

**TOWN OF ESOPUS
PLANNING BOARD MEETING
JULY 11, 2012**

BOARD MEMBERS PRESENT: Roxanne Pecora
Fred Zimmer
Margaret Yost
Michael Minor
Rich Williams
Darin DeKoskie

BOARD MEMBER 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 7:10 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 June 13, 2012 meeting.

Margaret had correction to page 4, last sentence, should be two not tow.

MARGARET MADE A MOTION TO ACCEPT THE PLANNING BOARD MINUTES OF JUNE 13, 2012 AS AMENDED, SECONDED BY MIKE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

VOUCHERS:

Clough Harbour (ARC – Connelly Terrace).....	\$ 2,887.50
M.L. Putman Consulting (Month of June).....	\$ 2,250.00
M.L. Putman Consulting (ARC – Connelly Terrace).....	\$ 325.00
Clough Harbour (Port Ewen Housing – The Meadows).....	\$5,284.75
ARC – Connelly Terrace - Public Hearing Fee.....	\$ 200.00

Daily Freeman (Public Hearing Notices – Hoy, ARC).....\$ 24.75
April Oneto (Secretarial Services month of July & Sept. 2011).....69 hours

RICH MADE A MOTION TO APPROVE THE VOUCHERS AS READ, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

Roxanne explained that the Clough Harbour bill received for Port Ewen Housing (The Meadows) for \$5,284.75 exceeds the Escrow Account by a significant amount. The meeting has not yet occurred between Darin, Fred, Andrew and Pete. Pete Lilholt said that the last submittal came without any prior notification of what was coming, what was changing or what they should direct their attention to, therefore, they had to go through every single document and every single piece of paper. Pete stated that this is driving up the bill. They did the estimate for the Letter of Credit. They did the Stormwater Pollution Prevention Plan review (SWPPP) and I asked him to provide me an explanation of what was done so that the Board can decide if we should forward this to Andrew as is or if we need to ask him to modify it.

Roxanne stated that we need to increase the Escrow Account between \$8,000 to \$10,000. It was decided to contact Pete Lilholt to provide a breakdown of charges and itemized details for the above bill to Andrew. Subsequent to meeting Pete was contacted and provided the requested data.

MARGARET MADE A MOTION TO INCREASE THE ESCROW ACCOUNT FOR PORT EWEN HOUSING (THE MEADOWS) BY \$8,000.00, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

PUBLIC HEARINGS:

ARC (CONNELLY TERRACE – PHASE 4): Case #2012-13 – Special Review Permit/Site Plan – Mobile home park expansion Off James Street, Connelly; SBL: 56.015-1-7

FRED MADE A MOTION TO OPEN THE PUBLIC HEARING FOR ARC (CONNELLY TERRACE), CASE #2012-13, SPECIAL USE PERMIT/SITE PLAN SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. A copy of the notice was placed in the file. Chairperson Pecora stated for public information this was an application that was before this Board in 2001 and was approved in 2001 however the applicant never went forward at the time to get a Building Permit and it has changed owners at least twice since that time frame. As a result of these issues, the new owner

has to go through the entire process again with basically the exact same plan. They have to come into compliance with of the current Town Zoning Code.

Chairperson Pecora asked if there was anyone who wished to speak on this application.

Bonnie Hewitt – 520 Andorn Lane – She stated that she was not notified of this proceeding and requested that this be postponed until next month so that her husband can be present. (A notice was sent to this resident to a Post Office Box in Port Ewen and was returned. Notice is in file. The resident was shown the return envelope.)

Ms. Hewitt stated that they have been flooded with stormwater and that the applicant does not maintain the retention pond. They have had vandals come and cut their trees and kids from the park have bonfires and beer parties. This application is very important to them. Her husband would like an opportunity to speak but he is out of town. They had to sue the applicant in court because they had 4 feet of mud in their yard. They did put a holding pond in but they never maintained it. They did put a culvert pipe in and now it is draining on their property. This is why the water table on their property is so high because it is draining from the top of the hill. She requested that this be postponed until next month so that her husband can speak.

Roxanne informed her that we do not comment during a public hearing but if this Board tonight chooses not to take action on approval the public will have a month to submit any documentation, letter, etc. and it will be considered and reviewed by the Board. Roxanne informed Ms. Hewitt that under the Town Zoning Code this Board is not required to notify land owners. We are only required to publish notice in the newspaper. We go one step beyond that and notify landowners and we did try to notify you but the letter came back. We were under the impression that it was a Port Ewen Post Office Box and it was a Kingston Post Office. Our information for mailings comes from the Town Assessor's Office.

