

**TOWN OF ESOPUS**  
**PLANNING BOARD MEETING**  
**APRIL 11, 2012**

**BOARD MEMBERS PRESENT:** Roxanne Pecora  
Rich Williams  
Fred Zimmer  
Margaret Yost  
Mike Minor

**BOARD MEMBER ABSENT:** Darin DeKoskie

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

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 March 14, 2012.

**MARGARET MADE A MOTION TO ACCEPT THE MINUTES OF MARCH 14, 2012 SECONDED BY MIKE. MOTION PASSED WITH A VOTE OF 5-0.**

**VOUCHERS:**

Joseph Eriole, Esq. (Review of Minutes - Jan., Feb. and March, 2012).....	\$ 294.00
M.L. Putman Consulting (March, 2012).....	\$2,250.00
April Oneto (secretarial services).....	60 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.**

**PUBLIC HEARING:**

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

**RICH MADE A MOTION TO OPEN THE PUBLIC HEARING FOR FREER, SUBDIVISION, CASE #2012-03, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR.**

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. A copy of the notice was placed in the file.

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

**RICH MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR FREER, CASE #2012-03, SUBDIVISION, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.**

**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.

**MIKE MADE A MOTION TO GRANT CONDITIONAL FINAL PLAT APPROVAL CONDITIONED UPON SUBMISSION OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY THE LAND OWNER ; PAYMENT OF RECREATIONAL FEE OF \$2,000.00; AND A DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO SEQR, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

- Rich.....yes
- Fred.....yes
- Margaret.....yes
- Mike.....yes
- Roxanne.....yes

**PUBLIC HEARING:**

**OMEGA INSTITUTE: Case 2012-01 - Special Use Permit - 858 Cow Hough Rd. (Town Hwy 827), Dashville area; SBL: 71.002-6-12 & 13.1**

**MIKE MADE A MOTION TO OPEN THE PUBLIC HEARING FOR OMEGA INSTITUTE, CASE #2012-01, SPECIAL USE PERMIT, SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR.**

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. A copy of the notice was placed in the file.

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

Alan Hershkowitz, 898 Cow Hough Rd., New Paltz

Mr. Hershkowitz stated that he really does not have a problem with them being there. He stated that he is concerned about the traffic. The road is crazy. He wanted to know that once they are granted the permit to operate what is to prevent them from using the facility more than they are presently saying. What, if any control will we have over this? because the increase in the use will be an increase in the traffic.

Hans Boler - Hutterian Society

He appreciates the opportunity to dialogue with them. They have no problem with what they are doing but they are concerned about the traffic and safety of the driveway. They have 300 people living on the 250 acre parcel across the street and that driveway comes out almost exactly opposite of the applicant's driveway. They use this a lot for pedestrian traffic. Hans stated that the traffic has increased on that road. It is used as a shortcut to New Paltz. If you come south on Cow Hough Road, there is a blind hill that comes up about 75 yards in front of the driveway and if you are going 45 mph it is about 3 seconds before you hit that driveway. He thinks that the Town needs to look at this since it is a Town road. He thinks that this needs to be addressed possibly with some kind of signage to slow the traffic down. He does not know if they can do something about the hill. They have a lot of pedestrians walking in that area especially on the weekends. This needs to be addressed especially if there are 30 vehicles per peak hour. People who do not know that road will come flying over the hill and then all of a sudden there is a driveway.

Roxanne asked if there was anyone else interested in commenting. There were no other people to speak on this application. Roxanne informed the Board that we need to make a decision whether to suspend or adjourn the Public Hearing. Roxanne stated that if we are not ready to make a decision tonight we can adjourn it to the next meeting.

Fred stated that the Town speed limit is 35 mph and this becomes an enforcement issue. The site distance for 35 mph is 275 feet. Barry Meddenbach stated that the Highway Superintendent went out and looked at the driveway. He recognized that there is a sharp hill that is close to the driveway but he did not think that the distance away from the driveway was that serious.

