

**TOWN OF ESOPUS
PLANNING BOARD MEETING
MAY 14, 2014**

PRESENT: Roxanne Pecora, Chairperson
 Fred Zimmer
 Michael Minor
 Margaret Yost
 Darin Dekoskie
 Daniel Machaud

EXCUSED: Michael Manicone

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 PM 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 April Meeting Minutes and if there were any changes.

**DAN MADE A MOTION TO APPROVE THE APRIL 9, 2014 MINUTES
SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION
PASSED WITH A VOTE OF 6-0.**

VOUCHERS:

Myles Putman (April, 2014).....	\$2,300.00
Clough Harbour Assoc. (Church Communities).....	\$4,575.00
U.S. Postage (Church Communities).....	\$ 20.35
April Oneto (secretarial services).....	55 hours

**DARIN 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.**

OLD BUSINESS:

**CHURCH COMMUNITIES, INC.: Case #2013-19 – Site Plan Review – 825-1001
Broadway, Ulster Park; SBL: 71.001-2-13.1**

Hans Boller, Church Communities, Dennis Larios, Brinnier & Larios and Richard Riseley, Esq. were present to represent this application.

Chairperson Pecora stated that we received an engineering report from Clough Harbour, Peter Lilholt, dated 4/28/14. Copy of report was given to applicant and copy placed in file.

Dennis Larios stated that the SWPPP was prepared in October, 2013. Dennis stated that he met with Pete Lilholt and walked the site with him. Most of the comments have to do with final construction details. Dennis stated that some changes have been made to the plan and the Stormwater Pollution Prevention Plan (SWPPP) is being prepared by PEAK Engineering in Stone Ridge and they are working on the response to Peter's letter. There are a few things that they disagree with as far as necessity. The major issue is the delineation of wetlands. The site was fully vetted for Federal jurisdictional wetlands both prior to purchase of the property and prior to doing the site master plan work. There are minimal Federal wetlands on the property that involve the stream and some small pools of water on the site. There is no construction planned within 200-300 feet of those areas and to spend \$50,000 to delineate the stream banks and to locate the flags and get Army Corp of Engineers here they do not feel is a reasonable request.

Dennis stated that most of the comments are going to be responded to comprehensively along with adding the detail on the plans. With respect to the actual stormwater treatment and conveyance systems that are described in the SWPPP but not fully shown on the plans at the time they were submitted; they have an issue with the TerraKleen Unit. This is typically allowed as a component. Even though it is allowed for redevelopment projects it typically requires a more extensive review for new construction. They feel it is appropriate for the loading dock area at the light manufacturing building. They will talk this over with Peter and he feels that this is something that can be worked out.

Darin stated that he thinks that the review that was done was too thorough for the stage that the SWPPP is at. They are talking about things being signed and completely filled out and at this stage you don't do that because the players could change. Dennis stated that the good side of this is that Peter laid everything out on the table and they can be responded to. Dennis stated that it will probably be next month before the comprehensive response is ready. Dennis stated that the issue is when the Board is ready to act with respect to SEQR and when the Board is ready to act with respect to site plan is when all the details need to be completed. They hope to get the more general SEQR related issues and comments answered first and then the detail transferred to the plans second. Hopefully all of this will be done next month. Dennis stated that he had a nice visit at the site with Peter and he does not think there are any show stoppers.

Hans stated that he sent a letter yesterday which the Board should receive soon. They have made a minor change in the phasing of the project. Programmatically their biggest need is for the academy. They have been renting space around the area for other uses that they have that do not fit into the building. They have the biggest need to consolidate the vocational/educational space in the educational building that they have planned. This will be the first phase. It does not change anything on the site plan just the order of things. Hans handed out a copy of the letter to the Board members. Mr. Riseley stated that they will mail this to the other involved agencies. Dennis stated that the water and

sewer infrastructure can accommodate this building without any expansion as well as the heating system that was installed in the seminary building. We will just need to connect the services to the main building which is very close to the proposed new building. They will need to put in some extensive infrastructure for the rest of the project. Mr. Riseley stated that there are no more students coming. Hans said that there will not be more students just more space.

