

**TOWN OF ESOPUS
PLANNING BOARD MEETING
MARCH 12, 2014**

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

ABSENT: 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.

New Board Member Daniel Michaud was introduced and welcomed to the Board.

MINUTES: February minutes will be approved at the April Meeting since Board members just received them.

VOUCHERS:

Myles Putman (February, 2013).....	\$2,300.00
U.S. Postage (Church Communities – Lead Agency Packets).....	\$ 22.05
April Oneto (secretarial services).....	33 hours

MARGARET MADE A MOTION TO APPROVE THE VOUCHERS AS READ, SECONDED BY MICHAEL MINOR. 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 at 7:39 p.m. and left the room.

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

Roxanne stated that the Board is ready to take action since everybody is satisfied with the revised FEAF.

DARIN MADE A MOTION DECLARE THIS AS AN UNLISTED ACTION AND DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR FOR COPPERSEA DISTILLERY, CASE #2013-16, SPECIAL USE PERMIT, SECONDED BY MICHAEL MINOR. MOTION PASSED WITH A VOTE OF 4-1-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Michael Minor.....yes
Darin.....yes
Roxanne.....yes
Dan.....abstained

DARIN MADE A MOTION TO APPROVE COPPERSEA DISTILLERY, CASE #2013-16, SPECIAL USE PERMIT, CONDITIONED UPON RECEIPT OF 6 PAPER MAPS SIGNED BY PROPERTY OWNER, SECONDED BY FRED. MOTION PASSED WITH A VOTE OF 4-1-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Michael Minor.....yes
Darin.....yes
Dan.....abstained
Roxanne.....yes

Margaret returned to the Board at 7:45 p.m.

**TUCKER POND (Esopus Estates LLC): Case #2009-23 – East Main St.
@ Sacket Street and Kline Lane,
Port Ewen; SBL: 56.060-3-25.01
Thru 25.16**

Chairperson Pecora informed the Board that there was been correspondence between herself and Joseph Scarmato, Esq., attorney for Tucker Pond. They want to speak with the Planning Board attorney because they want to change this project from condos to apartments and we have informed them that they have to come back before the Planning Board to accomplish this. Roxanne spoke with Peter Graham, Esq. who has been the attorney on this application since the beginning. He will have to do some research regarding this application. Mr. Scarmato was told that they would need to have sufficient money in the Escrow Account to pay for our attorney fees in order to speak with the Planning Board Attorney. Chairperson Pecora stated that she needs a motion to increase the Escrow Account by \$2,500.

FRED MADE A MOTION TO INCREASE THE ESCROW ACCOUNT FOR TUCKER POND, CASE #2009-23, BY \$2,500.00 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

AHMADJIAN: CASE #2013-18 – Lot Line Adjustment with Saccoman – 121 & 109 River Rd., Ulster Park; SBL: 56.020-3-22 & 21

Collin Houston present for this application. Applicant received their variance from the ZBA. Collin submitted a waiver for the Public Hearing. Collin stated that he added a note to the map referencing the ZBA decision.

MICHAEL MADE A MOTION TO WAIVE THE PUBLIC HEARING PER SECTION 107.16.A FOR AHMADJIAN, CASE #2013-18, LOT LINE ADJUSTMENT, SECONDED BY MARGARET. MOTION PASSED. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO DECALRE AHMADJIAN, CASE #2013-18, LOT LINE ADJUSTMENT, AS AN UNLISTED ACTION PURSUANT TO SEQR AND MAKE A DETERMINATION OF NON-SIGNIFICANCE SECONDED BY DARIN. MOTION PASSED. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR AHMADJIAN, CASE #2013-18, LOT LINE ADJUSTMENT, CONDITIONED UPON RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SHOWING THE CHANGE ON THE MAP SIGNED BY ALL PROPERTY OWNERS, SECONDED BY DARIN. MOTION PASSED. VOTE WAS AS FOLLOWS:

Fred.....yes

Margaret.....yes
Darin.....yes
Dan.....abstained
Michael.....yes
Roxanne.....yes

NEW BUSINESS:

LIPSCHITZ (RIVER HEIGHTS): (PUD Amendment at Riverview: Townhouse Development) Case #2014-03 – Rezoning & Site Plan – 83 North Broadway, Port Ewen/ Sleightsburgh; SBL: 56.052-1-37.3

Barry Meddenbach was present to represent this application. Barry was given a copy of M.L. Putman Consulting Review dated 3/7/14 and copy was placed in the file.

Chairperson Pecora informed Barry that the Planning Board can do nothing regarding this application at this time because it is part of the PUD.

Barry stated that this part of Riverview was reserved for commercial consisting of a restaurant and an office building. He stated that he does not know the history but he was told that nobody was interested and the property sat there and then it went for taxes at one point. His clients looked at it and felt that the best use was to put some condos on that would be relatively high end. They are all going to have nice views. They have an architect who has put a lot of work into this project. He will come back at the next meeting and submit with some elevations and show the buildings.

Some discussion took place regarding the original approval and what was stipulated. Barry stated that not having this parcel developed with a restaurant and office building did not leave the project deficient in any way. Michael stated that historically it was considered part of the PUD. Darin stated that the condo owners each own a percentage of this property and he would like to know what is going on with this. Barry asked where he saw this. Darin stated that he saw this in the actual deed since he looked at purchasing this property at one time. Fred stated that the taxes would be less if it went from commercial to condos and the condos have already received a tax break. Barry stated that this has no affiliation with the condos and that this is independent.

