

**TOWN OF ESOPUS PLANNING BOARD  
APRIL 13, 2016**

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

**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 March 9, 2016 meeting and if there were any changes or corrections. There were no changes.

**FRED MADE A MOTION TO APPROVE THE MARCH 9, 2016 MINUTES, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0.**

**VOUCHERS:**

M.L. Putman Consulting (March, 2016).....\$2,500.00  
April Oneto (secretarial services).....60 ½ hours

**DAN MADE A MOTION TO APPROVE THE VOUCHERS AS READ, SECONDED BY BOB. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0.**

**OLD BUSINESS:**

**ARONZON: Case #2015-14 – Lot Line Adjustment with Jacobi – 23 & 29 Barry Drive (Town Hwy 954), West Park; SBL: 80.001-5-14 & 15**

Myles reviewed ML Putman Consulting Report dated 3/31/16. Copy given to applicant and copy placed in the file.

Mr. Aronzon submitted revised maps signed by all the land owners. Letter was submitted giving Mr. Aronzon permission to act on their behalf (Jacobi).

Applicant received Conditional Final Approval for the Lot Line Adjustment on 12/9/15. Mr. Aronzon needs to provide a mylar since he has submitted the 6 papers. At that time, the Planning Board will sign his maps and return the necessary maps to him for filing with the Ulster County Clerk's Office.

**NEW BUSINESS:**

**STAR ESTATE DEVELOPMENT GROUP LLC: Case #2016-06 – Site Plan/  
Special Use Permit – 1835  
Broadway (U.S. Route 9W; State Hwy 5508), West Park;  
SBL: 80.001-4-5.2**

Charles Ferri, owner, Paul Seres, owner, Michael Moriello, Esq., Alan Dumas, Engineer, Joe Smith, Architect were present.

Myles reviewed ML Putman Consulting Report dated 4/8/16. Copy was given to applicants and copy was placed in the file.

Roxanne asked if this was in the Scenic Area of Statewide Significance and Myles stated that it is.

Darin questioned the calculations in the EAF about there being only 1 acre of disturbance. Alan stated that the total disturbance will be under an acre. There are some shifts taking place. Discussion continued about the areas that will be disturbed which Alan showed the Board on the map. Alan stated that he will look at this and give an explanation of the shifting to the Board. Dan asked about the well water supply. He asked if the calculations were certified or estimates. Alan said that they were estimated.

They will be doing full analysis of the actual field capacity and will provide that information to the Board. Dan asked how close the closest well was. The closest well is on the property to the south and he feels that it is about 600-800 feet away. He will have to review the well location and provide this information to the Board. Dan asked about the former usage opposed to the future usage. Dan stated that if you look at the layout of the facility as far as rooms this may be a little more intensive but he does not think it is significantly more. Darin stated that in the past they had residents living there but in this case it will probably not be rented out every day. Alan stated that they will be dealing with a transient population as opposed to the former population which was non-transient. Alan stated that according to the information he has the former usage was historically about 13,000 gallons per day. Similarly with this project full occupancy is about the same as what they are proposing now. He stated that he does not really have good records on what the historical usage was. Alan stated that they will be doing a full analysis.

Alan stated that the septic will be expanded. The current permit is for 2,600 gallons per day. The SPEDES Permit is for 5,200 gallons per day. Alan stated that the current permit is basically an open sand filter. The Permit has been transferred over to the

current owners and the expansion of the system is very straight forward. Everything will be approved by the Ulster County Health Department and with their application submitted to the DEC they will include their confirmation letter that they received from the Ulster County Health Department. Alan stated that with the 5,200 gallons a day they are anticipating 50 gallons a day of wash down which is less than 1% of the flow. He said that this is comparable when you are doing a lot of wash down for food preparation for a hotel/ restaurant. He will be having this discussion with the DEC. He stated that the primary business is restaurant, hotel, event space. Alan stated that they will be installing a grease trap.

Bob asked about the 6 parking spaces close to the building. They are for loading and unloading. Alan stated that this is correct. Myles stated they are for convenience and ADA. Bob asked if they were planning on doing some sort of traffic investigation. Alan stated that they received Myles comments today and he has started traffic analysis but it is not completed at this point. Darin asked if they considered bus tours for the winery and parking. Alan stated that they have additional space by the loading and unloading and they would basically unload in the front and the bus can park in the back. They are planning on maintaining usage of the existing road. Dan asked if the property crosses the tracks. Paul stated that their property actually goes right into the river. He said that they have an under-pass that has been there since the 1800s.

