

TOWN OF ESOPUS
PLANNING BOARD MEETING
JUNE 13, 2012

BOARD MEMBERS PRESENT: Roxanne Pecora
Fred Zimmer
Rich Williams
Mike Minor
Darin DeKoskie (arrived at 7:15 p.m.)

BOARD MEMBER EXCUSED: Margaret Yost

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: Board members were asked if there were any changes or corrections to the minutes of the April 11, 2012 meeting or the May 9, 2012 meeting.

FRED MADE A MOTION TO APPROVE THE MINUTES FROM APRIL 11, 2012 AND MAY 9, 2012 SECONDED BY MIKE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0.

VOUCHERS:

M.L. Putman Consulting (May, 2012).....	\$2,250.00
M.L.Putman Consulting (Omega Escrow).....	\$ 520.00
M.L. Putman Consulting (Port Ewen Housing Escrow).....	\$ 650.00
Daily Freeman (Omega P.H. Notice).....	\$ 13.05
Daily Freeman (Omega P.H. Notice).....	\$ 13.95
Clough Harbour Engineering Services (Port Ewen Housing).....	\$1,189.10
Clough Harbour Engineering Services (Omega).....	\$ 602.00
Clough Harbour Engineering Services (ARC - Connelly Terrace).....	\$ 650.00
April Oneto (secretarial services).....	57 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 4-0.

PUBLIC HEARING:

ESCAPES REALTY: Case #2012-09 - Re-subdivision -183; 192 Martin Swedish Road,

Highland PO area; SBL: 71.003-5-26.11

MIKE MADE A MOTION TO OPEN THE PUBLIC HEARING FOR ESCAPES REALTY, CASE #2012-09, SUBDIVISION SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0.

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.

Tom Gordon - 108 Martin Sweedish Road - He is concerned that there was an area of wetlands that was delineated and put onto the maps a year ago that does not show on the present wetland map. This was federal wetland. He does not think it has anything to do with what is proposed now but he does not know how this fits into the big picture. He stated that it was quite a large piece of property. Dave Pakenham stated that DEC just updated the maps. It was clarified that this is a 4 lot subdivision.

James Busby - 112 Martin Sweedish Road - He is also concerned about the Federal wetlands that do not appear on this map. He wants to make sure that when all is said and done that they take into account the Federal wetlands.

There was no one else present to comment on this application.

MIKE MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR ESCAPES REALTY, CASE #2012-09 SUBDIVISION SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

Darin Dekoskie, Planning Board Member, arrived at 7:15 PM.

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

MIKE MADE A MOTION TO OPEN THE PUBLIC HEARING FOR JOHN HOY ENTERPRISES CASE #2012-12 SUBDIVISION SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

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.

RICH MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR JOHN HOY ENTERPRISES CASE #2012-12 SUBDIVISION SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

OLD BUSINESS:

JOHN HOY ENTERPRISES (LLC): CASE #2012-12 - Subdivision - 166 First Street @ Spring Street, Connelly; SBL: 56.050-1-3

Applicant John Hoy, Sharon Jones and Don Brewer, surveyor, were present.

Myles stated that he sent a memo dated 5/30/12 to the Town Supervisor and the Planning Board explaining why there should not be a recreation fee for this application. Myles stated that this application needs to be referred to the Ulster County Planning Board for review.

MIKE MADE A MOTION TO REFER JOHN HOY ENTERPRISES (LLC), CASE #2012-12, SUBDIVISION TO THE ULSTER COUNTY PLANNING BOARD FOR REVIEW BECAUSE IT IS ON A FLOOD PLAIN SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

Hoy – Need a new set of maps to send to the County with easement, deed descriptions and common driveway. Don Brewer, surveyor, will update information and give us a set to send to the County. (Need to check deadline for County Planning Board.

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

David Pakenham & Don Brewer, surveyor, were present to represent this application. Myles reviewed M.L. Putman Consulting Report dated 6/9/12 and a copy was given to the applicant and copy placed in file.

Ulster County Planning Board responded with a Required Modification that the location of the flood plains is to be delineated on the subdivision plat.

Darin stated that it would be good to get the Federal Wetlands shown on the map as well since they do not coincide with the State Wetlands. Mike stated that it was his understanding the reason for creating the big lot which already has a house on it was to deal with the wetlands issue and therefore is not additionally subdividable. Fred stated that he can see this coming back for further subdivision in the future but at this point in time they chose not to do it. Mike stated then it would make sense to have all wetlands map including the Federal Wetlands. They will need Wetland Disturbance Permit.

