

**PLANNING BOARD MEETING
MARCH 8, 2017**

PRESENT: **Roxanne Pecora**
 Mark Anderson
 Margaret Yost
 Darin Dekoskie
 Dan Michaud
 Fred Zimmer

ALSO PRESENT: **Myles Putman, Consultant**

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:35 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: Chairperson Pecora asked if the Board read the minutes from the Planning Board Meeting held on February 8, 2017 meeting and if there were any changes or corrections. There were no changes.

MARGARET MADE A MOTION TO APPROVE THE FEBRUARY 8, 2017 MINUTES SECONDED BY MARK. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Fred.....yes
Roxanne.....yes

VOUCHERS:

M.L.Putman Consulting (Month of February).....\$2,500.00
April Oneto (secretarial services).....95 hours

DAN 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.

PUBLIC HEARING:

FEENEY SHIPYARD (Callanan): Case #2017-01 – Site Plan/Special Use Permit –

**389 New Salem Rd. (Co. rd. 57), Kingston;
SBL: 56.015-1-28**

DARIN MADE A MOTION TO OPEN THE PUBLIC HEARING FOR FEENEY SHIPYARD, CASE #2017-01, SPECIAL USE PERMIT/SITE PLAN REVIEW, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

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

Chairperson Pecora asked if there was anyone present who wished to speak regarding this application.

Andrew Storno – 12 Cemetery Rd., P.O. Box 57, Marlboro, New York 12542
He stated that he has been living in Ulster County for 53 years. He stated that Feeney is planning on expanding their operations at the old Callanan operation on New Salem Rd. He stated that Feeney has already spent a great deal of money on this site and it will offer at least 15 new employment opportunities at the new location that will pay well with benefits for working families. He stated that they supply hundreds of jobs in the area from their operation already in the Hudson Valley area. He supports this company and this project.

Jeff Weigert - 328 New Salem Road., Kingston, NY
He supports local jobs. He stated that Callanan Industries has always been a good neighbor. He is for economic growth and private industry expansion. His concern is that his living room is facing the operation and he is concerned about the security lights at night. He stated that the crusher plant was taken down a number of years ago and they can basically see down to the shipyard. He is asking that any security lights at night be looked at closely. He stated that it has gotten a lot better down there in terms of breaking in at night. He did not have a chance to see the plans.

Jeff Weigert/Troika Newson– He requested that the letter dated 3/5/17 that was mailed to the Planning Board be read into the record. Chairperson Pecora read the letter into the record. - They requested that any security lights be positioned so as not to affect their view of the Rondout Creek. The larger security light at the site is on during the time they are working but is turned off at night which they appreciate. They thanked the Planning Board for addressing the security light issues at the January meeting. They hope that any lights are no glare, turned down and do not show in their windows. The letter was placed in the file.

MARGARET MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR

FEENEY SHIPYARD, CASE #2017-01, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

OLD BUSINESS:

FEENEY SHIPYARD (Callanan): Case #2017-01 – Site Plan/Special Use Permit – 389 New Salem Rd. (Co. rd. 57), Kingston; SBL: 56.015-1-28

Tim Feeney, Shawn Feeney and Rodney Aldich were present for this application.

Myles reviewed M.L. Putman Consulting email dated 3/7/17. Copy of email given to applicant and copy placed in file.

Courtesy referral sent to City of Kingston Planning Board on 2/24/17 letting them know that this application was before this Board. We have not received a response. A referral was sent to the Waterfront Advisory Board and received a response from them on 3/7/17. Chairperson Pecora read the letter stating that they have no inconsistencies with the LWRP. Copy of letter placed in file.

Referral made to the Ulster County Planning Board. Comments received on 3/6/17 and they stated that there were no county impacts for the Special Use Permit and Site Plan. Copy placed in file.

Fred stated that the map states that the project area is 7.3 acres and all along we have been working on a 4.1 acre piece of land. Fred asked for clarification. Tim Feeney stated that this is the whole bottom portion of the land but they are only leasing 4.1 acres.

Myles clarified that in the SEQR Resolution he is talking about the lease area that is represented in the contract which is 4.1 not the 7.3 which includes a disturbance area that they are not leasing.