There were no other interested residents present who wished to speak regarding this application.

Nadine Carney Engineer for, Brinnier and Larios, stated that applicant is aware of the existing issue. This was from the old development. She stated that the discharge that is going in that direction has the same flow and does not increase. Nadine stated that she agrees that the pond is not maintained and once the clearing and grading is done this would improve the situation.

Ms. Hewitt stated that she would like to see the situation fixed. She stated that knowing that it will not get any worse will not resolve her problems now. She would like that before this Board gives approval. She would hope that they would alleviate her existing problem. It seems that they are not taking this into account they are just saying that it will not worsen.

Roxanne asked if the Phase that is existing now is the same owner as the new Phase? Nadine stated that the new owner purchased everything. It is one owner. Roxanne stated that our engineer is reviewing the SWPPP. We have a choice tonight to either close the Public Hearing or continue it until we have more information.

Following some discussion Nadine stated that they would be willing to waive the 62 day time frame if the Public Hearing is closed tonight.

Ms. Hewitt stated that they had to take the previous applicant to court to get them to put in the pond but then they never maintained it. They did not attempt to alleviate the problem voluntarily.

She was told to gather her concerns and write a letter and provide any documentation that they may have including any information from the lawsuit and provide this for the Planning Board for review at the next meeting. Since the applicant is going to waive the time frame the Public Hearing will be closed but the clock will not start.

RICH MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR ARC (CONNELLY TERRACE) CASE #2012-13 WITH THE UNDERSTANDING THAT APPLICANT IS WAIVING THE 62 DAY LIMITATION SECONDED BY MIKE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:.

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

HARE (WEDDING/CATERING): Case #2012-16 - Special Use Permit - 130 Carney Rd, Rifton; SBL: 63.003-3-4.211

MIKE MADE A MOTION TO OPEN THE PUBLIC HEARING FOR HARE CASE #2012-16 SPECIAL USE PERMIT SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR.

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. A copy of this notice was placed in the file.

Chairperson Pecora asked if there was anyone present who wished to speak on this application.

Jay Edelman – 152 Carney Rd. – He stated that he is for this project and anything that helps large parcel owners to pay their taxes for their property.

Mel Johnson - 1626 Rt 213 - He owns half of the farm and he is in favor of this project.

Roger & Linda Sexton – 142 Carney Rd. – They are in favor of the project.

No one else present who wishes to speak regarding this application.

MIKE MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR HARE CASE #2012-16 SPECIAL USE PERMIT SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR.

OLD BUSINESS:

ARC (CONNELLY TERRACE): Case #2012-13 – Special Use Permit/Site Plan – Off James Street, Connelly; SL: 56.015-1-7

Nadine Carney, Engineer, Brinnier & Larios present along with Michael Moriello, Esq.

Roxanne read a letter from the Waterfront Advisory Board dated 6/25/12 stating that they have no issues with this application. A copy of letter placed in file.

We have a review from the Ulster County Planning Board dated 7/2/12 dealing with the Special Use Permit and the Site Plan. The recommendations are identical for both Site Plan and Special Use Permit. Roxanne read the recommendations. Copy was placed in the file.

Board received an e-mail from Pete Lilholt, Clough Harbour, regarding verbal agreement with Nadine Carney on outstanding stormwater issues. Copy of e-mail placed in file.

Nadine stated that Michael Moriello, Esq. retained by the applicant to deal with this Board regarding the Recreational Fee. This will be discussed at the end of this review.

Nadine stated that they do have Ulster County Health Department approval and submitted copy of the map signed by the Health Department to be made part of our record. This will take care of the Health Department required Modification stated by the Ulster County Planning Board.

Nadine requested that we go through the Required Modifications from the Ulster County Planning Board one at a time and resolve the issues.

Vehicular Access: Required Modification - Emergency access is required to be upgraded to private road standards for full time use.

Nadine stated that she does not believe that at the time this was initially reviewed and approved that it was intended to be a through access. She does not think the Board wanted it to be and she does not think the traffic was intended to go to Florida Street. Roxanne stated that both she and Fred were on the Board at that time and it was not. Nadine stated that it will be a 15 foot wide paved emergency access. Nadine stated that their concern is the turning at James Street not the turning at the emergency access.

