 2004) tried to do a subdivision a while back and the Board at that time said that they would look at the east side of the road as a separate entity (July, 2004 Minutes). This property is being taxed as one lot even though it is on both sides of the road. Abram stated that his surveyor could not tell him definitively if the lot in question is one lot or two. (The Board will need to look at the Carmen and Reiker files.)

The possibility of a Conservation Easement was discussed. Mike stated that if it is one lot and he links Lot 4 and Lot 5 then it makes it a minor. If it is two lots because the road separates the property, then that has nothing to do with it and it is still a minor. Abram will look further into the Conservation Easement and will look at the deed and see if it is one lot or two. Roxanne said

that if it is a Conservation Easement then that is how we would approve it and if it changes then he would have to come back before us. It is very difficult if at all possible to reverse a Conservation Easement.

Myles said that if and only if the deed describes the land as two separate lot then applicant can have three building lots and the rest can be remainder land. If the deed describes it as one property, then the two remainders lots get put together as one lot. Right now they get one tax bill with one tax ID number.

We will need disturbance information, driveway profile on all lots, proposed grading and letter from NYSDEC regarding rare plant or animals that may be present on this site. Applicant has approvals for the driveways and he will submit that letter. Applicant was informed that when everything has been completed there will be a \$2,000 recreation fee per new lot.

**HARE: Case #2012 – Minor Subdivision – 130 Carney Road (Town Hwy. 852), NYS Rt. 213, Rifton; SBL: 63.003-3-4.211**

Applicant Rob and Iza Hare were present for this application. Myles reviewed M.L. Putman Consulting Review dated 3/12/12, copy given to applicant and copy placed in file.

Rob stated with the regard to the wetlands they are in the valley in the center of the property. Easement restricts development to the sites shown and restricts the size of the footprint. The lots are large lots. With regard to the easement they have approval from the land trust to move the house site. He will submit a letter regarding this.

Applicant will write a letter to NYSDEC in Albany regarding the presence of rare plants or animals in the area of the project site.

Darin asked if there was a common driveway easement and Rob stated that there is and the curb cut is already there. There is an electrical easement that will go with the property.

Myles stated that they need to do something with Lot R-H, 7.13 acres of land in the northeasterly corner that has no mapped street frontage. Rob stated that one way of dealing with this is to petition the Town Board or they could include it with the larger parcel. Discussion took place regarding what they could do with this piece of land. Rob stated that you could not drive a vehicle from the main part of the parcel to that spot. At some point, he believes that Highland Avenue will be developed. Rob stated that they are in this position because their taxes are so high. They could sell that 7 acres with the 70 acres but they don't want to do that unless they have to. They could draw a 50' strip right down to Route 213. His best bet may be to petition the Town Board to make this "Open Space".

Roxanne read a part of the Zoning Code stating that the Town Board may by resolution establish one or more Open Development areas in the Town as provided for in Section 288 of New York State Town Law where permits may be issued for the erection of structures which access is given

by right-of-way or easement upon such conditions and subject to such limitations as described by the Planning Board. The Town Board before establishing such areas should refer the matter to the Planning Board for its advice and allow the Planning Board a reasonable time to report.

Mike asked if after this is done can he sell lots in the “Open Development Area.” Myles stated this is the important thing and right now they do not have a map that shows an easement to get to the 7 acres. Roxanne stated that we are declaring that this is an “Open Development Area” so that they do not have to have road frontage for the lot. We need to attach the 7 acre lot to another lot. Rob will have a property that he can not develop until such time as it has proper frontage. That property needs to be accessible by an easement. Even if applicant is granted the “Open Development Area” he has to show an easement to get to the property. Applicant may be able to obtain an easement from the open field at the top. Rob will explore this possibility. Roxanne stated that this would have to be in place before he goes to the Town Board.

Myles stated that the question is how much information does the Board want to see on the maps? Myles asked if the Board was comfortable waiving some information because they are such large lots. Mike asked what else we would require on the map. Myles stated that he thinks that the map is complete once we deal with the northeast corner. They will need to present a letter regarding the electrical easement. Letter from the Land Trust will be needed and the letter from the State will be needed and they will need to adjust the future lot lines.

Rob felt that it would be smarter for him to go to the adjoining neighbors rather than go to the Town Board. Myles stated that he should go to the Town Board for the “Open Development Area” and also approach the neighbors about getting a real easement to get into the lot.

**ZBA REFERRALS:**

Peter Speliopoulos - 153 Carney Road – Area variance for art studio. Board members reviewed the information presented by ZBA and felt that if the applicant is planning on using this as a gallery or retail store they will need to come before the Planning Board for a Site Plan.

**MISCELLANEOUS:**

**DARIN MADE A MOTION TO ADJOURN AT 10:00 PM SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.**

**NEXT MONTHLY MEETING:    **APRIL 11, 2012****

**PRE-SUBMISSION DATE:       **MARCH 28, 2012****

**NEXT PRE-SUBMISSION:       **APRIL 3, 2012****

Respectfully submitted by:

April Oneto  
Planning Board Secretary