FRED MADE A MOTION THAT MYLES GO FORWARD WITH PARTS II & III OF THE EAF FOR ESCAPES REALTY CASE #2012-08 SUBDIVISION SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Rich.....yes

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

DARIN MADE A MOTION TO ESTABLISH AN ESCROW ACCOUNT FOR \$600.00 FOR ESCAPES REALTY CASE #2012-08 SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Rich.....yes
Fred.....yes
Darin.....yes
Mike.....yes
Roxanne.....yes

Applicant was advised that he need to provide copy of DEC Permit, Flood plain detail on Sheet 2 and determine whether you need to map Federal Wetlands on the site. You will need to have someone walk the site. We will need to know how much disturbance there will be due to the Federal Wetlands.

“CONNELLY TERRACE” Section (Phase4) re-approval (ARC - Affordable Residential Communities): Case #2012-13 – Special Use Permit/Site Plan– Off James Street, Connelly; SBL: 56.015-1-7

Nadine Carney, Brinnier and Larios, and Diane Purdon (ARC) were present to represent this application.

Myles reviewed M.L. Putman Consulting Report dated 6/13/12, copy given to applicant and copy placed in file. Myles referred to his May 15th memo following discussion with Brinnier and Larios.

Nadine stated that the disturbance area is 7.4 acres. Nadine stated that they have prepared a response to the engineer’s review regarding the outstanding issues. A copy of this information will be left for the Planning Board. The stormwater issues can and will be addressed. There is nothing there that is outstanding in their response. They do not feel that there is anything there that will change the site plan significantly. They would like this considered a condition at this point and be considered holding up the completeness of the application.

She stated that they need to discuss the issue of the sidewalks. She referred to CHA, Peter Lilholt’s, letter dated 6/1/12. They dispute Pete’s comments regarding ADA requirements for this project. She stated that Title II and Title III of the ADA standards state that public places and public accommodations must comply and this does not fall under that category. Nadine has a copy of a e-mail from Nicholas Schwartz from CHA stating that the project does not have to meet

ADA requirements within the letter of the law and as long as the general public does not use the pathway. Nadine stated that this is private property, private residences, private roads. It is not open to the public.

A lengthy discussion took place between the Planning Board members and Nadine. Mike stated that each lot has a parking pad and wanted to know what the surface of this pad would be. Nadine stated that it would be paved. Mike stated that there is a 3 foot strip and pretty much in every case within 200 feet there is a parking pad. Nadine stated that the applicant does agree that good planning efforts should be made and in the interest of this they have updated the detail for the road section showing that the walkway should not exceed a 2% cross slope and they have provided on the plans crossing markings for the road. One of the issues is the surface of the sidewalk. Nadine said that according to the ZBA decision the surface will be gravel. Fred stated that if you had the choice of walking on blacktop or gravel which would a person walk on? It was agreed that blacktop would be the choice. Nadine stated that they provided a suitable stone for walking. Fred stated that weeds will come up through the stone even though Nadine stated that filter fabric would be placed. Following additional discussion Fred and Darin both felt that they would be better off with no sidewalks. Darin further stated that at the previous meeting their client stated that the sidewalk would be ADA compliant and this is where his concern came from. Nadine stated that the client misspoke. Nadine stated that not having a sidewalk is not an option because of the ZBA Variance. After additional discussion it was recommended that the applicant return to the ZBA for relief of this decision. Board members felt that they either have a hard surface on it or no sidewalk. Roxanne stated that the sidewalk is inconsistent with what was already done in Phase I. There are no sidewalks. Roxanne stated that they can go back to the Zoning Board and the Planning Board and write a letter in favor of no sidewalks. Fred stated that they have two choices: 1) go back to the ZBA and ask for relief or 2) pave the sidewalk. Discussion continued regarding the sidewalk. Nadine stated that these are not options for her client.