Margaret asked how many employees they are going to have. Paul stated that they are going to have 30 full time employees for all three of their business models and 35-40 seasonal employees as they ramp up for different parts of the season. She asked where they will be parking. She questioned the number of parking spaces. They have 72 parking spaces. Margaret stated that they have a 52 seat restaurant, 18 seat testing room and 25 hotel rooms. She is concerned about the number of parking spots. They explained that the employees will be working different shifts and will not all be there at the same time. The restaurant workers will be different shifts than most of the hotel staff. When they have events and require additional parking they have an agreement with Michael Jubie, Headless Horseman, to use their parking and use a shuttle bus to their property. Alan stated that they went specifically off of the Town Code for the parking required. Paul stated that they have it covered for extra parking should they need it. Fred stated that they are in compliance with the Town Code for parking and they can always have overflow parking on the grass if necessary. Fred stated that for a major project there is minimal impact.

Dan questioned the pedestrian tunnel that goes across Route 9W. They stated that the easement is still there but both parties agreed not to use this. It goes under Route 9W and actually goes up to the Christian Brothers other property on the opposite side of the road. Fred stated that it was built by the State with the understanding that it would be maintained by the property owners the same way the sidewalks are. They have a door that is actually locked and they do not use it.

Alan stated that in addition to the letter regarding the water the Ulster County Health Department will be doing the actual waste water review, review for the hotel, kitchen

review and the swimming pool. He stated that the main review and approval will be the Ulster County Health Department.

**FRED MADE A MOTION TO DECLARE THIS AS A TYPE I ACTION (DETERMINATION OF NON-SIGNIFICANCE, NEGATIVE DECLARATION) PURUSANT TO SEQR FOR STAR ESTATE DEVELOPMENT, CASE #2016-06, SITE PLAN/SPECIAL REVIEW, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:**

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

**FRED MADE A MOTION TO APPROVE STAR ESTATE DEVELOPMENT, CASE #2016-06, SITE PLAN/SPECIAL REVIEW FOR SKETCH PLAN APPROVAL, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:**

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

**FRED MADE A MOTION FOR THE PLANNING BOARD TO SEND OUT LEAD AGENCY COORDINATION FORM WITH NECESSARY PAPERWORK FOR STAR ESTATE DEVELOPMENT, CASE #2016-06, SITE PLAN/SPECIAL REVIEW, SECONDED BY ROBERT. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:**

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

**ROBERT MADE A MOTION TO ESTABLISH AN ESCROW ACCOUNT FOR**

**\$5,000.00 FOR STAR ESTATE DEVELOPMENT, CASE #2016-06, SITE PLAN/SPECIAL REVIEW, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:**

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

**APC TOWERS, LLC & CELLO PARTNERSHIP (D/B/A Verizon Wireless): Case #2016-07 – Site Plan/Special Use Permit – 1142 Broadway (US Rt. 9W; State Hwy 5508) @ 1-9 Old Post Rd. (Co. Rd.82/ Co. Rt.16), Esopus; SBL: 72.009-2-24.22**

Matthew Kirwan, Esq., Barclay Damon LLP, was present to represent the applicants in this matter.

Myles reviewed ML Putman Consulting Report dated 4/8/16. Copy given to applicant and copy placed in the file.

Question arose regarding letter from property owner. Matthew stated that we do not have a letter but we do have an actual Lease Agreement with the Fire Department signed by Fire Commissioner (Exhibit 11). After review of the agreement the Board is satisfied with this.

Myles pointed out items that needed to be corrected in the EAF. This is within an archeological sensitive area, DEC lists this site in an area where rare plants or animal may reside. The limits of disturbance are not clearly shown and there is a fenced in compound area which will be within the leased area. Applicant did not provide a visual assessment but stated in the paperwork that they are willing to do this. Myles stated that he noticed that where the tower compound is proposed to be located may be in the same location in the same area where the Fire Department proposed to put their septic system. He asked that the applicant do a little due diligence and make sure that the tower is not located in the area where the septic and landscape perimeter are in this location. There is also a septic expansion area.

Myles made a few suggestions where the photos should be done:

- a. Before and after photos right in front of the station;
- b. Shaupeneak Ridge parking area/trailhead access onto Old Post Rd; and
- c. Klyne Esopus Museum (764 Broadway, Ulster Park).

