

**PLANNING BOARD MEETING  
JULY 9, 2014**

**PRESENT:**           Roxanne Pecora, Chairperson  
                  Fred Zimmer  
                  Michael Minor  
                  Daniel Michaud  
                  Michael Manicone  
                  Margaret Yost

**EXCUSED:**           Darin Dekoskie

**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 June Meeting Minutes and if there were any changes.

**FRED MADE A MOTION TO APPROVE THE JUNE 11, 2014 MINUTES SECONDED BY MICHAEL MINOR. MOTION PASSED WITH A VOTE OF 4-2. Margaret Yost and Daniel Michaud abstained since they were absent for this meeting.**

**VOUCHERS:**

Myles Putman (June, 2014).....	\$2,300.00
Peter C. Graham, Esq. (Tucker Pond).....	\$2,850.00
Clough Harbour Assoc. (Church Communities).....	\$ 625.00
April Oneto (secretarial services).....	57 1/2 hours

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

**OLD BUSINESS:**

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

Dennis Larios, Brinnier & Larios, and Ronald Pordy, Esq. were present to represent the applicant.

Myles reviewed M.L. Putman Consulting Report dated 7/1/14. Copy was given to applicant and copy was placed in the file.

Myles stated that last month the Board determined this as an unlisted action under SEQR and made a motion to refer this application to the Ulster County Planning Board, Waterfront Advisory Board and Hyde Park Planning Board. However, this month we have a substantially changed map so those referrals were not made. A substantial change has been made to the hypothetical location of the house now showing 1.65 acres of disturbance and it is all going to be located on the steep slopes overlooking the Hudson River. The site would be situated a little over 80 feet from the river and a driveway that meets the 12% grade. A large long wastewater alignment that will require a pump station to send the wastewater uphill to the septic system on the upper terrace of the maps reviewed last month. The plan requires a considerable amount of regrading of the site measuring from 33-67%, retaining walls to be put in two sections from 100 ft. to 80 ft and they will be installed adjacent to the driveway to accommodate elevations changes that may range from 6-12 ft. This month's map shows the proposed contour in 2 ft increments, however, existing contours are shown in 10 ft. so at that scale with 60 ft. to the inch this will basically clear and disturb the entire width of the lot down to the Hudson River. The proposed grading plan may require blasting. Myles stated that since the site owner is going to have a new driveway put in for his residence there is no grading plan for this.

Myles stated that given the revisions to the maps and the site disturbance he recommends that the Board request a Full EAF Part 1. He stated that the Board's action last month to list this as an unlisted action can be superseded since the Board needs to consider new information they could reclassify this as a Type I Action and if the Board were to do that they would need to take a time out and engage in a coordinated review with County Health Department and NYSDOT and then conclude the process with a negative declaration or a finding statement. Planning Board must insure that the proposed re-grading plan is/or has been engineered to insure stability. The Board may wish to refer the plans to their engineer.

Dennis stated that normally because this is still a generic development plan normally the issues of slope stabilization for grading around the home and a driveway certainly need to be addressed. He stated that normally for a single family home site development would be addressed by the building inspector and he would seek out professional experience if he needed it. This is still a generic plan and it has just shifted the house to a new location. A SWPPP would be required by the home developer which would outline stabilization of the slopes, vegetation, erosion and sediment control and a larger level of detail. Dennis stated that this would fall on the homeowner not the sub-divider. He wants to make this comment about the grading plan because it may not be built anything like this. This is a proposed plan that could happen. The initial EAF was submitted for the first plan and he has no question about it being revised for this plan.

Mr. Pordy questioned asked what is triggering the long form. Myles stated that the long form gives the Board more information to work with and allows the Board to make a

sound decision so that if this action is challenged we will be able to defend the action. It could still be listed as an unlisted action.

Dennis stated that the electric to the site will be underground. He stated that the limits of disturbance are shown with a box line that goes around the road shown on the map. Dennis stated that he does not really argue with any of the other points. Dennis stated that the septic permit application has been submitted to the Ulster County Health Department.

Michael Minor stated that last month we were talking about a subdivision and all we need to show at this level is that the lot is buildable. We do this for every subdivision. Now this map has motivated us to consider another location. When you moved that house down to the river and showed that as the buildable location you now have to meet all the same criteria. Is this a buildable location, how much land has to be removed, are you going to have to blast, etc. Michael stated that if they had gone with the other plans the application could have been approved and then they could have come in to the Building Department and discussed with the Building Inspector a different location for the home. Dennis stated that he thinks it is called being honest because when they started they were not sure where the house was going to go and after a month or two into the process it became clear that the party interested in Lot 1 and the preferred site was down at the lower level of the property. They amended the plan to show that and a driveway.

