

**TOWN OF ESOPUS**  
**PLANNING BOARD MEETING**  
**MAY 9, 2012**

**BOARD MEMBERS PRESENT:** Roxanne Pecora  
Fred Zimmer  
Margaret Yost  
Mike Minor  
Darin DeKoskie

**BOARD MEMBER EXCUSED:** Rich Williams

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

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:10 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:** Minutes from the April 11, 2012 meeting were just handed out this evening so we will wait until next month to approve these minutes.

Mike brought up the meeting of March 14, 2012 when Rob Liebowitz, Ulster County Planning Board, attended the meeting to discuss the Planning Board approval of the Ulster County Planning Board Referral Guide. The discussion was tabled so that Fred Zimmer could be present at this discussion. Mike would like to at least look at this issue under miscellaneous this evening.

**VOUCHERS:**

M.L. Putman Consulting (April, 2012).....	\$2,250.00
Daily Freeman (Freer P.H. Notice).....	\$ 11.25
Daily Freeman (Omega P.H. Notice).....	\$ 13.05
Clough Harbour Engineering Services (Port Ewen Housing).....	\$1,164.60
Clough Harbour Engineering Services (Omega).....	\$1,305.50
April Oneto (secretarial services).....	42 hours

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

**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

**MARGARET MADE A MOTION TO OPEN THE PUBLIC HEARING THAT WAS ADJOURNED FROM LAST MONTH FOR OMEGA INSTITUTE, CASE #2012-01, SPECIAL USE PERMIT, SECONDED BY MIKE. 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 on this application.

**MIKE MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR OMEGA INSTITUTE, CASE #2012-01 SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

- Darin.....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 Property - 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.

Myles reviewed M.L. Putman Consulting Review dated 5/4/12, Part II and Part III of the Full EAF, copy placed in file and copy given to the applicant.

Mike asked if applicant had a problem with the position of the standpipe for the pond as requested by the Rifton Fire Department. Barry stated that they have no problem with this. Applicant has no problem with at least one warning sign for the driveway for the benefit of the northbound motorists on Cow Hough Road, at a location to be determined by the Town Highway Superintendent. Applicant is aware that they do not get a C/O until improvements are completed, therefore, occupancy is restricted until that time. Roxanne requested something in writing from the Rifton Fire Department regarding their inspection and the standpipe. Fred suggested that one of the conditions of approval be that the Rifton Fire District approve the standpipe. Barry has no problem with this. Mike also suggested some limitations regarding

expansion and occupancy.

Darin stated that some limitations will be set by the Health Department regarding water and sewage. Darin is concerned with putting limitations on a piece of property that goes above and beyond our Zoning Code. Mike stated that this is an off the book Special Use Permit which recognizes that this is an off the book use. There are concerns about traffic and because we have been presented with a certain idea he thinks we should codify that idea. Barry questioned if what Mike is saying is that this approval is limited to what they presented before this Board and anything beyond that they would have to come back.

Margaret is questioning the parking spaces. It was originally stated there would be 64 and now it appears there are 63. Barry stated that what is exactly on the plan now is what they are requesting approval for. There are 7 spaces at the far end of the building and 1 is handicapped and there are another 2 spaces by the kitchen entrance. There are 2 more handicapped by the Phase II building which totals 11. The closest parking lot is 26 and the other parking lot is 24 which is a total of 61. Mike asked if the rooms are one person rooms and Barry stated that this is correct. The plans they are asking the Board to sign off on will be for 61 parking spaces.

Margaret would like to limit it to 61 parking spaces and 25 people per dorm and any additions or improvements to the approved plan they will need to come back before the Planning Board. Applicant does not have a problem with this.

Myles completed Part II and III of the EAF.