Roxanne stated that we are in the midst of a Public Hearing and as such we can not discuss the issues at this time. We need to make a decision regarding whether to adjourn the public hearing and carry it forward. It does not seem that we are ready to make a decision tonight so she recommends that we adjourn the Public Hearing so we can review the engineering report, review the traffic study before us and understand what additional issues we may. Myles stated that if we do close the Public Hearing we have 62 days under State law to make a decision. Fred stated that we could adjourn it with the applicants consent.

Applicant was asked if they would accept adjournment of the Public Hearing until next month. Applicant was in agreement.

**RICH MADE A MOTION TO ADJOURN THE PUBLIC HEARING TO MAY 9, 2012 AT**

**7:10 PM SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Fred.....yes  
Margaret.....yes  
Mike.....yes  
Roxanne.....yes

**OLD BUSINESS:**

**THE OMEGA INSTITUTE: Case #2012-01 - Special Use Permit - Educational/  
Institutional use of Residential Propety - 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.

We received a Traffic Study completed by John Collins Engineers, P.C. dated 4/3/12, comments from Peter Lilholt, Clough Harbour dated 3/20/12 and 4/4/12 and the Ulster County Planning Board Recommendations dated 4/6/12.

Margaret asked about the size of the dorms and if they are just going to have rooms in the dorms or are they going to have common areas. Peter Reynolds, North River Architectural Planning from Stone Ridge, was present and brought pictures of what the dorms will look like. Margaret asked if they were only going to have dorm rooms and the size of the rooms. Peter gave a brief presentation. They propose to add some wrap around porches and internal changes to the existing house. Essentially the project proposes one addition to the north and one second phase addition to the south. Each of the additions will have 25 individual rooms. This is not exactly a dormitory it is essentially a small hotel type accommodations. There will be a small bath, small closet and sleeping area. The first phase addition will be attached to the building towards the south and the other will be a separate building, Phase II. The design of the materials will be natural materials. It will be a very high performance building in terms of an energy profile. The design concept would be for the house to be the core with meeting rooms, dining, retreat lounge, some fitness amenities in the basement which are existing in the house. The two additions would essentially be just the hotel retreat rooms. Each wing would have a common room. There would be more or less a valet parking situation. It is basically a pedestrian site with a lot of outdoor walking activities and a chance for people to experience the site on foot and not by car. The idea is that they get out of their car when they get there and not get into their car until they leave. Staff parking in the back will be new and there is an added road going down into the parking lot that is proposed.

Margaret asked for the approximation of the size of one of the dorm rooms. Peter stated that they

are about 14 feet by 18 feet. Margaret asked if they could then put two people in there. Peter stated that the bed sizes will vary. Each dorm room will have its own bathroom. Margaret asked if there are any long term plans about adding or putting more buildings up. Peter stated that this particular plans pretty much uses up all the buildable sites. He stated that if there were ever to be future phases Omega would have to come back before the Board. There are no segmentation ideas. It has its own business plan right now. Barry stated that they are going to build the first 25 rooms and if that is successful then they would build the other 25 rooms. Margaret stated that once the people come to the facility they are going to park their car and it is not going to move the whole time that they are there. She was told that this is correct. Margaret asked if there was any chance that the people would be coming by bus. Skip stated no and that the economics make no sense. Skip stated that they have not had this happen at their other facility in terms of groups coming with the exception of school that come to visit. This is not designed for that kind of use and it is designed at a particular threshold for a particular clientele. Margaret asked if there will be an amplified sound, music, etc. that could affect any of the individuals who live there. Skip stated that the Town of Clinton has a very strict outdoor amplification policy. There programs are generally retreat oriented or training oriented. They do not have bands, etc. Could there at some point be a guitarist playing outside and you might hear something? Yes, but it would not be an amplified situation. He stated that they are very conscious of their impact. Margaret asked if they ever got in touch with the Fire Chief from the Rifton Fire Department. Barry stated that they have called him but he has not responded. Margaret stated that she is concerned about what would happen if there is a fire truck and ambulance going up there. She does not think that they can pass on the way up. Barry stated that they can. He stated that they have made some very specific areas that they are going to extend the gravel out. He says that two cars can pass now even though it is grass but two cars can pass now. Barry stated that there are areas that you could stage equipment for a fire and there is a pond on site. Margaret asked for a copy of Omega's 501.C.3. Skip said that they will send this but all of this information is available on line along with a list of the Board Members.