Fred stated that the Board is going to ask for an Escrow Account since we will need to send this to our engineer. We will want Pete to take a look at the grading, erosion and sediment control, stormwater and we may need a visual impact. Dennis stated that the Board is going to want almost everything that is in Myles report if the house location stays where it is shown on this plan. Fred stated that they are taking down over an acre of trees and if they hit rock they will have a significant impact. Mr. Pordy stated that the trees can be restored.

Mr. Pordy asked if the Board would mind if the potential buyer joins the meeting. Mr. Peter Stanway. Mr. Stanway stated that throughout the process we just want to be transparent. He stated that as the driveway as it is drawn the Planning Board can't say that it can't be built. Fred stated that we are not saying that what we are saying is that the impact has changed. Michael Minor stated that we understand that it may be doable but now you will have to cut and fill and maintain that. You need to show us this. We have a National Historic Park across the river and this will change the visual impact. He stated that we do not have a choice. We are mandated to respond to this. Michael Minor stated that the Board is not saying that it not doable but you have to prove to the Board that it is. We have to have our engineer say that it will work. Peter stated that the Board may have missed that 30% of that road is visually already there on the slope. The lower level is exposed. Fred said when you get down to the lower level and start taking out an acre of trees that presents a problem. Peter stated that it is maybe two-thirds of what the Board is viewing. Fred stated that there is almost 1 ½ acre of grading.

Mr. Pordy stated that he thinks that the visual impact from the Historic Site is a small percentage. Roxanne informed him that this will need to be referred to the Vanderbilt and they very much guard that impact. She stated that we will have to do our due diligence. We will have to have a visual impact. We will have to have pictures. It is up to this Board to decide on the type of study. We are also in the statewide area of scenic significance. This is not something we can take lightly. It is probably doable but we have to do our studies and we have to have our engineer say that it is all doable. Dennis questioned if we wanted a fully engineered site plan. He was informed that if the applicant is going to locate the house at that site that is what we will be looking for. Applicant is going to need to resubmit FEAF with additional detail. Dennis stated that they will need to take all of the comments submitted this evening under consideration. They will need to do a SWPPP. Myles stated that in the visual impact we will want the direct view from the Vanderbilt Mansion directly to the site. They will need to create a three dimensional drawing on the site. They will have to account for the clearing on the property as well. Peter stated that he will get it visualized for the Board.

**MICHAEL MINOR MADE A MOTION TO SET UP AN ESCROW ACCOUNT FOR \$5,000.00 FOR BUSICK, CASE #2014-09, TO SEND TO CLOUGH HARBOUR FOR REVIEW OF THE GRADING, STORMWATER, AND EROSION CONTROL SECONDED BY MARGARET. ALL BOARD MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

It was agreed by all Board members that the plans will not be sent to the engineer until the applicant decides which set of plans they are planning on going with. The account will be set up but nothing will be sent until the next Planning Board Meeting.

Mr. Pordy stated that he wants it noted that the Board is almost bringing this up to Site Plan Review and they are almost crossing that line by bringing in an engineer to do things that he does not think seem completely appropriate for a subdivision. Myles stated that ever since the Town adopted its own SWPPP Regulations every subdivision that proposes to build on a vacant lot is reviewed by this Board for its ability for a house, septic, driveway even if that location is not the final building location. It is the applicant's responsibility to demonstrate that the lot is buildable and the Planning Board can then do a generic assessment of all the physical impacts, do the SEQR and it is understood that whoever buys that lot in the future and they want to change the design then they need to deal with the Building Inspector. Given the fact that we have a plan that shows so much extensive grading we need to bring in the engineer at this point.

Mr. Pordy asked if they can be placed on the agenda for the August meeting. They were told that the deadline date will be 7/30/14 or they can schedule themselves for the next Pre-submission Meeting if they would like.

**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**

Dennis Larios and Michael Moriello, Esq. were present representing the applicant.

Roxanne stated that we received a letter from Waterfront Advisory Board dated 6/25/14 stating that they have no issues with this application. Copy of letter was placed in the file. This application was referred to the Town of Hyde Park Planning Board and we have not received any comments.

