

**TOWN OF ESOPUS
PLANNING BOARD MEETING
JUNE 11, 2014**

PRESENT: Roxanne Pecora, Chairperson
Fred Zimmer
Michael Minor
Darin Dekoskie
Michael Manicone

EXCUSED: Daniel Michaud
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 7:35 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 May Meeting Minutes and if there were any changes.

MICHAEL MINOR MADE A MOTION TO APPROVE THE MAY 14, 2014 MINUTES SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

VOUCHERS:

Myles Putman (May, 2014).....	\$2,300.00
Myles Putman (Christian Brothers EAF).....	\$ 260.00
Myles Putman (Barron EAF).....	\$ 195.00
Peter C. Graham, Esq. (Christian Brothers).....	\$1,625.00
Clough Harbour Assoc. (Church Communities).....	\$ 788.88
April Oneto (secretarial services).....	56 1/2 hours

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

PUBLIC HEARING

DARIN MADE A MOTION TO OPEN THE PUBLIC HEARING FOR CHRISTIAN BROTHERS, CASE #2013-19, MINOR SUBDIVISION, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

CHRISTIAN BROTHERS: Case #2013-19 – Minor Subdivision – 1835-1850

**Broadway (US Route 9W), West Park;
SBL: 72.001-2-13.1**

Chairperson Pecora read the Public Hearing Notice. A copy 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 who wished to speak regarding this application.

FRED MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR CHRISTIAN BROTHERS, CASE #2013-19, MINOR SUBDIVISION, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED WITH A VOTE OF 5-0.

OLD BUSINESS:

**CHRISTIAN BROTHERS: Case #2013-19 – Minor Subdivision – 1835-1850
Broadway (US Route 9W), West Park;
SBL: 72.001-2-13.1**

Chris Zell was present to represent this application.

Roxanne stated that we did our referrals and received a lengthy letter from the Town of Hyde Park Planning Board dated 5/12/14. Chairperson Pecora read the letter and a copy was placed in the file. Chairperson Pecora informed the Board that our Planning Consultant had incorporated most of the comments made in the EAF for this application.

Waterfront Advisory Board submitted a letter dated 4/23/14 stating that they do not have any comments regarding this application. Copy of letter placed in the file.

Roxanne stated that we have EAF Part 2 and Part 3 completed by ML Putman Consulting. Roxanne stated that we will need to increase the Escrow Account since we have overextended it. Chris stated that he will obtain a check from his client.

FRED MADE A MOTION TO INCREASE THE ESCROW ACCOUNT FOR CHRISTIAN BROTHERS, CASE #2013-19, BY \$500.00 SECONDED BY MICHAEL MINOR. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

DARIN MADE A MOTION TO ACCEPT PART 2 AND 3 OF THE EAF AS PREPARED BY M.L. PUTMAN CONSULTING AND DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Michael Manicone.....yes
Darin.....yes
Michael Minor.....yes
Roxanne.....yes

CHAIRPERSON PECORA AND MYLES PUTMAN SIGNED PART 3 OF THE EAF.

DARIN MADE A MOTION THAT WE GRANT CONDITIONAL FINAL APPROVAL FOR CHRISTIAN BROTHERS, CASE #2013-19, MINOR SUBDIVISION CONDITIONED UPON RECEIPT OF 6 PAPER MAPS AND 1 MYLAR AND A RECREATION FEE OF \$2,000, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Michael Manicone...yes
Darin.....yes
Michael Minor.....yes
Roxanne.....yes

BUSICK: Case #2014-09 – 1725 Broadway (US Route 9W; State Highway 5508), West Park; SBL: 80.001-3-28.1

Ronald Porty, Esq. and Chris Zell were present to represent this application.

Chairperson Pecora stated that the Board received a letter from the Building Department dated 5/22/14 stating that the order to remedy is withdrawn and there is no violation at this time.