Rich is concerned about the traffic in this area and the pedestrian traffic on the road. He feels that they can only work with what they have. Enforcement is an issue that will have to be dealt with regarding speed limits after the project is built. The County Planning Board made a couple of recommendations regarding public safety and access for emergency first responders. He asked about hydrants and Barry stated that the building will be required to have a sprinkler system. He said when you do that there is a storage holding tank of water and a hydrant is put into that. Margaret asked that they again try to get in touch with the local Fire Chief. Barry stated that he will make a stronger effort to contact him.

Mike asked if they have gotten Health Department approval at this point. Barry stated that they are ready to approve the plans. Barry was waiting until after tonight so that he can send them final plans and at that time they will approve them. Myles asked if the parking is going to be phased. Barry stated that they are going be phased with respect to the buildings. Myles asked about the overhead utility lines coming in and if they are going to keep them there or are they going to bury them. Barry thinks that they are going to keep them overhead. Barry received Pete Lilholt's comments and responded to the first round of comments and received a second set

of comments that he has already responded to.

Barry stated that the traffic engineer suggested that they put an intersection sign up on the other side of the hill. It was suggested that they need a pedestrian crossing sign. The Bruderhoff has an entrance/exit directly across from their driveway which is used frequently. The applicant has no problem putting up signs. This will be discussed with the Highway Superintendent Mike Cafaldo and ask for his suggestions. Barry stated that their peak usage for the facility will not coincide with the peak usage in the traffic study. Barry stated that if the Planning Board recommends that signs be put up then they would go and coordinate this with the Town Highway Superintendent. They can pay him and have him put them up. They would be in agreement with this. Fred stated that we can recommend this and put it on the plans. We can not require it. Mike Cafaldo would have the final say on the signs.

Barry stated that he received comments from the Ulster County Planning Board and stated that they basically said that Omega is outside the 500 feet but they gave some recommendations any way. We obtained a copy of these comments from Barry since we did not receive them yet.

Myles recommended that applicant have Part II and part III of the EAF be prepared. Board members were in agreement to direct Myles to proceed with completing this.

**FRED MADE A MOTION TO HAVE M.L. PUTMAN CONSULTING COMPLETE PART II AND PART III OF THE EAF FOR OMEGA INSTITUTE, CASE #2012-01, SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Fred.....yes  
Margaret.....yes  
Mike.....yes  
Roxanne.....yes

**NEW BUSINESS:**

**COOPER: Case #2012-04 - Lot Line Adjustment**

No one was present to represent this application before the Board. Since this is the second time applicant has been on the agenda and no one was present a letter will be sent to the applicant informing them that if they wish to be placed on the agenda again they will have to contact the Planning Board secretary.

**ALEO: 2012-11 - Site Plan Amendment - 210 Hasbrouck Avenue/Spring Street, Port Ewen; SBL: 56.059-4-5**

Applicant was represented by Robert Provost. Letter of representation received and placed in

file.

Myles reviewed M.L. Putman Consulting Report dated 4/3/12, copy given to applicant and copy placed in file.

**MIKE MADE A MOTION TO REFER ALEO, CASE #2012-11, SITE PLAN AMENDMENT TO THE ULSTER COUNTY PLANNING BOARD FOR REVIEW, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Fred.....yes  
Margaret.....yes  
Mike.....yes  
Roxanne.....yes

**RICH MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 123.47-C.5 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Fred.....yes  
Margaret.....yes  
Mike.....yes  
Roxanne.....yes

**“CONNELLY TERRACE” Section (Phase) 4 re-approval (ARC - Affordable Residential Communities: Case #2012-13 - Special Use Permit - Off James Street, Connelly; SBL: 56.015-1-7**

Myles reviewed M.L. Putman Consulting Report dated 4/9/12, copy given to applicant and copy placed in file. Applicant represented by Diane Purdon, ARC and John Davidson, Brinnier and Larios.