Mr. Riseley questioned if we received anything from the Waterfront Advisory Board. Roxanne stated that they have not been sent a referral at this point. Roxanne stated that this referral usually takes place when we are ready to schedule a public hearing. Following some discussion it was felt that the Board will send courtesy information to the Waterfront Advisory Board since there is such a large amount of material to review. Questions arose regarding the material being sent to the Ulster County Planning Board. Applicant was told that this Board does not send referral to the County until we have a complete submission per the Ulster County Planning Board's directive. Roxanne stated that Ulster County Planning Board does do something similar to our pre-submission meeting where the applicant can go up and speak with them regarding the project. Mr. Riseley stated that he has met with Dennis Doyle about this project already.

Mr. Riseley handed out a letter from the NYS Office of Parks and Recreation regarding their review of Joe Diamond's Archeological Report and they are in agreement with it. Their letter is a little vague at one point so Mr. Riseley spoke with Mr. Diamond. The Education Building is going on the site of the big stone building that was taken down in the 90's. About 50 feet away there is an ancient Indian artifacts area and they do not want it disturbed. It was determined that there will be no grading in this area and a slight piece of this area encroaches on the parking area. The applicant stated that they cannot grade that but they can encapsulate it and put the paving on top of it and the other area they want cordoned off during construction so there will be no bull dozers or anything on it. Basically they are saying that they agree with Mr. Diamond' Report and there are no adverse impact on the Archeological site which is very sensitive.

HARE: Case #2012 -09 – Minor Subdivision – Time Extension – 3 Lot Subdivision, 130 Carney Rd., Rifton; SBL: 63.003.5-19

Robert Hare and Izabella Hare were present. Applicants have requested an extension of their approval. Rob stated that he brought new maps for the Board's review. He changed the location of the one lot because of the issue of the driveway.

MICHAEL MINOR MADE A MOTION TO GRANT HARE, CASE #2012-09, MINOR SUBDIVISION, SECOND EXTENSION, UNTIL 6/25/14 AS PER SECTION 107-18.E(2), SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

Darin.....yes
Dan.....yes
Michael Minor.....yes
Roxanne.....yes

The Board reviewed the conditions and looked at the maps that Rob brought. Rob will provide updated maps with driveway profile. Rob was reminded that he needs to meet the conditions of the original approval before the Board signs the maps. He was also reminded of the Recreation Fee to be paid to the Town of Esopus.

**CHRISTIAN BROTHERS: Case #2013-19 – Minor Subdivision – 1835 & 1850
Broadway (US Route 9W), West Park; SBL: 80.001-
4-5**

Chris Zell was present to represent the applicants.

Planning Board received a letter from the Waterfront Advisory Board dated 4/23/14 and they have no comments concerning this application. Copy of letter given to applicant and a copy was placed in the file. Ulster County Planning Board submitted response with Advisory Comments. Copy of report was given to applicant.

Letter received from Peter C. Graham, Esq. dated 5/14/14. Copy of letter given to applicant and copy placed in the file. Mr. Graham stated that the proposed easements are adequate and a Transportation Corporation is not required for a two lot subdivision. He further stated that the day may come during Site Plan review and other reviews when the property is built out, that this issue may be visited again. Roxanne informed Chris that now that we have the attorney’s letter he will need to reference the easement on the map.

MICHAEL MINOR MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR CHRISTIAN BROTEHRS, CASE #2013-19, MINOR SUBDIVISION, FOR JUNE 11, 2014 AT 7:40 PM, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Michael Minor....yes
Roxanne.....yes

Darin recused himself at 7:50 PM.

**SCENIC HUDSON, INC.: Case #2014-02 – Site Plan Review – 257 River Road,
Ulster Park; SBL: 64.003-3-11 & 12**

Heather Blakie and Rita Shaheen were present to represent this application.

We received a review from the Ulster County Planning Board dated 5/8/14 stating that there was no County impact. Copy of review given to applicant and copy placed in the file.