Fred feels that it should be 20 feet. He agrees with the County.

Pedestrian Access – Required Modification – Development of an American Disabilities Act (ADA) compliant sidewalk is required.

Nadine stated that she still wants to clarify that requiring a paved surface is different than this development having ADA compliant sidewalk. According to ADA they are not required to have ADA accessible sidewalks. She wants this on record. Michael Moriello stated that he was hired for one specific issue but he does not know what the County is talking about with ADA. This is private development and ADA does not apply to this development. Nadine said that if the Board still stands by their requirement that it be paved the applicant is willing to go ahead and make this change. Roxanne stated that the applicant was given two choices: pave the sidewalks or go back to the ZBA since the sidewalks are not consistent with the other phases of this project. Nadine stated that if the Board will agree with the paving but them not being fully ADA complaint because there are so many other stipulations under ADA. They would be willing to comply with paving.

Roxanne stated that she has a copy of the ZBA decision from 2000. She read their decision and copy has been placed in the file.

Vehicular Access – Nadine stated that the emergency access road is paved with the same material as the roads.

Rich feels that it should be left at 15” and we should attempt to limit the traffic in this area. If you don’t make it full access, you will limit some of the ability of the cars to want to use this road.

MIKE MADE A MOTION TO LEAVE THE VEHICULAR ACCESS AT 15 FEET AND OVERRIDE THE COUNTY PLANNING BOARD REQUIRED MODIFICATION SECONDED BY RICH. VOTE WAS 2 – YES AND 4 NO. MOTION DID NOT PASS. VOTE WAS AS FOLLOWS:

- Fred.....no
- Margaret.....no
- Darin.....no
- Rich.....yes

Mike.....no
Roxanne.....no

It was the consensus of the Board that the road be upgraded to private road standards. The Board agrees with the County.

Pedestrian Access - Required Modification - Applicant is proposing a gravel sidewalk as required by previous ZBA variance approvals. Given the materials provided, there appears to be sufficient room within the right-of-way to provide an ADA compliant sidewalk rather than a gravel path.

MIKE MADE A MOTION TO TAKE APPLICANTS SOLUTION AND PAVE THE SIDEWALKS WITH A 2% CROSS SLOPE AND OVERRIDE THE ULSTER COUNTY PLANNING BOARD'S REQUIRED MODIFICATION TO DEVELOP TO ADA STANDARDS SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

Landscaping – Required Modification -Typical landscaping details for individual lots and the planting of trees along the street frontage for each individual lot.

Roxanne asked if they already have a plan for when people rent these lots and how they are to maintain them. Nadine stated that they do. She spoke with the applicant and they have landscaping plans for smaller landscaping. The reason for this is due to the maintenance and because of the utilities that run along the front of these sites. There is water, sewer, drainage and if you put large trees in the front yards which are small then roots grow and it becomes a problem with large trees. They can show a typical detail, however, it will include smaller trees.

RICH MADE A MOTION TO OVERRIDE THE ULSTER COUNTY PLANNING BOARD REQUIRED MODIFICATION FOR LANDSCAPING AND THAT THE APPLICANT WILL GO WITH TYPICAL LOT PLAN FOR LANDSCAPING SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR AND MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

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

Safety – Required Modification – Fencing along the edges of the property where the development is in close proximity to the CSX lines to be provided.

Nadine stated that on Lot 29 there is about 80 feet of frontage. The owner agrees to the safety issue but they have a little aversion to fences due to maintenance and repair. They would prefer a vegetative barrier. Fred stated that it is CSX’s responsibility to fence the area. Following some discussion it was agreed that the applicant would be willing to put a vegetative barrier.

MIKE MADE A MOTION TO OVERRIDE THE ULSTER COUNTY PLANNING BOARD REQUIREMENT FOR A FENCE AND THE APPLICANT WILL PUT A VEGETATIVE BARRIER IN THIS AREA SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

Safety – Required Modification – A school bus shelter at the proposed recreation area is required.

Nadine stated that they totally agree and will provide a school bus shelter.

Myles has completed Part II and Part III of the Full EAF dated 7/6/12. This will need to be sent to the other involved agencies. Myles reviewed M.L. Putman Consulting Report dated 7/6/12. Copy was given to applicant and copy was placed in the file.

Myles recommended that “As Builts” be filed with the Building Department and Water/Sewer Department. Applicant will need to discuss internal road names with the Assessor.