John Davidson stated that the project was dormant for a while and then it changed hands. The project is the same as it was originally but the approvals have expired and that is why they are back before the Planning Board for re-approval. The stormwater regulations have changed from that time and the detention basin that is on the project will still be the same and the new regulations pertaining to treatment and infiltration of some of the drainage will be incorporated into the drawings and it should have an impact of reducing the net runoff to the detention basin. They are not planning on changing the volume of that so the pre and post should be valid. They are in the process of finalizing the stormwater revisions basically changing most of the stormwater from a catch basin closed pipe system to an infiltration ditch. There still will be one

or two catch basins that will need to be conveyed to the existing pond. They should have stormwater revisions to the Board for the next meeting.

Mike questioned water/sewer plans. John stated that these plans were previously submitted to the Ulster County Health Department and approvals were granted. They would be happy to give us a copy of the approved plans from the Health Department. Applicant was requested to give us a copy of this for our files. Mike questioned Recreation Fees and was told that they do apply to this application. John stated that they had shown a recreational area on the plans and he thought they showed a walkway. Myles stated that it was in the detail drawings. They will provide us with a set of plans that shows where the walkway will be. However, applicant was informed that this will not suffice in lieu of paying the recreation fee. The Town prefers the fee over another park.

Margaret stated that there should be a 3 foot wide walkway along the wood side of the road. John stated that this was on the detail as Myles mentioned and it was also on the Site Plans. There was a very light shading showing where the walkway was going to be but when they reproduced the originals it did not show up. They will get better copies showing this walkway. Roxanne and Fred were on the Board when this was before the Board in the past. Rich asked where this would be located. Myles stated that he thinks they will have access through the town maintained section of James Street. John stated that there is a secondary entrance that the Planning Board wanted. Rich wanted to know if this is going to fall under the Town maintained roads. He was told that it will not. Fred stated that he does not see a dimension on a lot. Myles stated that we may need to look at the last case and see what discussion there was about an on-site recreation area. Roxanne stated that she does not remember this.

John stated that what they had on sheet 6 they had a typical lot layout and they noted that the minimum lot size was about 5,000 square feet. Fred asked for some dimensions and bearings. Discussion took place about the amount of detail this would require. Fred felt that whoever rents a space should know how big it is. Fred stated that he would like to see this. John said they could do this. Fred questioned the minimum width on an ADA sidewalk.

John stated that they will have the stormwater revisions completed in a couple of weeks and whatever minor notational changes on the drawings. They will be adding the area for each lot onto the drawing. He will have the sidewalk shaded and double check the width on the detail. Mike mentioned the fact that the recreation fee has changed. John stated that is why they have the recreation area depicted on the maps. This will have to be looked at.

#### **OLD BUSINESS:**

**PECK: Case #2012-07 – Lot Line Adjustment – 44 Peters Lane (Town Hwy 858),  
Ulster Park; SBL: 72.001-1-8.11, 8.12 & 26.1**

Myles reviewed M.L. Putman Consulting Report dated 4/3/12, copy given to applicant and copy placed in the file. Mr. Venditti was present to represent this application.

The maps we will be using for this application are dated 3/12/12.

**MIKE MADE A MOTION TO WAIVE THE REQUIREMENT FOR A NEW SURVEY OF THE LANDS FOR THAT PORTION OF THE LOT WEST OF THE RAILROAD SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Fred.....yes  
Margaret.....yes  
Mike.....yes  
Roxanne.....yes

**MIKE MADE A MOTION TO WAIVE THE PUBLIC HEARING FOR PECK, CASE #2012-7 LOT LINE ADJUSTMENT AS PER SECTION 107-16.A SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Fred.....yes  
Margaret.....yes  
Mike.....yes  
Roxanne.....yes