**MIKE MADE A MOTION TO DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR FOR OMEGA INSTITUTE CASE #2012-01 SPECIAL USE PERMIT SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Fred.....yes  
Margaret.....yes  
Mike.....yes  
Darin.....yes  
Roxanne.....yes

**MIKE MADE A MOTION TO GRANT A SPECIAL USE PERMIT FOR OMEGA INSTITUTE CASE #2012-01 BASED UPON THE MAPS SUBMITTED AND CONDITIONED UPON THE INSTALLATION OF A SPECIAL STANDPIPE FOR THE POND AS REQUESTED BY THE RIFTON FIRE DEPARTMENT, INSTALLATION OF AT LEAST ONE WARNING SIGN FOR THE DRIVEWAY, LIMIT OF 61 PARKING SPACES, 25 OCCUPANTS PER DORM AND ANY ADDITIONS OR IMPROVEMENTS TO THE APPROVED PLAN THEY NEED TO COME BACK BEFORE THE PLANNING BOARD PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS SECONDED BY DARIN. MOTION PASSED WITH A VOTE OF 4-1. VOTE WAS AS**

**FOLLOWS:**

Fred.....yes  
Margaret.....no  
Mike.....yes  
Darin.....yes  
Roxanne.....yes

Roxanne informed applicant that we will need 6 sets of maps for signature.

**ALEO: Case #2012-11 - Site Plan Amendment - 210 Hasbrouck Ave./Spring St.,  
Port Ewen; SBL: 56.059-4-5**

Edward Aleo was present for this application.

Roxanne stated that the Ulster County Planning Board reviewed this application at their last meeting and there is a required modification regarding a landscaping plan for development and should include street trees along Hasbrouck Avenue.

Mike stated that it is his opinion that this is an as-built modification and it should have been handled by the Building Inspector and not sent to the Planning Board. He went and looked at it and it is better than the original plan approved. Fred agrees with Mike and feels that this should never have come back to us. He feels that it should have been dealt with by the Building Inspector. He feels that the Ulster County Planning Board comment is ridiculous.

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

Fred.....yes  
Margaret.....yes  
Mike.....yes  
Darin.....yes  
Roxanne.....yes

**MIKE MADE A MOTION TO APPROVE THE SITE PLAN AMENDMENT FOR ALEO CASE #2012-11 SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Darin.....yes  
Mike.....yes  
Margaret.....yes  
Fred.....yes

Margaret.....yes

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

Roxanne read a letter dated 5/2/12 from NYS Office of Parks Recreation and Historic Preservation. Copy was given to the applicant and copy placed in the file.

Applicant Abram Rosenblum and Don Brewer engineer were present for this application. Myles reviewed M.L. Putman Consulting Review dated 5/9/12, copy given to applicant and copy placed in file.

Fred requested a driveway profile for Lot #3. Myles referred to a engineer’s drawing showing a driveway grade of 10%. Fred felt that if Myles looked at it and says it is alright he is in agreement with this but it should be put on the plans. Fred questioned DEC involvement and the wetlands. Don Brewer stated that they have been working with the DEC and they did sign off on the location of the wetlands. Abram submitted maps that were signed off on by DEC. They have the Duboise Engineers working on this and this will take approximately 3 months to complete.

We have the area of disturbance for Lot #1 and Lot #2 but require this information for Lot #3.

**MIKE MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR JUNE 13, 2012 AT 7:10 PM FOR ESCAPES REALTY CASE #2012-08 AND TO REFER THIS APPLICATION TO THE ULSTER COUNTY PLANNING BOARD FOR THEIR REVIEW AND COMMENTS CONTINGENT UPON RECEIPT OF A COMPLETE SET OF MAPS RECEIVED BY 5/30/12 OR EARLIER SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Fred.....yes  
Margaret.....yes  
Mike.....yes  
Darin.....yes  
Roxanne.....yes

Applicant will submit new full set of maps with limits of disturbance for all proposed lots. There will be a \$200.00 public hearing fee that must be submitted by deadline date of May 30, 2012.