Roxanne stated that the applicant has to decide whether they want to pave the sidewalks or go back to the ZBA and they need to work the issues out on the SWPPP. Nadine stated that they have and they have everything ready to send to the engineer for the SWPPP. She disagrees with the Planning Board regarding the sidewalks being paved. She suggested that the Planning Board go to the Zoning Board for relief of the sidewalks. Roxanne stated that they have a good argument regarding the inconsistency issue for the sidewalk. There are no sidewalks in the other phases of this project. Following extensive discussion about the sidewalk issue it was agreed by the Planning Board that they would speak with the ZBA regarding the removal of the sidewalks from this application if applicant makes a formal submission to go before the ZBA. Applicant is to inform the Planning Board if they plan to do this or if they will pave the sidewalks. Those are the tow choices the applicant has per the Planning Board members.

Nadine stated that they have a revised SWPPP and request that this application be sent to the County Planning Board at this time.

DARIN MADE A MOTION TO SEND CONNELLY TERRACE, SECTION 4 (ARC)

**CASE #2012-13 TO THE COUNTY PLANNING BOARD FOR THEIR REVIEW
SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH
A VOTE OF 5-0, VOTE WAS AS FOLLOWS:**

Rich.....yes
Fred.....yes
Darin.....yes
Mike.....yes
Roxanne.....yes

**DARIN MADE A MOTION TO SEND CONNELLY TERRACE, SECTION 4 (ARC)
CASE #2012-13 TO THE WATERFRONT ADVISORY BOARD FOR THEIR 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
Darin.....yes
Mike.....yes
Roxanne.....yes

**DARIN MADE A MOTION THAT WE CLASSIFY THIS PROJECT AS AN UNLISTED
ACTION UNDER SEQR AND THE PLANNING BOARD DOES NOT WISH TO PURSUE
AN UNCOORDINATED REVIEW. THE BOARD FURTHER REQUESTS THAT M.L.
PUTMAN CONSULTING COMPLETE PART II AND III OF THE EAF SECONDED BY
MIKE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.
VOTE WAS AS FOLLOWS:**

Rich.....yes
Fred.....yes
Darin.....yes
Mike.....yes
Roxanne.....yes

Nadine stated that at this point there are three outstanding issues: Health Department approval, final approval from CHA and the issue of the sidewalks. Fred stated that they would have the County Planning Board comments and that he is not sure that he agrees with Myles regarding the recreation fee.

Nadine stated that the Zoning requires that this type of project have recreation facilities on site. They are private but they are on site. It is a clear level site and it may actually have been a mobile home site at one point. It is clear level grass site. Nadine stated that the Town Board sets the Recreation Fee but the Planning Board needs to make their determination whether it is satisfied with what is proposed. Mike stated that the Recreation Fee is a Town Board fee and the only one

who can waive this fee is the Town Board. Nadine stated that they are not asking to waive this fee. They are proposing to offer land in lieu of the fee and it is in the Zoning Code that they can provide a usable area for recreation within the mobile home court in lieu of recreation fee. She stated that they do not have the option of not providing it and paying a fee. Roxanne stated that it is in the Code that we accept the land but it is not in the code that we waive that fee. Nadine disagrees and feels that it is the Planning Board's discretion as to whether they provide the recreation land or pay a fee. Roxanne stated that it is not in lieu of land being given to the Town. This needs to be taken to the Town Board. Nadine stated that if the Planning Board wants to see anything in the recreation area they need to tell the applicant what they want there.

Roxanne said that in our Code it is stated that they have to provide a recreation area. This is not land that is going to be given to the Town as a park to maintain. This is where we have a problem with the fee. They might reduce the fee but this is up to the Town Board. Darin stated that he would like to see something on this land not just a piece of land. He would like to see a playground or something.

Roxanne stated that we might need a legal opinion. This is private and it is not going to get turned over to the Town but it is required in our Zoning Code. Roxanne suggested that we take it to the Town Board. Nadine stated that this is more interpretation of the Code. They do not believe that they should ask for a waiver since they do not believe that this fee is required.

Applicant will submit the SWPPP directly to the engineer and work out the issues.

The only issue that the applicant needs to deal with now is the decision on the sidewalk. Are they going to pave them or go to the ZBA for relief of the sidewalks. Roxanne requested that they let us know when or if they are going to the ZBA so that we can have a Planning Board member present.

DARIN MADE A MOTION TO SCHEDULE CONNELLY TERRACE PHASE 4 (ARC) FOR A PUBLIC HEARING FOR JULY 11, 2012 AT 7:10 PM SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Rich.....yes
Fred.....yes
Darin.....yes
Mike.....yes
Roxanne.....yes

HARE: Case #2012-09 – Subdivision -130 Carney Road (Town Hwy 852), NYS Rt. 213, Rifton; SBL: 63.003-3-4.211

Rob Hare was present for this application. Myles reviewed M.L. Putman Consulting Report dated 6/13/12, copy given to applicant and copy placed in file.