**MIKE MADE A MOTION TO DECLARE A NEGATIVE DECLARATION UNDER SEQR FOR PECK, CASE #2012-07 LOT LINE ADJUSTMENT SECONDED BY SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Fred.....yes  
Margaret.....yes  
Mike.....yes  
Roxanne.....yes

**MIKE MADE A MOTION TO GRANT A CONDITIONAL FINAL APPROVAL FOR PECK CASE #2012-07 CONDITIONED ON RECEIPT OF 6 ORIGINAL STAMPED MAPS AND 1 MYLAR SIGNED BY ALL PROPERTY OWNERS SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Fred.....yes  
Margaret.....yes

Mike.....yes  
Roxanne.....yes

**FERGUSON d/b/a “ABERDEEN-ON-THE HUDSON”: Case #2012-10 – Special Use Permit – 1723 Broadway (US Route 9W, State Hwy 5508), West Park; SBL: 80.001-3-23**

Myles reviewed M.L. Putman Consulting Report dated 4/11/12, copy was given to applicant and copy was placed in file. Applicant Maria Ferguson was present along with her sister Roseanne.

Mike stated that he was involved in pre-submission regarding this application and there appears to him to be a discrepancy about the use of the building sites and where the preparation of the food would happen. He looked at the video and read the article in the Freeman. There seems to be a number of discrepancies. In pre-submission you stated that the building would not be used and the report in the Freeman stating that part of the house would be used. Mike stated that the Freeman stated that “Ferguson said that an indoor cottage was available year round with both heat and air conditioning. Open end tents, extensive renovations including reducing the slope toward the river so the tents for large events can be anchored there. There is now sufficient room for cocktails and reception after the service and a cook tent for the caterer.” Maria stated that the reporter came there, took pictures and interviewed her for a while. She did speak to the coordinator. She stated that she does not think that she meant to cook there. Mike stated that he understands that the newspaper does not always quote correctly. This is in quotes and it says that there is “now sufficient room for cocktails and reception after the service and a cook tent for the caterer.” His concern is that in a number of situations things migrate. The problem for the Planning Board is that because of the Zoning Laws for the Special Use Permit this migration can not be automatic. It has to meet the requirements of the data that we are given. Mike stated that he happened to be the Board member at both of the pre-submission meetings and as he remembers it Maria said that one of her students wanted to have a wedding there and we considered this an incidental use, no changing of the slope to the river, no electric, no cooking facilities, etc. and we said yes but now its become a business. This is a big difference. At the second pre-submission we asked specific questions about the business and now we have two narratives that say different things. We have a narrative that says only in tents and then there is a narrative that says smaller groups can meet inside which implies use of the sanitary facilities. You are not going to have a meeting inside and then tell them that they have to use the porta-potties outside. Mike’s concern is that we keep changing and changing and changing. He is reluctant to grant his vote to a special use permit if we have not defined the special use.

Mike stated that we have worked with this applicant a lot with the school and the subdivision for a house which has not been built yet and now we have to look at insulating through plantings etc., the neighbors from outside activities and not only weekdays but weekends. He is not sure under NYS Law if you can use the same facility for alcoholic beverages as you use for a school. He is concerned that things keep changing. His reaction is if he is not comfortable in this is to say he does not want to support this because he does not know what is going to happen.

Maria said that when she purchased the building for a school and was going through the approvals and not knowing if it would be approved or not she was not thinking about subdividing it for a house. The situation was not viable to buy it as a commercial property for a school and at the same time to consider putting a house there. It was not part of the package. That is why the plan was presented in two phases. Mike stated that he would not want to see the Special Use Permit for the school jeopardized by this other business. This is a large concern for him especially with the alcohol permit and also because of the impact upon the neighbors. A Special Use Permit needs to be followed exactly or somebody can say it was granted but they did not do the things they said they would and we need to take that permit away from them.

