

**PLANNING BOARD MEETING
APRIL 8, 2015**

PRESENT: Roxanne Pecora, Chairperson
 Michael Minor
 Darin Dekoskie
 Mark Anderson
 Margaret Yost

BOARD MEMBERS EXCUSED: Fred Zimmer
 Daniel Michaud

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

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.

Chairperson Pecora introduced and welcomed new Planning Board Member Mark Anderson.

MINUTES: Chairperson Pecora asked if the Board read the minutes from the March 11, 2015 meeting and if there were any changes or corrections.

DARIN MADE A MOTION TO APPROVE THE MARCH 11, 2015 MINUTES SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MINUTES PASSED WITH A VOTE OF 5-0.

VOUCHERS:

M.L. Putman Consulting (March, 2015).....\$2,300.00
April Oneto (secretarial services).....50 ½ hours

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

OLD BUSINESS:

**KNOWLTON & CHURCH COMMUNITIES FOUNDATION INC.: Case #2015-02
Lot Line Adjustment – 787 Broadway (US Rt. 9W, State Hwy 5508), Ulster Park; SBL: 64.003-5-32.1 & 32.2**

Chris Zell was present to represent the applicant in this matter.

Received response from Waterfront Advisory Board dated 4/2/15. Letter read by Chairperson Pecora. Copy given to applicant and copy placed in file. They did not find any inconsistencies with policies and the LWRP.

MICHAEL MADE A MOTION TO DECLRE A NEGATIVE DECLARATION PURSUANT TO SEQR FOR KNOWLTON & CHURCH COMMUNITIES FOUNDATION, INC., CASE #2015-02 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Michael.....yes
Roxanne.....yes

MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR KNOWLETON & CHURCH COMMUNITIES FOUNDATION, INC., CASE #2015-02 CONDITIONED UPON RECEIPT OF ONE MYLAR AND SIX PAPER MAPS SIGNED BY ALL PROPERTY OWNERS SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Michael.....yes
Roxanne.....yes

IPA ASSET MANAGEMENT “FOREST PARK”: Case #2015-03 – Major re-Subdivision – 724 Old Post Rd. (Co. Rd 82/Co. Rt.16), West Esopus; SBL: 71.002-2-42.2

Applicant represented by Nan Potter and Bill Slutsky of Potter Realty.

Myles reviewed M.L. Putman Consulting Report dated 4/1/15. Copy given to applicant and copy placed in file.

Michael questioned that the previous application was for at least 7 lots and asked if this is 3 lots and done or are you thinking that maybe down the road there will be more. Nan stated that initially she was not involved in the project and she has been advised that 7 lots are not feasible. They thought they would build one house which they have built. When they built the house the owners of the property asked why they were giving 73 acres to one house. They wanted to go back to the original plan and see if they could get a few more lots.

Nan stated that the road was already in. They had already done the ground work and the engineering. All they did this year was put the base down and everything else. Michael asked if it was done to town specification. Nan stated that it has been and Highway Superintendent Michael Cafaldo inspected it and gave her a letter. Copy of letter will be given to the Board. He said that they would have to finish it, put in a rail in one place and put in proper drainage but as far as the base and width it is good. They will have to make improvements and put in the hammerhead. Nan stated that at this point they can not put in all the lots because you can not subdivide off of the driveway. The first step so that they do not have to hold off the sale of this house once it is finished is to come to the Board and complete this in phases. They are not going to say that they will never come back to the Board which was the reason that at pre-submission it was suggested that they put the "z" across the road, connecting some lots and leaving remaining lands as one.

Michael stated that we are limited somewhat by our SEQR approval that we not segment the process. In order for us to not do segmentation it would be better to do the full potential build-out with the idea that you will build this in phases. The maximum potential is 5 lots and this is what we need to look at. Darin said that this is what we should be looking at for SEQR. Darin stated that once a project is approved you are really not supposed to come back and do another project for a period of 5 years. He also stated that Phase I Plan should include stormwater and they should change the turnaround to a hammerhead. Roxanne stated that we need a proper map. Nan stated that she will provide new maps. She stated that they resurveyed, remarked the property and they identified where the house is. They redid the lot for the road. The County of Ulster DPW came over and verified the curb cut for that lot and this has been approved by letter. They will provide us with a copy of the letter. Michael stated that we want the whole picture and then we need the Phase I picture and then we can do preliminary sketch plan approval.