Myles stated that it would be important to know what shade of gray the tower will be. He

recommended a flat finish/non reflective. Landscaping proposed adjacent to the compound, outside of the leased area. He suggests a mixture of evergreens mixed with douglas fir maybe with some arborvitaes. They need to make sure that the planting does not interfere with the septic or the septic reserve area.

Myles stated that exhibits 7, 8, 9 and 13 discuss project need and why this site can fulfill the applicant's needs for coverage. Myles recommended that the applicant contact DEC in Albany regarding rare plants and animals present in this area.

Matthew stated that he does not know that initiating a project referral to New York State Historic Preservation Office (SHPO) is necessary. He stated that they are governed by the FCC and required to make a formal submission as part of the National Environmental Policy Act and as part of that they do make a submission to SHPO. He is expecting to hear from SHPO in the near future.

Matthew stated that the application was submitted on behalf of Verizon Wireless. They are proposing a 155 foot nine pole cell tower on the Esopus Fire Department property. He stated that there is an existing tower in the area which is a guide tower about 90-100 feet tall. The fire department whip antenna will be installed near the top of the new tower and an elevation of 154 feet and under the lightning rod. The applicant's antenna panels will be installed just below, at a height of 144 feet. Matthew stated that the present tower does not provide sufficient height or structural integrity for them to put antennas on it to reach their coverage objective for this area. They have a pretty severe capacity issue to address in this area. Matthew presented a drawing of the compound area with the landscaping. There will be an equipment platform of 11 ½ by 16 feet concrete pad and the equipment cabinets which services the equipment on the tower will be located on this platform. The power will be brought in from the street through underground utilities. There is an easement shown on the plans.

Matthew stated that they did not get to this point easily. He stated that they do not just come into jurisdictions like this and propose towers. Before they got to this point Verizon sent out specialists to scour the area for possible locations and they investigated several other sites. The towers that are presently in the area are simply too far away from our target area or we are on them already. Matthew reviewed propagation maps prepared by Verizon showing the coverage and issues in a certain area. After reviewing the coverage map with the Board, Matthew stated that capacity is the driving force for this application.

Matthew stated that the only reason they did not prepare a photo analysis is because they felt that the Board may have areas that they would specifically want photos taken from.

Fred discussed the color of the cell tower and suggested a green or something that would blend in. Darin stated not a tree but maybe they could do a flag pole with a flag on it. Darin suggested pictures from the landowners across Old Post Road to the back of the site. Applicant was told that there are flagpole towers at Marbletown Fire Department and Stone Ridge Fire Department.

Matthew stated that the one concern with the flagpole is that it restricts the antenna placement which may not allow them to provide their coverage objective. He will discuss this with his client. Dan suggested the tree option but the Board felt that it would stand out too much. Matthew was asked about the demolition plan and who will be responsible for taking it down when they are done with this. Matthew stated that they would be happy to provide a removal bond.

Myles suggested that they do the photos. He said they can do the balloon test but there are a number of architects in the area who do simulations. He said it is worth shopping around to see if someone can do this. Darin suggested up high and immediately around the area.

Fred asked what some of the sites were that they investigated. Matthew said that they looked at 570 Old Post Road (Rosen), the Welch property on 47-49 Poppletown Road and Rothman property on 725 Floyd Ackert Rd. and there was one in Swartakill which was not good. Matthew stated that they will get increased coverage by having the top stop on the tower and they will receive a lease fee. This is not taxable since the Fire Department does not pay taxes.

Matthew stated that they will provide a backup generator in case of power outages. It will be tested normally during business hours. There will be no lights.

Matthew stated that from a photo standpoint in addition the locations mentioned they will take from the spur off of Route 9 West as well as points north and south.

Mark stated that he recommends that you get up close to one of these towers. He started that it is a serious structure and when this starts going he believes there will be some interesting feedback from residents. Margaret feels that the Esopus Fire Department will benefit a lot from this with better coverage and monetarily but she is concerned about how people in the neighborhood will feel. Dan recommended to the applicant that they get as creative as possible on this project.

Myles said that their paperwork said that there was an onsite investigation done by a qualified professional and he would like a copy of this paperwork. Roxanne stated that they could schedule a pre-submission meeting if they would like.