Maria stated that in the beginning she was not thinking of this business but clients would come and say how beautiful the location. Even today she said that she has people coming over from Stonehedge saying that brides that get married there would like to come over and use the river view for pictures. All of a sudden out of nowhere this wedding idea became a thought. She had called about it and she did ask and she did get permission in a letter saying that weddings were okay. Why would she go out and hire somebody if it was told to her that she could not do it then she would probably come here? Mike stated that she changed the grounds by leveling the land for the tents. She stated that the trench that is there is electricity for her house. Mike stated that it appears that you are going to use that for the tents at the top of the hill which is property that is not the house property. Central Hudson will not accept this. Maria stated that the trench is so large because it is for electric, gas, cable. Mike stated that you have to have separate service for each property because the house property could be sold. It is a separate parcel. She stated that she has been on the phone with Central Hudson who told her that she puts a primary to a certain part and you put in a panel and you get an electrical source and from that point to the house you put in a three wire. Mike asked if she explained to them that the services were going to be used on two separate lots. Mike stated her first visit to the pre-submission meeting was that one of your students wanted to get married there. Marie doesn't believe that she said one wedding. Mike stated that the second visit which was after you received a letter from the Building Inspector which we believe was an error. The problem with pre-submission is that this is advisory to you but nothing said at any pre-submission is a decision of the Planning Board and it says that on the disclaimer on the top of the paperwork that you receive from that meeting. Mike questioned that when she came back to the Building Inspector and asked about weddings there if he knew that you were planning on regrading the side down to the river then he does not have the information he needs to make a decision just like if you did not tell Central Hudson that the service was for two separate properties. The reason for this is because you can sell either one of those properties. For two separate meters there would have to be a utility right-of-way in each deed.

Roseanne stated that she is from Long Island and in a lot of areas where they have weddings they bring generators for the electricity. This is a possibility except it brings noise and carbon monoxide to the area. Mike said that if this is the plan then this information becomes part of the Special Use Permit. Maybe this is a solution. Mike said that what he is saying is that we have to know the scope of what the applicant is planning on doing. Mike stated that in the pre-submission meetings you said you would not be using the buildings but in other forums you said

you would be using the buildings. You said you would not be preparing food on site but in other forums you said you would be. It sounds like some of the construction work was started without the proper approval from the Planning Board and from the Building Inspector.

Maria stated that she never even spoke to the Kingston Freeman. She was told that she is in a video and there is an article with a picture of her coming up the staircase. She said she did this month's ago. She stated that she is not converting the house into anything.

Fred stated that this is in an R40. There are two lots and Myles stated that the material submitted to us indicates that both lots would be used for this venture. Maria stated that is not the case. Myles stated that we need clarification. She stated that nothing would be used on the house site. Fred asked if the property belonging to Aberdeen-on-the-Hudson is where this business is going to take place. Maria stated that this is correct. Fred questioned the reference to the cottage and if that is the second building in the front on the north side. Maria stated that it is and this could be year round. Fred stated that we are missing a grading plan and we have to put a number on parking places. We will need a Site Plan. Myles stated that we will have to be absolutely clear that if the parking is used on Friday – Sunday for the business there will be no classes taking place on Friday. Rich felt that we need to have what parameters you are going to work in and if you go outside of these parameters then that is when you will have issues. Maria agreed that they need to be very clear. Margaret stated that she had asked about the school being used off school hours by practitioners for their practice. This needs to be cleared up.

Roxanne stated that we may have some legal issues. We have a mixed use of the site, alcohol involved and we may need a legal opinion. In terms of Tim's letter, she discussed this with the Town Supervisor. When an applicant comes to a pre-submission meeting nothing is final there is a disclaimer at the top of the form. That information is to be taken as a guideline to make your application and come before this Board. This is a 7 member Board and 7 members will make the decisions. If you want to get through this Board you have to follow the process and the rules. Right now we do not have any guarantee of what you going to do or that you are going to follow through on anything. You need to come to us with a complete submission and we do not have it. A Special Use Permit can have conditions on it. Right now the Building Inspector is in the process of enforcing the Special Use Permit from the prior approval and he is giving a daily account to the Town Supervisor. There are still open issues on the prior approval that were before us. Maria asked what prior. Roxanne stated that there are still things being addressed. Fred disagrees. There is nothing more we can do because we need a complete submission.