Additional documentation was received this week which is not included in the documentation considered for the Public Hearing held this evening. A letter was sent to the Ulster County Health Department dated today and received today by the Planning Board regarding the water/sewer issues on the site. Applicants stated that they have an email from the Health Department in which they requested that the method be modified to a truck. They made the changes and the text of the 2/28/17 letter describes the tank they are proposing to use and the heat tracing and all the details that went to the County today. Roxanne stated that we need a copy of what went to the County so we can approve the site plan contingent upon receipt of Health Department approval.

Chairperson Pecora read the Resolution of Determination of Environmental Significance pursuant to SEQR for Thomas J. Feeney Enterprises, Inc.: “Feeney Shipyard”, Case #2017-01, Special Use Permit/Site Plan.

FRED MADE A MOTION TO ACCEPT THE RESOLUTION OF DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE PURSUANT TO SEQR FOR THOMAS J. FEENEY ENTERPRISES, INC.: “FEENEY SHIPYARD”, CASE #2017-01, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Dan.....yes
Mark.....yes
Fred.....yes
Margaret.....yes
Roxanne.....yes

Copy of Resolution will be sent to the applicant and a copy will be placed in the file.

Chairperson Pecora read the “Draft” Resolution of Approval pursuant to Chapter 123 of the Town Code of the Town of Esopus, New York for Thomas J. Feeney Enterprises, Inc: “Feeney Shipyard”, Case #2017-01, Special Use Permit/Site Plan.

DAN MADE A MOTION TO APPROVE THE RESOLUTION WITH THE CHANGES DISCUSSED AND CONDITIONED UPON BOARD OF HEALTH APPROVAL FOR THOMAS J. FEENEY ENTERPRISES, INC.: “FEENEY SHIPYARD”, CASE #2017-01, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Dan.....yes
Mark.....yes
Fred.....yes
Margaret.....yes
Roxanne.....yes

Myles will make changes to the draft resolution as discussed and forward copy to Planning Board Clerk at which time the Planning Board Chairperson will sign the resolution and Town Clerk will sign and date Resolution. Original resolution will be filed in the Planning Board file and a copy will be forwarded to the applicant.

Chairperson Pecora reminded the applicants that this Board will need a copy of the Ulster County Health Department approval as soon as they receive it.

KENNEDY: CASE #2016-05 – MINOR SUBDIVISION- 639 THIRD AVENUE, SLEIGHTSBURGH; SBL: 56.044-2.24

Applicant represented by Chris DiChiaro, engineer, and Michael Vetere, surveyor.

Myles reviewed ML Putman Consulting Review dated 3/3/17. Copy was given to the applicant and copy placed in file.

Chris stated that it says in the Town Code that the Planning Board can waive the 12% driveway grade and was wondering if the Board would consider a 15% grade. Myles pointed out that Section 88 (Highway Code) states that only the Highway Superintendent has the authority to waive the grade. Fred stated that he thought this was covered in the Subdivision Code. Myles referred the Board to Section 107.23.D of the Subdivision Code where it states that we must comply with Chapter 88 which states that the Highway Superintendent is the only one who can waive the grade. Michael Vetere stated that he dropped off maps at the Highway Department and the Water Sewer Department. He was told that copies of access approvals from the Town Highway Department and any correspondence from the Water Sewer District should be provided to the Planning Board.

It was pointed out that Lot 1 is undersized with respect to the bulk requirements for minimum lot area in the R-1 District. The applicant can modify the lot layout, possibly by taking some land from Lot 3, to enlarge Lot 1 or request an area variance from the Zoning Board of Appeals. Applicant was informed that a Zoning Board variance could take up to 3 months.

Discussion took place regarding the applicant contacting the New York State Department of Environmental Conservation Natural Heritage Program in Albany for information regarding rare species that may exist on the site and information about potential habitat impacts. The Planning Board will make a referral of this project to the State Historic Preservation Office (SHPO) due to site's location with an area deemed sensitive for cultural resources.

Dan stated that he has been on that site many times and the land has been disturbed and feels that applicant should not have to contact NYSDEC Natural Heritage Program. Following further discussion the Board members agree.