### **ZONING BOARD OF APPEALS REFERRALS:**

**STILL RIVER LLC (Seth Tapper) – 1689 Broadway, West Park**

Requesting five (5) variances:

1. Northeast Cottage North Property Line Setback: 12 feet
2. Northeast Cottage East Property Line Setback: 4 feet
3. Southeast Cottage East Property Line Setback: 5 feet

4. Southeast Cottage South Property Line Setback: 4 feet
5. Sound Attenuating Wall: 10 feet in height

The northeast cottage minimum required setback 20 feet minimum required rear yard setback 34 feet, the southeast cottage minimum required side yard setback 20 feet minimum required rear yard setback 35 feet, sound attenuating wall maximum height 6 ½ feet.

Planning Board discussed the application and felt strongly that the Zoning Board of Appeals needs to ask the applicant what the hardship is? The hardship is self created and can be eliminated by moving the building.

Myles stated that the Town Code states that the ZBA shall consider whether this difficulty is self created which consideration shall be relevant but not necessarily will preclude the granting of the area variance. Myles said that this is New York State Law. Myles stated that the ZBA should consider whether the benefits sought by the applicant can be achieved by some feasible method other than variances.

**O'BRIEN - 163 Hoyt Street, Port Ewen**

Applicant wants to install a 27' 6" by 48' modular home on a foundation. Front and back setbacks meet requirements. The side setback falls slightly short and will require a variance per 123.20 of the Town Code. They will require a variance of 3.5 feet for both side yard setbacks.

Planning Board discussed this application and determined that they have no comments.

#### **PLANNING BOARD LIAISON TO THE BUILDING DEPARTMENT:**

Fred reported that the Bruderhoff is starting to build one of the residences that was approved by this Board.

He said that Tim Keefe, Town Building Inspector, said he has not had any problems with Tucker Pond but the police have been down there a couple of times.

#### **MISCELLANEOUS:**

**EDWARD ALEO:** Hasbrouck Hills

After Ed Aleo spoke with Fred regarding the certification by the engineer, he questioned whether the Board would accept a certification of the work by an architectural engineer. I told him I would bring it before the Board at their next meeting. The Board was unanimous that they want a Civil Engineer to stamp and certify the work.

**SCHNEIDER:**

After researching the issue with the Assessor and Ulster County Mapper paperwork could not be located verifying that the property owners asked for the properties in question to be put together for tax purposes. Chairperson made a phone call to the Planning Board attorney and Peter C. Graham, Esq. said that after reviewing the information given to him he agrees that this is two separate parcels. They can be combined for tax purposes and this is only a taxing bill.

Fred stated that in the future the Assessor will not accept putting properties together without separate deeds and a form signed requesting that the properties be put together for tax purposes.

**PITTNER:**

Fred stated that Pittner filed his maps. The surveyor made a mistake when they did the survey and have to correct their error so Pittner will be back before this Board in the near future to do a lot line adjustment.

The turning over of the section of Pokonoie Road over to the Town was approved by the Town Board. The Bargain and Sale Deed submitted by Mr. Pittner was sent to Paul Kellar, Esq. Town Attorney for his review and comments. Paul requested a copy of a Title Insurance which Mr. Pittner provided. Paul's other comment was about whether the road was in the right place. Fred explained to Paul Kellar, Esq. and Kyle Barnett, Councilperson, the situation with the road and basically they agreed that we are good to go with the Bargain and Sale Deed which Mr. Pittner will be asked to come in and sign.

Fred stated that this should have been a simple, easy no-brainer. Fred said when he explained it to him the Title Insurance doesn't mean anything. If the property is not free and clear, he will get a tax number and if he does not pay taxes the County is going to take and they don't want it and they will give it back to the Town. If it is ever foreclosed on, the only thing they get is the right to be sued and the right to pay taxes. When you look at the practicality of it is easier to take the property and file a deed without going through a cumbersome process.

Fred stated that after talking to Kyle Barnett, Town Board member, we will be writing a generic deed to be used for future use in situations such as this.

**MARK MADE A MOTION TO ADJOURN, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MEETING ADJOURNED AT 9:34 PM.**

**NEXT PLANNING BOARD MEETING:                    MAY 11, 2016**

**DEADLINE DATE:**

**APRIL 27, 2016**

**PRE-SUBMISSION MEETING:**

**MAY 18, 2016**

Respectfully submitted:

April Oneto  
Planning Board Clerk