Maria stated that in all due respect she does not know what is not in compliance and there are some issues she feels that there is a little bit of a conflict of interest here with two individuals who have been employees at the school. Roxanne stated that there is no conflict of interest because she is not a current employee and she is not part of this issue whatsoever and she has no financial interest in it. She does not know that the problem is with the school. Roxanne stated that the Building Inspector has been in contact with her and the Town Supervisor has been in contact with her. There was a letter sent to her dated 3/29/12 from the Town Supervisor.

Maria said that she did put stakes in the property. She passed around a copy of pictures showing the stakes. Mike asked if they were put in by a surveyor. She stated that she has the maps and her employee followed the numbers and the degrees and he put the stakes in. Mike stated that in property boundary issues only a professional engineer or a surveyor holds any weight. This Board will not be able to deal with property boundary issues. Maria stated that for the record schools do have weddings, i.e. Vassar and Columbia University. She stated that she contacted her insurance company and it is covered.

**NEW BUSINESS:**

**JOHN HOY LLC: Case #2012-12 – Subdivision – 166 First Street @ Spring Streets (Town Hwys), Connelly; SBL: 56.050-1-3**

Myles reviewed M.L. Putman Consulting Report dated 4/3/12, copy given to applicants and copy placed in file. Applicants Sharon Jones and John Hoy as well as surveyor Don Brewer were present.

Don handed out new survey maps just completed and will be submitted for the next meeting.

Mike questioned the car port and the tank and was told that they are fine. Mike questioned the catch basin and the drainage easement. Don stated that the catch basin is off the corner of building within the proposed drainage easement. Catch basins are all within the proposed easement. They made the drainage easement 25 feet wide to include the ditch. They are going to propose a right-of-way for access to the house. Myles asked them to update the neighboring landowners. There is town sewer and water.

**MIKE MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR JOHN HOY CASE #2012-12 SUBDIVISION SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

- Rich.....yes
- Fred.....yes
- Margaret.....yes
- Mike.....yes
- Roxanne.....yes

**MARGARET MADE A MOTION TO REFER HOY CASE #2012-12 TO THE WATERFRONT ADVISORY BOARD CONTINGENT UPON RECEIPT OF UPDATED MAP BY 4/23/12 SECONDED BY MIKE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

- Rich.....yes
- Fred.....yes
- Margaret.....yes

Mike.....yes  
Roxanne.....yes

**OLD BUSINESS:**

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

Myles reviewed M.L. Putman Consulting Report dated 4/4/12, copy given to applicant and copy placed in file. Abram Lewis-Rosenblum present to represent this application along with Don Brewer.

Mike asked if the land underneath Martin Sweedish Road has been dedicated to the Town and at this time it has not. Mike asked if they are planning on completing the subdivision and then dedicating the land to the Town and this is the plan. Abram stated that he has prospective buyers for Lot #1 and Lot #2.

Abram has received certification of the wetlands boundaries from the DEC which will be submitted for the next deadline date.

Don stated that the engineer is working with DEC about a driveway for Lot #3 crossing over the wetlands.

Myles stated that we need a Full EAF.

**MIKE MADE A MOTION TO GRANT CONDITIONAL SKETCH APPROVAL SUBJECT TO THE CONDITIONS ON E-1 THROUGH E-4 IN MYLES PUTMAN'S REVIEW DATED 4/4/12 SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Rich.....yes  
Fred.....yes  
Margaret.....yes  
Mike.....yes  
Roxanne.....yes

Don was told that the maps need to be revised by 4/25/12 along with the Full EAF.

**ZBA REFERRALS:**

None

**MISCELLANEOUS:**

**FRED MADE A MOTION TO ADJOURN AT 10:05 PM SECONDED BY MARGARET.  
ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.**

**NEXT MONTHLY MEETING:    MAY 9, 2012**

**DEADLINE DATE:                APRIL 25, 2012**

**NEXT PRE-SUBMISSION:        MAY 1, 2012**

Respectfully submitted by:

April Oneto  
Planning Board Secretary