DAN MADE A MOTION THAT THE PLANNING BOARD IS SATISFIED THAT THE BOARD HAS ENOUGH INFORMATION AND WE HAVE DONE OUR DUE DILIGENCE FOR KENNEDY, CASE #2016-05, SUBDIVISION, AND DO NOT FEEL THAT THE APPLICANT NEEDS TO PURSUE NYSDEC NATURAL HERITAGE PROGRAM REGARDING RARE AND ENDANGERED SPECIES ON THIS SITE, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes

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

Applicant is going to lower the building and increase the size of the undersized lot.

NEW BUSINESS:

**HENNESSY/LIMA: CASE #2017-03 – LOT LINE ADJUSTMENT – 25 & 29
FLAT VIEW COURT, ULSTER PARK; SBL: 63.002-4-
32.1 & 32.2**

Applicant represented by Don Brewer, surveyor.

Myles reviewed ML Putman Consulting Report dated 3/1/17. Copy of report given to applicant and copy placed in file.

Fred questioned why the applicant can't file an amended deed on the filed map. Don explained that Hennessy sold the lot prior to the map being filed. A couple of years later the Lima's sold their parcel according to the filed map. The driveway was on the other property owner's parcel. The other property owner was willing to sell a triangular piece but not 40 feet. They were willing to sell 30.8 feet so a new map needs to be filed.

DARIN MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER 107.16.A(1), TO CLASSIFY THIS ACTION AS A NEGATIVE DECLARATION (DETERMINATION OF NON-SIGNIFICANCE) UNLISTED ACTION PURSUANT TO SEQR, A REFERRAL TO THE WATERFRONT ADVISORY BOARD, GRANT SKETCH PLAN APPROVAL AND THAT THE APPLICANT SUBMIT A FINAL PLAT THAT INCLUDES THE FOLLOWING NOTATIONS AND CHANGES:

- A. THE SPECIFIC CONDITIONS ATTACHED TO 2010 VARIANCE GRANTED TO ZABIK;**
- B. A REFERENCE TO THE ZABIK PLAT, FILED MAP (IN) 10-208 AND**
- C. SIGNATURE SPACE FOR ALL FOUR LANDOWNERS**

FOR HENNESSEY/LIMA, CASE #2017-03, LOT LINE ADJUSTMENT, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A 6-0 VOTE. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Margaret.....yes
Darin.....yes

Dan.....yes
Roxanne.....yes

Mark Anderson recused himself for the following application before the Planning Board (9:00 p.m.)

ANDERSON: CASE #2017-04 – MINOR SUBDIVISION – 219 HARDENBURGH RD., RIFTON; SBL: 71.001-3-25

Tobias Anderson present for this application.

Myles reviewed ML Putman Consulting Report dated 3/3/17. Copy of report given to applicant and copy placed in the file.

Applicant submitted new maps this evening which will need to be reviewed and discussed at the next Planning Board Meeting.

Discussion took place regarding the wetlands and the need to have them flagged . Tobias stated that the wetlands on the property are very clear. Darin suggested that it might be to the owner’s advantage to flag the wetlands as it might show there is more room for development, especially on Lot #2. .

The Board needs to take a look at the proposed septic system on Lot #2 and applicant will need County Health Department approval for all septic systems. Applicant stated that test holes have already been done and approved by the Ulster County Board of Health.

Applicant suggested an easement and Myles suggested the alternative solution would be a 50’ strip in fee simple for the back lot (Lot #3).. The grade of any driveway or street must not exceed 12%. Applicant will need to obtain Highway Access Permits and submit something in writing from the Highway Superintendent to the Planning Board. Applicant stated that they have verbal permission but he will follow-up for something in writing.

Planning Board discussed possible layout modification to include the wood road/common driveway as part of Lot 3 (a 50-foot wide strip in fee simple ownership) and allocate the wetland area to Lot 2. Lot 2 would then become the remainder lot. In the event separate driveways were to be built on Lot 2, it could be sited further away from the wetland.

Applicant needs to complete questions 3.b and 15 on SEAF and resubmit the form to the Planning Board. Applicant stated that this will be completed. Applicant is going to need to contact the NYSDEC Natural Heritage Program in Albany for information on the rare species that may exist on the site.