Roxanne stated that we will probably refer this to the Planning Board engineer and an Escrow Account will need to be set up. Nan questioned the road being turned over to the Town. She said that they need to get approval to finish the road. She was trying to get everything in line so that when the house is finished it will not be held up when they sell it. They need to know that the Town will accept and approve them turning over the road to the Town or she has to sell the driveway with the house. Roxanne stated that it is this Board's job to inform the Town Board that their intent is to turn the road over to the Town. When the road is completed it will have to be inspected by the Highway Superintendent to inform the Town that it meets Town Specification. He will write a letter to the Town Board and then the Town Board can then do a resolution to accept it. They will need a deed description for the road.

Darin questioned if they could not provide a right-of-way for now in order to sell

the lot. They could provide a self extinguishing right-of-way. Darin stated that to put the drainage structures in, the pavement that is required means that they will be expending a lot of money for one lot. Nan stated that then the house will be able to transfer title when it is sold. Roxanne said that she should provide us with a letter stating that their intent is to turn the road over so we can inform the Town Board. When the road is complete they should come back and say the road is complete and the Town Board will ask the Highway Superintendent to inspect it and provide a letter saying that is acceptable.

This Board will need overall maps and Phase I maps. Margaret questioned how many houses will be done off of the road. There will be 4 off of the road. Darin stated that ultimately it is 5 off of the road because one lot exists.

Myles stated that on the DEC Environmental Resource Map for part of the property it has been listed as a natural habitat and requested that applicant inquire with DEC, Region 3, on information. They may send you to Albany. We need something for the record so that we have done our due diligence.

It was decided to wait to refer this to the Planning Board Engineer until we have a SWPPP. Nan asked if the Board was asking them to create some place on the property to handle the water. The Board informed her that this is correct. Darin stated that the Stormwater Regulations are a little friendlier than the old regulations were, her engineer should be able to deal with this issue.

Nan was told that the grade should be no more than 12%. This means that no place on the road can it be over 12%. Cut and fill on the road to make the grade adds to the disturbance for SEQR.

Myles submitted Peter Lilholt, Clough Harbour Engineering, review from April, 2007, comments on stormwater management. Applicant was given a copy of this report.

Applicant was told that they will have to provide a performance guarantee for the road.

NEW BUSINESS:

CAFALDO: Case #2015-04 – Minor re-subdivision – 311 River Rd. (Co. Rd. 81) Ulster Park; SBL: 64.003-3-3

Bryan and Andrew Cafaldo were present along with Chris Zell, Brinnier & Larios.

Myles reviewed M.L. Putman Consulting Report dated 3/30/15. Copy was given to applicant and copy was placed in the file.

Plans show a shared driveway. Discussion took place regarding this. Chris Zell

said that if you look at the plans each lot does have frontage so they have the ability to build a second driveway if it became necessary. Michael stated that we should have a shared maintenance agreement on the driveway they are going to build.

On Lot #2, the length of the access strip is in excess of the standard but this Board can waive this if they choose to do so. The applicant will need to contact NYSDEC Natural Heritage Program in Albany for information on the threatened or endangered species or habitat. Planning Board will need to contact the New York State Historic Preservation Office (SHPO) with regard to the project's location within an area deemed sensitive for cultural resources and any issues that may need to be addressed. Myles has a letter that he will forward to Roxanne.

Discussion took place regarding contours being shown on the next map being submitted. Chris will need to put 10' contours on the next map. Applicant stated that they have a County Work Permit for the property.

DARIN MADE A MOTION TO DECLARE CAFALDO, CASE #2015-04, MINOR RE-SUBDIVISION AS AN UNLISTED ACTION PURSUANT TO SEQR SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. VOTE WAS 5-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Michael.....yes
Roxanne.....yes

DARIN MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR CAFALDO, CASE #2015-04, MINOR RE-SUBDIVISION SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Michael.....yes
Roxanne.....yes

MICHAEL MADE A MOTION TO WAIVE THE LENGTH OF THE ACCESS STRIP ON LOT 2 PER SECTION 123.21.D(5) FOR CAFALDO, CASE #2015-04, MINOR RE-SUBDIVISION SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes

Darin.....yes
Michael.....yes
Roxanne.....yes

ZBA REFERRALS: None

PLANNING BOARD LIAISON TO BUILDING DEPARTMENT:

Fred was not present at the meeting. The following issues were raised for follow-up by Fred with the Building Inspector.