MICHAEL MINOR MADE A MOTION TO GRANT CONDITIONAL FINAL PLAT APPROVAL FOR SCENIC HUDSON, INC., CASE #2014-02, SITE PLAN REVIEW CONDITIONED UPON RECEIPT OF 6 PAPER MAPS SIGNED BY APPLICANT, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Michael Minor.....yes
Roxanne.....yes

NEW BUSINESS:

VAN VOORHIS: Case #2014-08 – Lot Line Adjustment – 290 New Salem Rd., (County Rd. 57), May Park; SBL: 56.015-2-1 & 2

Byron VanVoorhis and Chris Zell were present to represent this application.

Myles reviewed M.L. Putman Consulting Review dated 5/9/14. Copy given to applicant and copy placed in file.

Fred stated that the applicant has been taxed on two separate lots for many years. Fred stated that at one point applicant's father bought the whole thing and at some point in time his father sold one piece out of that and bought another piece from someone else. Consequently the piece that was left was transferred in 1988 and they deeded the whole piece. That is how we ended up with a deed of the whole parcel. It is stated as two separate tax maps probably because the County Tax Division did not pick it up. Chris feels that they picked it up but they felt that the 1988 deed which is the deed for the whole parcel stated that being the same premises as the original deed so instead of making a new description after the earlier subdivision somebody grabbed the original lot and filed that. Basically they filed a map that included a parcel that they already had. Real Property recognizes this as having five separate lots right now. Three of those lots are encompassed in this deed that was filed in 1988. Real Property held to the subdivision map and the divided lot and disregarded this. Michael Minor asked what the simplest way for the Board to get to where we need to be. Fred said that we needed to accept what was before the Board right now. Michael stated that we need to move forward with this to resolve the issue. Fred felt that this would be the easiest way to

resolve the problem and have Chris write two new deeds to be filed with the County. Chris stated that he will write two new descriptions and take them to Richard Riseley and have him file the deeds and the lot line adjustment.

MICHAEL MINOR MADE A MOTION THAT WE WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR VAN VOORHIS, CASE #2014-08, LOT LINE ADJUSTMENT, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

MICHAEL MINOR MADE A MOTION TO DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR FOR VAN VOORHIS, CASE #2014-08, LOT LINE ADJUSTMENT, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

MICHAEL MINOR MADE A MOTION TO GRANT CONDITONAL FINAL PLAT APPROVAL FOR VAN VOORHIS, CASE #2014-08, LOT LINE ADJUSTMENT CONDITIONED UPON RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY APPLICANT PLUS NEW DEED DESCRIPTIONS FOR THE PROPERTY, SECONDED BY FRED. ALL MEMERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

BUSICK: Case #2014-09 – Minor Re-subdivision – 1725 Broadway (US Route 9W;

State Hwy 5508), West Park; SBL: 80.001-3-28.1

Applicant, John Busick, Ronald Porty, Esq, Tracy Kellogg and Chris Zell were present to represent this application.

Roxanne stated that we have been notified by the Building Department of an Order to Remedy Violation and until such time as this is cleared up with the Building Department this can not proceed before the Planning Board. This is an open issue dealing with the property and we can not entertain it until it is resolved. Roxanne stated that we are willing to discuss it a little tonight but the Board can not act until this issue is resolved. Mr. Porty stated that they would have appreciated if they knew this before they appeared tonight. Roxanne stated that we only just received the information. Mr. Porty questioned what the legal basis was for this decision. Roxanne stated this is based on our Planning Board attorney's recommendation. Roxanne stated that if they want to discuss that with the Board's attorney they would have to open up an Escrow Account.

Michael Minor asked if they had any idea why this was complaint was filed. Mr. Porty stated that applicant's sister apparently made these allegations to the Code Enforcement Officer and he issued this without any basis. Roxanne stated that this was his opinion and the Board will not get into this. Mr. Porty stated that he was not asking the Board to. He was simply answering a question. Michael stated that we are not going to make any comments but he is glad to have this piece of information. Fred asked what they said. Michael stated that Mr. Busick's sister apparently made an allegation to the Building Department. Michael stated that it does not matter what he thinks but he does not think that it is coincidental.