FRED MADE A MOTION TO DECLARE THIS AN UNLISTED ACTION,

TYPE I (NEGATIVE DECLARATION), PURSUANT TO SEQR AND GRANT SKETCH PLAN APPROVAL FOR ANDERSON, CASE #2017-04, LOT LINE ADJUSTMENT, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR AND THE MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

Mark is back on the Board. (9:15 p.m.)

**KINGDOM CARES, INC. (lands of Missionary Sisters of the Sacred Heart):
CASE #2017-05 – SPECIAL USE PERMIT/SITE PLAN -
2083 & 2085 BROADWAY (US RT. 9W: STATE HWY 5508),
WEST PARK; SBL: 79.002-1-21**

Curtis Turner, applicant and Alan Dumas, Engineer, Brinnier & Larios were present for this application.

Myles reviewed ML Putman Consulting Report dated 3/2/17. Copy of report given to applicant and copy placed in file.

Applicant is proposing a children’s summer camp to operate on the site of the former Cabrini Youth Facility. The use of this site would primarily involve re-use of existing buildings, infrastructure and improvements with no new construction proposed.

Mr. Turner stated that Kingdom Cares, Inc. is a not-for-profit educational service-based organization committed to academic excellence and the advancement of educational goals and careers. They provide services including after school programs, summer camp programs, test prep workshops involving college entrance exams, high school admissions exams, and individual and small group tutorial services.

He and his wife have been involved in running a licensed after school and summer camp programs (K-12) in New York City for a number of years. This site shares a common water supply and wastewater treatment system and they have been in communication with the Health Department for approval. It is felt that they have sufficient water supply and plenty of capacity for the sewer. The Planning Board will need something in writing from the Health Department stating this.

They would like to run the summer camp from July 5th – August 5th, 2017. There will be approximately 50 children attending. The camp is divided into 4 sections:

- Kiddie Camp (Day Camp) Grades K-2, Ages 4-7 (10)
- Candy Cane Kingdom (Overnight Camp) Grades 3-5, Ages 8-10 (10)
- Criss Cross Kingdom (Overnight Camp) Grades 6-8, Ages 11-13 (10)
- Cue Cards Kingdom (Overnight Camp) Grades 9-11, Ages 14-16 (20)

Camp Personnel will be regulated by the Ulster County Health Department and will consist of at least 25 employees.

They are planning on opening the old school and running a private Christian boarding and day school for grades 3 through 12 and anticipate starting in the Fall of 2017. The property will be leased from the Missionary Sisters and they do not intend to build any new buildings. The lease will be for five (5) years with the option to purchase. Applicant was informed that if he were to purchase the property in the future he would have to come back before the Planning Board for a subdivision.

The buildings were inspected by the Building Inspector/Code Enforcement Officer, Salvatore Morello on 2/27/17. Each building was inspected and a written list of issues to be dealt with in order to bring everything up to code prior to opening was given to the applicant.

Discussion took place regarding the close proximity of the camp and school to Route 9W. Mr. Turner stated that everyone will be monitored and no one will be allowed outside of the property.

The day campers will be bussed back to the city daily and the overnight campers will be bussed back to the city on Friday. Roxanne questioned the walkway under Route 9W and suggested that applicant look at this.

DARIN MADE A MOTION TO CLASSIFY KINGDOM CARES, INC., CASE #2017-05, SPECIAL USE PERMIT/SITE PLAN AS AN UNLISTED ACTION, NEGATIVE DECLARATION PURSUANT TO SEQR, AND APPROVE THIS APPLICATION FOR SKETCH PLAN, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

- Fred.....yes
- Mark.....yes
- Margaret.....yes
- Dan.....yes
- Darin.....yes
- Roxanne.....yes

ZBA REFERRALS:

NONE

MARGARET MADE A MOTION TO ADJOURN AT 10:00 PM, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

NEXT MONTHLY MEETING: APRIL 12, 2017

DEADLINE DATE: MARCH 29, 2017

NEXT PRE-SUBMISSION: APRIL 19, 2017

Respectfully submitted,

April Oneto
Planning Board Secretary