1. Roxanne stated that on 3/31/15 she sent an e-mail to the Building Inspector and informed him that she drove by the Villa Roma that evening and noticed a new illuminated sign which changes messages. We changed the Zoning Code after Wood'n Wheels went in. This sign is in violation according to Section 123-47B-9.D and now Van Loans is also in violation with a moving sign. Signs must remain stationary. The signs can have a message but it cannot be moving graphics. Roxanne received a reply from the Building Inspector on 4/6/15 stating that they have been after him for compliance. Villa Roma obtained a permit but did not file the application. Nothing has happened at this point. Now we have a second sign at VanLoan Beverage Discount and she has informed the Building Inspector of this violation. Fred will need to follow up on this.

2. Michael was asked by Fred at the last meeting to read the paperwork received from Joseph Scarmato, Esq., for Tucker Pond (Esopus Estates). New owner is Jacob Lunger and his home address is 50 Truman Avenue, Spring Valley. He is the only one listed as the owner.

Michael stated that he is not a lawyer but he feels that if this does not get to our lawyer then we deserve all that we are going to get. Here are some of the issues:

- a. He has sworn that this was never up for sale since its original offering in 2005 before it was built. Michael stated that the applicant came in here and stated that the reason they had to rent them was because they put them up for sale and they did not sell. Michael believes that they never put them up for sale because he looked on line and because they have never completed everything. Darin said that they had a sign up but Michael stated that it was not legally up for sale so to say they could not sell them is something else.
- b. They said that the construction was not started until 2013 which is

- not true.
- c. They have said that they are raising the prices from \$99,000 to \$249,000 (original offering price).
 - d. They have said that four (4) units are occupied as of October 15, 2014 but I have observed and Tim knows that there are six (6) units occupied and only four (4) have CO's. We do not know what is happening with this since it was before Thanksgiving and now it is after Easter and in five (5) months we have not resolved this issue.
 - e. They say that the rental units are being occupied on a month by month basis. This is not official knowledge but he knows someone who was forced to sign a three year lease before she occupied the unit. He believes this is a fabrication. He cannot prove this as the Building Inspector would have to check on this. He believes that this is how they can say that they are still trying to sell them since they are rented on a month to month basis.
 - f. They are making it sound to the State of New York that they are all ready to go but they do not have occupancy permits and he does not see us granting occupancy permits until they finish the legal requirements that were placed on them by the Planning Board as part of the Site Plan Review. This involves a number of things. The lights on the side of the building are not shielded in any way and this was a requirement. The landscaping is another issue but they used stuff that they dredged out of the pond so now we have fragmite (?) . The real big issue is that it looks like the Homeowners Association (HOA) has gone away and this was one of those requirements. They now have the Tucker Pond Condo proposed budget for maintenance going through the builders. The HOA was in the original offering. The real critical issue here is that we know that we can not get to the owners because the Town has tried to serve the papers via the Rockland County Sheriffs Department. The Sheriff's Office tried to serve the papers five (5) times. Roxanne stated that they have a new name and a new contact.

This was sent in February to the Building Department but the data is from October. We do not have a HOA which is a requirement of the Planning Board as is the lighting and as is the landscaping. Roxanne stated that somebody has to get in touch with the State Department and this needs to be done rather quickly and it needs to be done by an attorney.

Michael stated that since this is an enforcement issue he suggests that Fred as Liaison to the Building Inspector or with the Town Board who supervises the Building Inspector follow up on this. Michael stated that if the Building Inspector does not follow up then the Town Board should follow up. Roxanne stated that the attorney who is most familiar with this case is Peter C. Graham.

DARIN MADE A MOTION TO ADJOURN SECONDED BY MARGARET.

MEETING ADJOURNED AT 8:45 PM.

NEXT MONTHLY MEETING: May 13, 2015

DEADLINE DATE: April 29, 2015

NEXT PRE-SUBMISSION: April 15, 2015

Respectfully submitted by:

April Oneto
Planning Board Secretary