Myles reviewed M.L. Putman Consulting Report dated 5/13/14 and 6/4/14. Copies of reports were given to applicant and copies placed in the file.

Myles stated that we will need driveway profiles and elevations to show the grades. He would like to see the lots numbered Lot 1 and Lot 1A. The site is located within the SASS (Scenic Area of Statewide Significance) and also within the Waterfront Revitalization Plan area for the Town. A complete submission should be referred to the Waterfront Advisory Board and a courtesy submission to the Town of Hyde Park Planning Board. A referral to the Ulster County Planning Board is required.

Myles stated that he is not sure if we are ready to go to a Public Hearing on this. He would like to see the Board make a decision on whether or not they want to see the proposed grades to flush out the topographic information that is shown on sheet 2 of the maps. The Board will need to decide if this is an Unlisted

Action or a Type 1 Action under SEQR. If the Board classifies this action as a Type 1 Action then a Full EAF has to be submitted.

Mr. Porty asked under what condition of SEQR this would be a Type 1 Action. Myles stated the proximity to a National Register Historic Site, Subsection 9.

Darin would like to see the driveway grade at this point. Chris stated the location of the house changed. They are trying to show that it is buildable at this point. Darin asked if they are working with the Health Department. Chris confirmed that they currently have an application in for the Health Department approval.

Michael Minor asked what the elevation of the septic system is compared to the house. Chris stated that the septic is higher and they will have a pump system no matter where they put the house. He does not see this as ever being a gravity system.

Fred would like to see a signature block on the second sheet and get rid of the first sheet of plans (maps). Chris stated that this can be done. Fred would like to see proposed grades for the driveway. Chris stated that they added a proposed driveway for Lot 1A.

Mr. Porty stated that in terms of the classification he is not familiar with any cases that take into consideration the concept of a view and substantially contiguous. Myles stated that there are. Michael Minor stated that he has walked the property and the other end of the property is fairly heavy with trees and unless they take down all of those trees he does not think there is much of an impact but they may want to take a look at this. Myles stated it is something that he wants to be careful with. He stated that he has been to enough seminars with attorneys where they state that it is not just a simple measurement of physical proximity but view shed and other things that bring you into proximity of that resource. He stated that if the map was really simple and proposed a huge easement for clearing down by the river it would be pretty cut and dry and it could be treated as a Type 1 Action. The easement for clearing is up along the terrace. Mr. Porty stated that this is actually to preserve the view shed. Mr. Porty stated that the actual distance to the other shore is over a mile. Myles stated that we are hearing a good argument to classify this as an unlisted action pursuant to SEQR. Fred stated that we might want to put some type of limits regarding clearing. Mr. Porty stated that this is something that would come up at the time the property owner would seek a permit to develop the property. Fred stated that no matter where they put the house they are going to want a view of the river. Mr. Porty stated that certain areas of the property are cleared already. Mr. Porty further stated that he thinks that there are natural limitations. Michael Minor stated that a lot of the buildings on the slope have cut an angled the clearing so that while they can see the river Vanderbilt is blocked. Fred stated that one way to do it is that whatever is cleared for the river does not look right at Vanderbilt. Michael Minor stated that if we clear the location for the house with that location specified

his guess is that people do not have to come back to this Board. Chris stated that they would not have to come back to this Board if they moved the house. They would have to take this up with the Building Inspector. Discussion continued regarding this issue. Mr. Porty stated that realistically from the Vanderbilt site looking across the river at this property what is going to be the impact of one house. Chris stated that the 80 foot sight easement which prohibits anything more than 4 feet high is a clear view across the river. This already takes part of the lot out of the discussion. He is not sure prohibiting somebody from building where they might want to build is reasonable. Chris stated that this is not a development it is a single family structure. Mr. Porty stated that he thinks the natural limitations of where the house can be placed will enhance the preservation of the natural surroundings. Roxanne and Darin do not see an issue. Darin stated that if we were making four or five lots it would be different. Roxanne stated that the fact that we looked at it, considered it, contemplated it that is what our job is as a Board.