Myles stated that Lot H in the upper northeast corner of the site does not have road frontage. Rob stated that when he set up the easement this plat represents all the language in the easement and the objective was to allow that section to be sold in the future so at this time they are not planning on subdividing it. It will go with the main lot. It will pass in the easement so the person buying that large parcel and if the adjoining landowner or somebody comes in the future and wants the piece of property they will have the right to sell that and at that time it will have connection to a road. It will become part of another piece of property or it will have a road put in, etc. This is a potential subdivision in the future for whoever owns that piece of property and it will be allowed by the land trust. He will remove it from the plan but the land trust already approved it. There is a dead ended road (Highland Avenue) and at this point it comes in approximately 300 feet into his property.

Darin stated that the electric easement is not shown on the map. Rob stated that he has descriptions for that. Myles asked if the land trust has an issue with the relocation of the driveway for Lot H-T. Rob stated that the land trust does not care about the driveway. They brought the power line parallel to the driveway. Lot R-H is coming off of the original submission. The subdivision lots have restricted building envelopes. The Board will need a new set of plans. Fred stated that we will need a location on the houses, well, septic and reserve area and driveway grades. We do not care if you move the locations after approval but you have to show that the lots are buildable. Discussion took place regarding whether this is required since these lots are big. Rob questioned if he has a restricted area and he is saying that a house has to go in this area and he has signed a legal document stating that why does he need to show an image of where the house is. Darin asked if you could put the septic outside of the buildable area. Rob said that you could. Darin requested the land trust language that says that the septic and wells can go outside the building area. With this information could we treat it as a minor subdivision and have deep tests and perks done and go with that? Then they could go anywhere on the lot and just show us where the tests were done and have an engineer certify that. Ulster County Health Department has asked us to send them everything. It is their requirement now.

Myles stated that we need to see limits of disturbance. Is site development going to exceed 1 acre or 5 acres of disturbance on the site. Providing building envelope information helps to figure out the limits of disturbance. Fred and Darin stated that they would like to see contours only for where the driveways, house and septic will be located.

Applicant needs to provide house, well, reserve, driveway locations, contours and limits of disturbance.

PORT EWEN HOUSING (“THE MEADOWS”): Case #2006-10 – Major subdivision – 231 ½ Salem St.; Park La.; Eugene St.; Cynthia St., Port Ewen; SBL: 56.067-6-20

Myles reviewed M.L. Putman Consulting Report dated 6/12/12, copy given to applicant and copy placed in file.

Andrew Featherston, Maser Consulting, was present to represent this application.

Darin agrees with Myles comments. He is interested in the drainage of Lot 2 and Lot 1 and combining them with other lots. Darin asked if we ever came to any determination as to what we are doing with the pond. Andrew stated that he submitted all the drainage information to the Planning Board. Fred stated that on Pete's e-mail comments 5, 6 and 7 will have to be addressed. Andrew stated that he has both comment letters and he has no particular issues.

Fred stated that #8 (drainage district) needs to be taken to the Town Board. Darin likes putting them on a lot and having an easement with the right to maintain for the HOA.

Andrew said that he thought we were past this. Roxanne stated that the Drainage District is going to be deferred as a condition of approval for the Town Board to resolve. Discussion took place regarding a meeting that was held in April with Andrew, Pete, Myles, Roxanne, Fred, Dan Terpening, Gloria VanVliet, Don Kiernan and John Coutant. There is a petition for the drainage district. It was decided at that time that the Town Board will have to make this decision. Roxanne informed Andrew that they were supposed to contact the Town Board to get on the Agenda for a meeting and no one has done that. At this point, they have lost a month. Andrew stated that their intention was to submit the draft to the Planning Board to review and give comments. They did not intend to delay anything. Roxanne stated that their correspondence to the Board did not indicate this.

Roxanne stated that the drainage district which they looked at in the meeting was talked about in a generic sense that we were going to take it to the Town Board and everyone understands the need for it now. It was agreed that this would not hold them up from an approval of this Board and it would be a condition and that it had to be resolved between them and the Town Board and we would assist in this.