Roxanne stated that the escrow account needs to be increased. Discussion took place regarding the amount.

DARIN MADE A MOTION TO INCREASE THE ESCROW ACCOUNT FOR ARC (CONNELLY TERRACE) CASE #2012-13 SPECIAL USE PERMIT/SITE PLAN TO \$3,000.00 SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

Fred asked about the detention pond. He asked if they have an 8” PVC outlet. Nadine stated that the water quality volume gets stored in the pond and it gets released to the 8” pipe and as it fills up through the 10-2500 year storm it overflows to the 12” pipe. The Pond will maintain a 100 year storm. The present pond is not working correctly now. Nadine stated that they are going to reconstruct the pond according to the new standards. They will have to fix the catch basin. Nadine stated that there is a maintenance plan in the SWPPP.

Roxanne read the Negative Declaration created by M.L. Putman Consulting dated 7/10/12.

MIKE MADE A MOTION TO DECLARE A NEGATIVE DECLARATION OF NON-SIGNIFICANCE PURSUANT TO SEQR FOR ARC (CONNELLY TERRACE) CASE #2012-13 SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWED:

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

Fred asked if there was any kind of right-of-way or easement for the detention pond going onto the Central Hudson property. The answer was yes.

Michael Moriello, Esq. stated that he received a call on Monday asking him to represent this applicant regarding the Recreation Fee issue which they have been told is \$2,000.00 per lot for 29 lots which will be a total of \$58,000.00. He has not had time to research the whole issue but he did have an opportunity to look at the law that was cited by the Town Board Section 107.25(b). His reading of this section is that it applies to

subdivisions and this is not a subdivision. It is his understanding that there is provision for recreation land in this development which exceeds the requirements. It is his understanding that this project is part of an overall project to be completed in four separate phases that began in 1976 with this fourth phase being reconfirmed for approval and it was subsequently never built. Mike stated that there is a doctrine in the law that is the single integrated project theory which holds that if you have gotten approvals for a project and you built a substantial amount of the infrastructure and reliance on those approvals you are entitled to complete the project. What this means in terms of recreation fees apply and don't apply he still needs to research. The leading case in the third department called Schoonmaker Homes and that case coupled with several other Court of Appeals cases one of which is called F.S.Ventures which says that if you have a project which has perceived flaws or things in it that could have been better addressed earlier meaning perhaps Recreation Fees that were not charged it is too late to do it now. All of these things addressed together suggest that this Recreation Fee is inapplicable to this project. Mike stated that this is a fairly big number in addition to what he is being told is nearly \$40,000.00 in recreation improvements that is already being made to the project.

Roxanne stated that she went to the Town Board with Fred. They looked at this in two separate sections of the code. One section which is the manufactured home section requires a recreation area. They want this and there is no question about this. The second part is Councilperson Klye Barnett looked up the subdivision section and it is a per lot fee and the way the code has been established it is not on subdivision it is a per lot fee.

Myles stated that there is provision in the New York State Law under Planning Board being asked to take action on a residential project that is subject to Site Plan and Special Use Permit approval. There is provision made in the State Laws and under Section 274.(a) of Town Law that says you can charge a Recreation Fee. How the statutory basis translates into the Town's Fee Schedule he is not certain. If the Town is basing its Fee Schedule on per lot under subdivision they really need to have something that is flexible which deals with mobile home parks and apartments, etc. Myles stated that this may be a situation where the applicant will have to go directly to the Town Board. It is them telling the Planning Board to charge this fee. Roxanne stated that the Town Board wanted to know why the applicant was not present. Roxanne she informed the Town Board that Planning Board needs clarification on the Recreation Fee. We thought we needed legal direction and the Town Board said that we did not need legal direction. They stated that they want the piece of land that is required in the Code and they want the Recreation Fee paid based on a per lot fee which is in Planning Board Fee Schedule passed by the Town Board.

Discussion took place regarding whether applicant needed to come to the Planning Board or the Town Board for this decision. Mike Moriello stated that the Town Board does not interpret the Zoning Law. They have no authority to interpret what the Zoning Law says.