FRED MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR BUSICK, CASE #2014-09, SUBDIVISION SECONDED BY MICHAEL MINOR. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Michael Minor.....yes
Fred.....yes
Michael Manicone.....yes
Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO CLASSIFY BUSICK, CASE #2014-09, SUBDIVISION AS AN UNLISTED ACTION PURSUANT TO SEQR SECONDED BY DARIN ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE AS FOLLOWS:

Michael Manicone.....yes
Darin.....yes
Michael Minor.....yes
Fred.....yes
Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO REFER BUSICK, CASE #2014-09, SUBDIVISION CONDITIONED UPON RECEIPT OF NEW MAPS TO THE ULSTER COUNTY PLANNING BOARD, WATERFRONT ADVISORY BOARD AND A COURTESY REFERRAL TO THE TOWN OF HYDE PARK PLANNING BOARD, SECONDED BY MICHAEL MANICONE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE AS FOLLOWS:

Fred.....yes

Michael Manicone....yes
Darin.....yes
Michael Minor.....yes
Roxanne.....yes

NEW BUSINESS:

EARLY & SUPRENANT: Case #2014-10 – Lot Line Adjustment – 5 Halstein Lane (Town Hwy 892), Union Center Rd., Ulster Park; SBL: 63.003-5-6.1 & 7

No one was present to represent this application.

BARRON: Case #2014-11 – Minor Re-subdivision – 61 Parker Ave. (Town Hwy 857); 4 Lamont Landing, Esopus; SBL: 72.009-3.5.1 & 5.3

Myles reviewed M. L. Putman Consulting Report dated 6/5/14. Copy was given to applicant and copy was placed in file.

Myles stated that the purpose of tonight’s action is to undo a previous lot line adjustment and to attach Elmore’s dock back to Lot 3 and add 11 acres which will leave 12 acres to Lot 1A.. Darin asked if there was something with the dock and the Town Fire Department. Chris stated that this is the turnaround for the Fire Department. Chris acknowledged that this is the turnaround area. He found a letter from the Highway Department and he will need to speak with them and see if they have it on file. They show it as the turnaround area on the map. Chris stated that they are taking some area off of one and adding it to Lot 3 and adding the dock back to Lot 3.

Chris stated that the Historic Home referred to in M.L. Putman Consulting Report is Mr. Barron’s home.

Myles stated that generally a Lot Line Adjustment would be an Unlisted Action pursuant to SEQR but since we have the National Register Historic Structure right on this property it is a Type 1 Action. The applicant has submitted a FEAF Part 1. Myles has prepared Part 2 and Part 3 and a Negative Declaration.

MICHAEL MINOR MADE A MOTION TO DECLARE BARRON, CASE #2014-11, MINOR RE-SUBDIVISION, A TYPE 1 ACTION PURSUANT TO SEQR, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Michael Manicone...yes
Darin.....yes
Michael Minor.....yes

Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR BARRON, CASE #2014-11, MINOR RE-SUBDIVISON, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Michael Manicone....yes
Fred.....yes
Darin.....yes
Michael Minor.....yes
Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO ADOPT PART 2 AND 3 OF THE FEAF AND DECLARE BARRON, CASE #2014-11, MINOR RE-SUBDIVISION, A NEGATIVE DECLARATION PURSUANT TO SEQR, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Michael Manicone....yes
Darin.....yes
Michael Minor.....yes
Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR BARRON, CASE #2014-11, MINOR RE-SUBDIVISION, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Michael Manicone....yes
Darin.....yes
Michael Minor.....yes
Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO REFER BARRON, CASE #2014-11, MINOR RE-SUBDIVISION , TO THE WATERFRONT ADVISORY BOARD AND THE TOWN OF HYDE PARK PLANNING BOARD, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Michael Manicone....yes
Darin.....yes
Michael Minor.....yes