**CONNELLY TERRACE SECTION (PHASE) 4 re-approval (ARC): Case #2012-13 – Site Plan: off James Street (Town Hwy 946), Connelly; SBL: 56.015-1-7**

John Davison, Brinnier & Larios and Diane Purdon were present to represent this application. Myles reviewed M.L. Putman Consulting Review dated 5/8/12, copy given to applicant and copy

placed in file.

Roxanne questioned if we received a letter from SHPPO with the previous application back in 2000. The old file will need to be pulled. Roxanne stated that the ZBA approvals need to be placed on the maps.

Mike questioned the recreation fees. Roxanne stated that the Town does not want any more parks they want the recreation fees. John stated that the Code allows for recreation area. Roxanne stated that it is up to the Town should they take land in lieu of a recreation fee. Applicant will have to speak with the Town Board regarding this issue.

John stated that there is a lot more information on these maps than what was written in the resolution from 2000. The difference in the area of disturbance is because they have done stormwater revisions from what was on the original FEAF. He questioned how the Board would like the FEAF to be amended. Following some discussion it was suggested that they redo Part I and resubmit. John stated that the plans were signed by the local Health Department in 2001. Roxanne stated that we will need a letter from them to reaffirm that. They will need to contact the Highway Superintendent and receive comments from him.

Fred questioned the sidewalk and the walkway and whether this is going to be a paved surface. John will check with Nadine regarding the ADA requirements. Fred stated that he does not think that we want an Item #4 walkway. Fred wants bearings and distances on the maps. Fred wants to see dimensions on the maps. John stated that this is not a subdivision he believed he just wants distances. Following further discussion all members agreed that they want bearings and distances so John will do this. Fred stated that he thinks that the sidewalk needs to be 5 feet wide.

**DARIN MADE A MOTION TO ESTABLISH AN ESCROW ACCOUNT IN THE AMOUNT OF \$5,000.00 FOR CONNELLY TERRACE (ARC) CASE #2012-13 SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.**

**DARIN MADE A MOTION TO REFER CONNELLY TERRACE (ARC) CASE #2012-13 TO CLOUGH HARBOUR FOR REVIEW OF THE SWPPP AND CONFIRM 36" WIDE SIDEWALK IS ACCEPTABLE FOR ADA REQUIREMENTS AND MUST IT BE PAVED SECONDED BY MIKE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Fred.....yes  
Margaret.....yes  
Mike.....yes  
Darin.....yes  
Roxanne.....yes

Roxanne informed applicant that it is their responsibility to put together a complete packet of their material to go to Clough Harbour.

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

Don Brewer, surveyor, and Sharon Jones were present to represent this application. Myles reviewed M.L. Putman Consulting Review dated 5/2/12, copy given to applicant and copy placed in file.

Don stated that there was no problem taking the easement off of Fishers. He was just connecting it to the existing culvert. He will remove this. Lot #2 has a history of being residential. Sharon stated that previously it was residential and it got changed to commercial in 1995 without zoning and planning. Myles stated that it was changed in 1990 at the recommendation of the Zoning Commission. It could be changed back and down the road if you want to make it commercial you will have to get permission. Don can provide the description for the easements. Sharon asked if Lot #1 will remain residential. Mike stated that the Board knows the history of what has occurred and what Myles is stating is that it is in a commercial zone but because it has a building on it which is a house and it has been used as a house it grandfathers in. There is no problem with that. Lot #2 which has no building on it and therefore we will leave it commercial. We are saying that this is a commercial lot but for the purposes of taxation because it has a house on it you are grandfathered in as residential.

Darin questioned an easement for the electric line to Lot #1 over Lot #3 and correct the typo on the map.

**MIKE MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR JOHN HOY LLC CASE #2012-12 SUBDIVISION FOR JUNE 13, 2012 AT 7:20 PM SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

- Fred.....yes
- Margaret.....yes
- Mike.....yes
- Darin.....yes
- Roxanne.....yes

Applicant was informed that there will be a Public Hearing Fee of \$200. Don will provide common driveway easements, electrical/utility easements descriptions.