The Building Inspector interprets it and the Zoning Board of Appeals interprets it and this Board applies it. He does not think that the Planning Board is bound by what the Town Board says that we have to do. Mike would like to submit a memorandum as to why he does not think the Recreation Fee is lawful and then have the Planning Board to say that they would like the Planning Board lawyer to look at it and make a decision. If the Town Board is not happy with that, then they have whatever remedies they have. Discussion continued regarding this issue. Mike Moriello will be writing a memorandum and submit it to the Planning Board and he was told that if the Planning Board attorney tells us that we have to waive that fee we will do so and suspend the decision pending the Town Board comments.

Roxanne stated that there is only one issue. According to the Zoning Code they have to provide the land and it cannot be in lieu of the Recreation Fee. The question is do we charge the Recreation Fee per lot? Roxanne stated that the reasoning is that the individuals in this part will still be using the Town's recreational facilities even though they have set aside land for recreation. Mike Moriello will send a memorandum to the Planning Board and Board will forward this to the Planning Board attorney for an opinion.

Mike Moriello questioned the Mobile Home Park License and if it was granted by the Building Inspector or the Town Board. Myles stated that they would amend the existing license through the Town Board.

HARE WEDDING/CATERING: Case #2012-16 – Special Use Permit - 130 Carney Rd., Rifton; SBL: 63.003-3-4.211

Rob Hare was present for this application. Myles reviewed M.L. Putman Consulting Report dated 7/5/12, copy given to applicant and copy placed in file.

Applicant received a letter from Rifton Fire District dated 7/10/12 with the following recommendations: 1) Remove certain marked trees on the driveway to allow better access of fire apparatus; 2) Include a dry hydrant in the pond located on the property to assist with fire suppression and 3) Develop a parking plan that will allow proper access and available space for emergency vehicles and personnel.

Mr. Hare has agreed to all of the fire department recommendations.

FRED MADE A MOTION TO DECLARE HARE CASE #2012-16 SPECIAL USE PERMIT A TYPE II ACTION PURSUANT TO SEQR AND GRANT FINAL APPROVAL SUBJECT TO CONDITIONS OF THE RIFTON FIRE DEPARTMENT LETTER DATED 7/10/12, NARRATIVE SUPPLIED BY THE CATERER (MAIN COURSE) DESCRIBING EVENT PLANNING SERVICES, LIQUOR LICENSE AND FULL INSURANCE LIABILITY PROVIDED BY CATERER AND THAT THE SPECIAL PERMIT RUNS WITH CURRENT

OWNERSHIP OF THE PROPERTY SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

Note: Rob submitted material for his subdivision file (statement regarding septic fields) and Chazen can do GIS generated contour lines every 5 feet. The Board felt that this would be sufficient.

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

Applicant John Hoy and Sharon Jones were present. Myles reviewed M.L. Putman Consulting Report dated 7/5/12, copy given to applicant and copy placed in file. Myles recommended that the maps be adjusted between Lot 1 and Lot 3 to give 50 feet of frontage at the street line for Lot 3.

Ulster County Planning Board report dated 7/2/12 had one required modification regarding Lot 2 frontage and an advisory comment regarding waterfront access.

Sharon stated that due to problems in the past there will be no public access to the waterfront on their property.

FRED MADE A MOTION TO OVERRIDE THE ULSTER COUNTY PLANNING BOARD REQUIRED MODIFICATION AND ADVISORY MODIFICATION REGARDING JOHN HOY ENTERPRISES CASE #2012-12 SUBDIVISION. THIS BOARD HAS NO ISSUES WITH THIS APPLICATION. MOTION SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WS AS FOLLOWS:

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

MIKE MADE A MOTION TO DECLARE NON-SIGNIFICANCE (NEGATIVE DECLARATION) PURSUANT TO SEQR FOR JOHN HOY ENTERPRISES LLC CASE #2012-12 SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

FRED MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL TO JOHN HOY ENTERPRISES LLC CASE #2012-12 SUBDIVISION CONDITIONED UPON INCREASING FRONTAGE ON LOT #3 TO 50 FEET, RECEIPT OF \$1,000.00 CHECK TO SET UP ESCROW ACCOUNT FOR REVIEW OF TWO EASEMENTS BY PLANNING BOARD ATTORNEY AND PAYMENT OF ALL FEES REQUIRED (APPLICATION FEE, PUBLIC HEARING FEE AND RECREATION FEE) AS ESTABLISHED BY THE TOWN BOARD OF THE TOWN OF ESOPUS AND SUBMISSION OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY THE AUTHORIZED OWNER OF THE CORPORATION SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

Planning Board will write a letter to the Town Board informing them of this since we have nothing in writing from them at this point.