Fred stated that if the drainage district does not get approved then they will be back before this Board. Andrew informed the Board that everything he has submitted at this time matches that drainage district. If the drainage district does not go through, the lot lines may change.

Roxanne asked if they were ready to be on the Town Board Agenda. Andrew stated that they are ready at this point.

Fred stated that Andrew has to get together with Pete. There are questions on the stormwater management and the configuration. As long as the two of them agree and Pete signs off on it, he is okay with it. Darin stated that he does not see that affecting the lot lines. Myles would like to see consistent limits of disturbance shown on all of the maps and get the wetlands re-certified to make sure they do not have to go through the DEC Permit process.

Discussion took place regarding the issues that Pete and Andrew still have. Darin volunteered to sit in on a meeting with Pete, Andrew and Fred to work out the issues that are still outstanding. Andrew will work on scheduling this meeting.

It was agreed that the SWPPP needs to be resolved and the limits of disturbance have to be consistently placed on the maps as per Myles comments.

DARIN MADE A MOTION TO DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR FOR PORT EWEN HOUSING CASE #2006-10 MAJOR SUBDIVISION SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

- Rich.....yes
- Fred.....yes
- Darin.....yes
- Mike.....yes
- Roxanne.....yes

DARIN MADE A MOTION TO GRANT PRELIMINARY PLAT APPROVAL FOR PORT EWEN HOUSING CASE #2006-10 MAJOR SUBDIVISION SECONDED BY RICH. MOTION PASSED WITH A VOTE OF 4-0-1. VOTE WAS AS FOLLOWS:

- Rich.....yes
- Fred.....yes
- Mike.....abstained
- Darin.....yes
- Roxanne.....yes

NEW BUSINESS:

HARE: (WEDDING/CATERING SITE HOSTING): Case #2012-16 – Special Use Permit – 130 Carney Road (Town Hwy 852) NYS Rt. 213, Rifton; SBL: 63.003-3-4.211

Myles reviewed M.L. Putman Consulting Report dated 6/12/12, copy given to applicant and copy placed in file.

Rob stated that he would be happy if this permit expired with their ownership. He spoke to his insurance agent and insurance is available to cover him in the event of serving liquor, etc.

Rich questioned the single lane road. He sees that there are pull offs but is concerned if there is an emergency. Darin suggested that they check with the fire department. Rob stated that there are pull offs there now and he thought he would take those areas and put gravel. Rich would like to see what the Rifton Fire Department has to say regarding getting a large vehicle back there for

emergency purposes. He will contact the Rifton Fire Department and work on getting them to send us a letter with their opinion.

Fred questioned the number of parking spaces and will they support what is required for 150 people. Myles stated that he ran the numbers and it looks like there are enough for 134 people. Darin questioned sanitary facilities. Rob stated that they will be porta-potties. Applicant has plenty of room to designate an area for reserve parking and future expansion.

Applicant will provide corrected maps one of which will show color for the corrections for the file.

DARIN MADE A MOTION TO SCHEDULE HARE CASE #2012-16 FOR A SPECIAL USE PERMIT FOR A PUBLIC HEARING ON JULY 11, 2012 AT 7:20 PM SECONDED BY ROXANNE. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

- Rich.....yes
- Fred.....yes
- Darin.....yes
- Mike.....yes
- Roxanne.....yes

Applicant was informed that there will be a \$200 public hearing fee that is required prior to announcing the public hearing.

ZBA REFERRALS:

None

MISCELLANEOUS:

Discussion took place regarding the Ulster County Planning Board Land Use Referral guide letter.

MIKE MADE A MOTION TO FORWARD THE LETTER TO THE ULSTER COUNTY PLANNING BOARD FOR THEIR REVIEW AND APPROVAL SECONDED BY DARIN. MOTION PASSED WITH A VOTE OF 4-0-1. VOTE WAS AS FOLLOWS:

- Rich.....yes
- Fred.....yes
- Darin.....yes
- Mike.....yes
- Roxanne.....abstained

DARIN MADE A MOTION TO ADJOURN AT 10:40 PM SECONDED BY RICH. ALL

MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

NEXT MONTHLY MEETING: JULY 11, 2012

DEADLINE: JUNE 27, 2012

NEXT PRE-SUBMISSION: JULY 3, 2012

Respectfully submitted,

April Oneto
Planning Board Secretary