Roxanne stated that it can not be independent right now since the PUD is all part of Riverview. If this person wants to purchase this section of land, it has to be separated from the PUD. Roxanne stated that there is nothing that we can do at a Planning Board level at this time. Barry stated that the Board is bringing up legal issues. They have an attorney who could not be here tonight but he will point those issues out. Roxanne stated that they can not even sell this right now until this issue is dealt with. Roxanne stated that all Board members should have a copy of the 1985 Town Board Decision stating their conditions about the preservation of the view for this piece of property. Roxanne stated that there is a height restriction for this parcel.

DARIN MADE A MOTION TO REFER LIPSCHITZ (RIVER HEIGHTS), CASE 2014-03, REZONING & SITE PLAN, TO THE TOWN BOARD, SECONDED BY MICHAEL. MOTION PASSED. VOTE WAS AS FOLLOWS:

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

Barry requested that that the Board state specifically why this is being referred to the Town Board because our Zoning Law states that they should have Sketch Plan Approval prior to being referred to the Town Board. Roxanne stated that the PUD exists under Riverview which encompasses this piece of property. This piece of property can not be sold out. Barry stated that the PUD is a zoning classification it does not necessarily make it one piece it just means that they are all in the same zone. Roxanne stated that it is a zone but Riverview is the one that has to come to the Town to amend the PUD. Barry stated that as far as he knows they have no interest at all in this piece of property. There is a potential that they have interest in ownership. Barry requested that the Planning Board make the Town Board aware of what their concerns are so that he does not go before them and they ask him why he is there. Myles will be attending the next Town Board Workshop to discuss the Board’s concerns regarding this application.

Barry stated that their attorney will be away until the 24th. He further stated that they had an extensive Title Search done on this parcel. Gloria VanVliet, Councilperson, who was in the audience, stated that she thinks that applicant’s attorney should come to the Town Board regarding this application.

SCHMIDT: Case #2014-04 – Lot Line Adjustment for Welch & Welch – 534, 538 & 542 Old Post Rd., West Esopus; SBL: 71.002-3-22 & 23

Shirley Schmidt present for this application. Applicant given a copy of M.L. Putman Consulting Report dated 3/7/14. Copy placed in file.

MICHAEL MADE A MOTION TO WAIVE THE PUBLIC HEARING PER SECTION 107.16.A FOR SCHMIDT, CASE #2014-04, LOT LINE ADJUSTMENT, SECONDED BY MARGARET. MOTION PASSED. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Darin.....yes
Dan.....abstained
Michael.....yes

Roxanne.....yes

MICHAEL MADE A MOTION TO LIST SCHMIDT, CASE #2014-04, LOT LINE ADJUSTMENT AS AN UNLISTED ACTION AND DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR, SECONDED BY DARIN. MOTION PASSED. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR SCHMIDT, CASE #2014-04, LOT LINE ADJUSTMENT CONDITIONED UPON RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY ALL OWNERS, SECONDED BY FRED. MOTION PASSED. VOTE WAS AS FOLLOWS:

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

SCENIC HUDSON LAND TRUST, INC. : Case #2014-05 – Lot Line Adjustment – 257 River Rd., Ulster Park; SBL: 64.003-3-11 & 12

Darin recused himself from this application and left the room.

Kate Kane was present representing Scenic Hudson. Applicant was given a copy of M.L. Putman Consulting Report dated 3/7/14. Copy placed in file.

Applicant still has to submit the map. Roxanne stated that they had requested a waiver on the full boundary survey at the last meeting. Fred stated that he has no problem with waiving the full boundary survey for Tax Lot #12 but they have to do a deed plot showing bearings and distance around the whole property.

The Board reviewed with Kate what needs to be on the map submitted to the Board. Applicant may need to ask for a waiver for the map that 1” equals 200 ft. if they want to stay with one page.

MICHAEL MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER

SECTION 107.16.1 FOR SCENIC HUDSON LAND TRUST, INC., CASE #2014-05 – LOT LINE ADJUSTMENT, SECONDED BY MARGARET. MOTION PASSED. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR SCENIC HUDSON LAND TRUST, INC., CASE #2014-05 LOT LINE ADJUSTMENT SECONDED BY MARGARET. MOTION PASSED. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO WAIVE THE FULL BOUNDARY SURVEY FOR SCENIC HUDSON LAND TRUST, INC., CASE #2014-05 LOT LINE ADJUSTMENT SECONDED BY FRED. MOTION PASSED. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO REFER SCENIC HUDSON, SITE PLAN, CASE #2014-02 TO WATERFRONT ADVISORY BOARD ONLY IF THE MAPS ARE PROVIDED NO LATER THAN 3/24/14, SECONDED BY MARGARET. MOTION PASSED. VOTE WAS AS FOLLOWS:

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

Darin rejoined the Board at 8:41 p.m.

ZBA REFERRALS:

None

MISCELLANEOUS:

None

**MICHAEL MADE A MOTION TO ADJOURN SECONDED BY MARGARET.
ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.
MEETING ADJOURNED AT 8:42 P.M.**

NEXT MONTHLY MEETING: APRIL 9, 2014

DEADLINE DATE: MARCH 26, 2014

NEXT PRE-SUBMISSION: APRIL 2, 2014

Respectfully submitted:

April Oneto
Planning Board Clerk