MIKE MADE A MOTION TO SET UP AN ESCROW ACCOUNT FOR \$1,000.00 FOR JOHN HOY ENTERPRISES LLC FOR REVIEW OF TWO EASEMENTS SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

SCENIC HUDSON LAND TRUST – WEINBERGER: Case #2012-06 – Lot Line

**Adjustment – 453 Broadway, 2 Miranda Court, Ulster Park; SBL:
64.001-1-6 & 8**

Surveyor David Dipple present to represent applicant in this matter. Myles reviewed M.L. Putman Consulting Review dated 7/5/12, copy given to applicant and copy placed in file.

Planning Board received a letter from Peter Graham, Esq. dated 6/27/12 regarding the issue of ownership in respect to proposed transfer of land is not a big issue and the process should be moved forward.

Mr. Dipple submitted final plans signed by both owners as well as amended application signed by representative of Scenic Hudson.

MIKE MADE A MOTION THAT PLANNING BOARD IS IN AGREEMENT WITH THE SKETCH PLAN AND THE CLASSIFICATION OF THIS ACTION AS AN UNLISTED ACTION PURSUANT TO SEQR, APPLICATION IS NOW COMPLETE. THE CRITERION IN SECTION 107.16.A OF THE SUBDIVISION LAW HAS BEEN SATISFIED AND THE PUBLIC HEARING HAS BEEN WAIVED AS REQUESTED BY THE APPLICANT. WE MAKE A DETERMINATION OF NON-SIGNIFICANCE (NEGATIVE DECLARATION) PURSUANT TO SEQR AND GRANT CONDITIONAL FINAL PLAT APPROVAL FOR SCENIC HUDSON/WEINBERGER CASE #2012-06 SUBJECT TO THE ABOVE CONDITIONS. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

NEW BUSINESS:

SEXTON: Case #2012-18 – Lot Line Adjustment – 142 Carney Rd, 1684 Route 213, Rifton; SBL: 63.003-4-11 & 12.1

Linda and Roger Sexton were present for this application. Myles reviewed M.L. Putman Consulting Report dated 7/5/12, copy given to applicant and copy placed in file.

Brief discussion took place regarding this application and the Board members did not have any problems.

DARIN MADE A MOTION THAT THE PLANNIN BOARD IS IN AGREEMENT WITH THE SKETCH PLAN AS SUBMITTED AND DECLARE THIS AS AN UNLISTED ACTION PUSUANT TO SEQR (DETERMINATION OF NON-

SIGNIFICANCE). PLANNING BOARD GRANTS A WAIVER OF THE PUBLIC HEARING AS PER SECTION 107-16.A AS REQUESTED BY APPLICANT AND GRANT FINAL PLAT APPROVAL CONTINGENT UPON RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY OWNERS. MOTION SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

ESOPUS FARM: Case #2012-17 – Special Use Permits/Site Plan/Lot Line Adjustment - 1398 & 1466 Broadway, Esopus/West Park; SBL: 71.004-4-26 & 31.11

Joseph Pisani, Esq. and Jim Conners, Chazen Associates, were present to represent this application. Myles reviewed M.L. Putman Consulting Review dated 7/6/12, copy given to applicant and copy placed in file.

Applicant is proposing to renovate the property to create 63 hotel rooms, banquet/conference space, meeting rooms/artist studios, bar and restaurant and a day spa. There will be on-site camping (30 sites) as an option for hotel guests and no RV’s or trailers will be allowed. The bar and restaurant will be open to the general public. This is going to be a boutique resort. Spa and pools will be located on tax lot 25, south of the existing building. A new building is proposed south of the cemetery to house the waste water treatment. There will be no employee housing on site. There will be staffing 24 hours a day 7 days a week. They anticipate employing at least 50 people. The campsite needs to be made a very subordinate part of the operation since it is not allowed in the zoning in the Town.

The two parcels total approximately 153 acres. The project area is limited to the 68.25 acres east of the railroad. The capacity of the conference/banquet facilities is given as 800 people. They are proposing 399 parking spaces.

Myles noted that we have a letter authorizing Chazen to represent them in this action but we will need a letter authorizing Joe Pisani to represent them as well. Joe said that he will provide this. Joe stated that the principal of Esopus Farm is here this evening Mr. Stefano Economos with his assistant.

Myles stated that the status of a 0.027 acre reservoir parcel should be explored, especially in regards to current usage, if any; along with the possibility of merging said lot into the site. They were not sure what this area is but they will look into it.