Chris asked if we can accomplish anything tonight. Roxanne stated that the Board can certainly talk about the application but there is nothing we can do to help them tonight. Michael stated that we could treat this like a Pre-submission Meeting. Chris stated that it is a simple two lot subdivision and is immediately adjacent to a subdivision that this Board previously approved. Chris stated that the roadway will not exceed any of the requirements of the Town. This is a much more gentle slope. Michael said that they would have to prove this. Chris stated that they will and that it is similar to the lot next to it. It is not similar to Ferguson in the road situation at all. They are doing the testing for the septic at this time. This is a general layout and it may change. Michael brought up the shared driveway and the flag lot. Chris stated that both lots have frontage on Route 9W and John could put his own driveway in if he wanted to. Fred suggested that they show John having a driveway. Fred stated that when they have two lots approved if they want to work out a maintenance agreement or not it is their decision. If this comes back to the Town in the future, it will show that they have access to both lots with separate driveways. Fred reviewed the map with Chris and made some recommendations. Fred told Chris that they need to show a building envelope and once it is approved by this Board they will need to deal with the Building Inspector regarding where the house is actually placed. Fred stated that this Board does not want to get in between any feuds between the neighbors. Michael stated that they need to show a buildable lot with Health Department approval.

Chris asked if they can be placed on next month's agenda. Roxanne told him if they get things cleared up with the Building Department they can be placed on the agenda. Our deadline for next month's agenda is May 28th for submission of new maps but Roxanne stated that she will give them until the meeting date of June 11th to clear everything up with the Building Department. Myles stated that while they are clearing things up they should provide him with a disturbance area calculation for the hypothetical building and provide an EAF with limits on the plat. They should do all their grades and he hopes they take into consideration the comments. If underground electric and phone service is proposed, trenching for these utilities will cause additional disturbance and will require erosion control measures. Myles stated that the Flag Lot does not require a waiver. He expects there will be a regrading plan since they will be going through some steep slopes. Michael stated that the regulations we are applying to this submission are exactly the same as we apply to any submission. Myles stated that he hopes they take his comment about lot numbers to heart.

EARLY & SUPRENANT: Case #2014-10 – Lot Line Adjustment – 5 Halstein Ln., Union center Rd., Ulster Park; SBL: 63.003-5-6.2 & 7

No one was present to represent this application.

MISCELLANEOUS:

1. We have a referral from the Town of Hyde Park for the Anderson School for Autism for AT&T upgrade to their equipment at the Facility with the addition of three (3) antennas at an antenna RAD center height of 72'5" above ground level. There will be one (1) fiber cable and two (2) DC cables to be run along the existing coax route on the outside of the wooden pole. Following some discussion it was the consensus of the Board that they will Support the Town of Hyde Park Planning Board's decision regarding this Project.
2. Letter received from New York State Office of Parks, Recreation and Historic Preservation dated 5/13/14 regarding Colonel Oliver Hazard Payne Estate, NY Route 9W, Esopus, NY, Ulster County. Darin went into the WEB Site to try to decide what property they are referring to. Information could not be located at this time. Following some discussion among the Planning Board members there were some questions regarding exactly what property they were referring to. It was agreed by the Board that the secretary will contact the individual listed in the letter and obtain more information regarding the exact property location. This information will be given to the Planning Board Chairperson who will respond to this letter and copies will be forwarded to all Board members.

FYI: Dan and Margaret will not be present at the June Planning Board Meeting.

MARGARET MADE A MOTION TO ADJOURN SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MEETING ADJOURNED AT 9:17 PM.

NEXT MONTHLY MEEITNG:

JUNE 11, 2014

DEADLINE DATE:

MAY 28, 2014

NEXT PRE-SUBMISSION:

JUNE 4, 2014

Respectfully submitted:

April Oneto
Planning Board Secretary