**NEW BUISNESS:**

**ALEO (HASBROUCK HILL): Case #2012-14 – Lot Line Adjustment & Case #2012-15 Conditional Use Permit for Duplexes**

**214 Hasbrouck Avenue (unimproved mapped street), Port Ewen; SBL: 56.059-4-3, 4, 5.2**

Myles reviewed M.L. Putman Consulting Review dated 5/4/12, copy given to applicant and copy placed in file. Applicant Edward Aleo was present to represent this application.

Application is to develop two (2) duplex dwellings each on their own lot. We do not have a Site Plan submitted at this time for the Special Use Permit so what we are looking at this month is the Lot Line Adjustment.

Some discussion took place as to how this property could be configured to allow applicant to develop this property in the manner in which he chooses to. Roxanne stated that the Town does not have a deed for the paper street. The Town does not own it and applicant would have to go through a process to claim it and assume ownership and there is a small exchange of fees (\$1.00). It is in the Town’s interest for this project to work. Roxanne will discuss this situation with the Town Supervisor. It was recommended that applicant approach the Town Board.

Dr. Aleo already spoke with the Building Inspector and the Highway Superintendent.

We are going to table Case #2012-15 – Conditional Use Permit.

**MIKE MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR ALEO CASE #2012-14 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.**

- Fred.....yes
- Margaret.....yes
- Mike.....yes
- Darin.....yes
- Roxanne.....yes

**MIKE MADE A MOTION TO DECLARE A NEGATIVE DECLARATION UNDER SEQR FOR ALEO CASE #2012-14 SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

- Fred.....yes
- Margaret.....yes
- Mike.....yes
- Darin.....yes
- Roxanne.....yes

**MIKE MADE A MOTION TO GRANT A LOT LINE ADJUSTMENT FOR ALEO CASE #2012-14 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:**

Mike.....yes  
Darin.....yes  
Fred.....yes  
Margaret.....yes  
Roxanne.....yes

Applicant was requested to provide a mylar. All maps need to be signed. We presently have 5 paper maps.

**ZBA REFERRALS:**

Richard and Teresa Abramshe, 401 Swartekill Road - Area Variance from Section 123.21C(5) for a 24 x 24 car port in the front yard. After reviewing the referral the Planning Board has no comments on this application.

**MISCELLANEOUS:**

Discussion took place regarding the Ulster County Referral Process Document. Mike stated that he has reviewed this agreement extensively and his concern is that by signing the agreement we acknowledge something that they have the right to offer us the agreement. He has come up with an alternative solution which meets our goal of having fewer referrals.

Fred said that Dennis Doyle, Director, Ulster County Planning Board, has the authority to tell us not to send anything he wishes. He has tied the list of items needed to the rest of the agreement. Dennis Doyle is increasing the length of the time that the Ulster County Planning Board is given to review documents which he does not have a problem with except that it should not be blanket. It should be done on a case by case basis. Some things require longer periods of time for review and if this is the case then they need to contact the Planning Board Chairperson and discuss this with them. Dennis Doyle is also saying that this is tied into the County Charter and right now the Legislature is going through the process of changing the County Charter. If Dennis Doyle wants this change, let him go to the County Executive and ask him to change it.

Following some discussion it was agreed that a copy of Mike's draft agreement should be given to all Planning Board members for their review and discussion at one June meeting. Myles will review the document and give the Board his comments. Mike thinks that we should send them a copy of our letter and see what they say.

**DARIN MADE A MOTION TO ADJOURN AT 9:45 PM SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.**

**NEXT MONTHLY MEETING: JUNE 13, 2012**

**DEADLINE: MAY 30, 2012**

**NEXT PRE-SUBMISSION:**

**JUNE 5, 2012**

Respectfully submitted,

April Oneto  
Planning Board Secretary