There is a Central Hudson gas line running through the property. They have already been in touch with them and they will be providing the project with gas. There are telephone lines and they are in negotiation to get this buried or relocated. The intent is to bury it. They will either raise the lines since they are so low or the applicant will pay to have it buried.

Myles stated that the Planning Board should initiate Coordinated Review pursuant to SEQR with the other involved agencies and express its intent to serve as "Lead Agency". We will need the name of a contact person for the State Health Department. Myles has the paperwork ready.

Joe stated that he thinks that this will be a very exciting project for the Town and very beneficial to the Town. The most important part is that they will be retaining the existing buildings which architecturally and historically are something to be proud of.

Darin stated that he would like to visit the site at some time. Roxanne stated that we can arrange a site visit. We will need to contact Joe Pisani and he will see to it that this is arranged. Jim stated that he will be more than happy to meet the Board and show everyone around.

They discussed the entrance to the site. Jim stated that they will be moving the entrance because it really is a safety issue. He has already been in contact with DOT. They are proposing a boulevard entrance. They are not proposing paving anything other than what DOT is going to require. They are going to maintain the character using impervious surfaces. There will be two full entrances. They are going to take the two existing entrances and eliminate them and landscape them. They are going to shift it and consolidate it into one entrance which will be the main entrance into the property. There is even a third existing entrance down towards Black Creek Road. This will be moved as well but it will be made a second entrance which will be the primary entrance for the camping and conference center. They have met with the fire department already. The fire department wants assurances that the access all the way to the back can accommodate a ladder truck. There are two accesses to get to the hotel for emergency vehicles.

Applicant stated that they anticipate that it will take 16-18 months to complete the project. There will be no phasing. Once they have Site Plan approval they can get the building permits and they can start the building modifications.

They will be dealing with DEC.

RICH MADE A MOTION TO CONTACT CLOUGH HARBOUR, PETE LILHOLT, AND DIRECT HIM TO WORK WITH CHAZEN ENGINEERING REGARDING ESOPUS FARM CASE #2012-17 SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

DARIN MADE A MOTION TO ESTABLISH AN ESCROW ACCOUNT FOR ESOPUS FARM CASE #2012-17 IN THE AMOUNT OF \$10,000.00 SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

Myles stated that when we do SEQR Lead Agency Coordination he is recommending that we send a copy of the conceptual sketch plan and also the 1-100 scale site map (SP 1-A and existing conditions maps). Myles will need to change two things on the forms and will forward them to Planning Board Clerk to send out. We have four involved agencies: DOT, DEC, County Health and State Health Department.

Joe stated that they don't think the daily usage of the spa unconnected with actual occupancy of the hotel. They don't think that was covered in Myles report. Joe was wondering if there should be a special application submitted for this. He does not want to find out at the last minute that you can not use the spa unless you are a guest of the hotel. Myles will research this.

FRED MADE A MOTION FOR THE PLANNING BOARD TO DISTRIBUTE LEAD AGENCY COORDINATION DOCUMENTATION SECONDED BY MIKE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

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

FRED MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR ESOPUS FARM CASE #2012-17 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

DARIN MADE A MOTION TO ADJOURN AT 10:20 PM SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

ZBA REFERRALS: None

MISCELLANEOUS:

Mike brought up Maria Ferguson's letter from last month. The Board was informed that Vice Chairman Fred Zimmer spoke with Maria on the phone and informed her that she needs a proper Site Plan to be submitted to the Board before we can move forward with this application. Discussion took place regarding this application. Fred will follow-up on this.

Mike stated that he has discovered that an operation in proximity to his house is violating the rule against amplified sound systems which states that they are to be directed away from residential areas and in no case operate after 8:00 p.m. The organization is Hidden Harbor and they may grandfather in except the majority of features that they are using for these loud parties are in facilities that they built within the 80's. Mike asked if we had an clout here. He was told that we are not enforcement and he would have to deal with the Building Department. Roxanne told him to file a formal complaint. Mike said that he is not adverse to them getting a Special Use Permit. Mike will follow up with the Building Department.

NEXT MONTHLY MEETING: **AUGUST 8, 2012**

DEADLINE: **JULY 25, 2012**

NEXT PRE-SUBMISSION: **AUGUST 7, 2012**

Respectfully submitted,

April Oneto
Planning Board Secretary