**FRED MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR BARRON, CASE #2014-11, MINOR RE-SUBDIVISION CONDITIONED UPON RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY THE OWNERS SECONDED BY MICHAEL MINOR. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

- Michael Manicone.....yes
- Fred.....yes
- Margaret.....yes
- Dan.....yes
- Michael Minor.....yes
- Roxanne.....yes

**ALEO: Case #2012-15, 2013-14 & 2014-06: Special Use Permits for proposed Duplexes – Hasbrouck Ave., Port Ewen; SBL: 56.059-4**

Edwad Aleo and Khattar I. Elmassalemah, Praetorius & Conrad present for this application.

Myles reviewed M.L. Putman Consulting Report dated 7/5/14. Copy was given to applicant and copy was placed in the file.

Following some discussion it was agreed that these applications have to be looked at together to avoid illegal segmentation.

**FRED MADE A MOTION TO MERGE FILES #2012-15, 2013-14 AND 2014-06 INTO ONE FILE 2014-06 AND THE SET OF PRINTS SUBMITTED TONIGHT SUPERSEDES ALL PREVIOUS SUBMISSIONS FOR ALEO SPECIAL USE PERMIT/SITE PLAN REVIEW SECONDED BY MICHAEL MINOR. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.**

**VOTE WAS AS FOLLOWS:**

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

Shared driveways were discussed. Applicant was informed that the Board will not approve shared driveways and they will need to have a driveway into each duplex. Fred stated that the frontage to the first lot to the north shows 49.67 this needs to be 50 ft. Mr. Elmassalemah will look at this and make sure that it is 50 ft.

Myles stated that the applicant will have to extend Spring Street further and you will have to extend a small part of Hasbrouck. This will have to be built to Town specification. Applicant will need to speak with the Highway Superintendent. There will be need to be a Letter of Credit and when it is completed and approved the Letter of Credit will be returned. Applicant will need to review the new hydrant with the Water/Sewer Superintendent and the Fire Department. We will need a letter from both.

Applicant was requested to look for some additional parking for visitors to the site. They will have to rework the areas of disturbance.

**MICHAEL MINOR MADE A MOTION TO ESTABLISH AN ESCROW ACCOUNT FOR ALEO, CASE #2014-06, FOR \$5,000.00 SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTON PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

**MISSIONARY SISTERS OF THE SACRED HEART (“ST. CABRINI”): Case #2014-12 – Minor Subdivision (or lot line) – 2055-2056 Broadway (US Rt. 9W; State Hwy 5508), West Park; SBL: 79.002-1-21**

Dennis Larios and Michael Moriello, Esq. were present to represent the applicant.

Myles reviewed M.L. Putman Consulting Review dated 7/5/14. Copy was given to applicant and copy was placed in the file.

Myles stated that even though the parcel shows up as one site on the tax map it is actually

comprised of three separate described deeded parcels. Two are on one deed and the other is on one deed. Myles spoke with the project attorney and Chris Zell about locating those existing parcel lines and treating this action as a Lot Line Adjustment which will be the Board's decision. They will have a 40 acre lot for the convent and cemetery and a remainder lot of 450 acres (Lot 1A and Lot 1B).

Myles stated that if this is treated as a Lot Line Adjustment the Planning Board will have to do their due diligence regarding any legal arrangement for any continued use of the common water/sewer facilities. Myles asked the Board if they would be willing to entertain any new information that the projects agents can provide in regard to the pre-existing lot lines.

Dennis stated that the end result would be the same. They brought a map based on their discussion showing the deletion of the lot lines referenced and the two new lots. Instead of moving lot lines around with the subdivision they are just deleting lots and adding one lot. They would welcome the change. Applicant was informed that we will need a letter to waive the Public Hearing. Michael Moriello will draft something regarding shared water/sewer easement. We will need to set up an Escrow account in order to send this easement to the attorney for review.

The Board is reclassifying the action as a Lot Line Adjustment next month when they submit new maps. Application will need to be changed to Lot Line Adjustment.

**DAN MADE A MOTION TO ESTABLISH AN ESCROW ACCOUNT FOR MISSIONARY SISTERS OF THE SACRED HEART, CASE #2014-12, FOR \$3,000.00 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

**MICHAEL MINOR MADE A MOTION TO CLASSIFY MISSIONARY SISTERS OF THE SACRED HEART, CASE #2014-12, AS AN UNLISED ACTION PURSUANT TO SEQR SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR . MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

Michael Manicone.....yes  
Fred.....yes  
Margaret.....yes  
Dan.....yes

Michael Minor.....yes  
Roxanne.....yes

**GIESBERG (lands o Hermance): Case #2014-13 – Special Use Permit (Micro-Brewery) – 763 Broadway (US Rt. 9W; State Highway 5508). Ulster Park; SBL: 64.003-5-22.12**

Jeffrey Giesberg present for this application.

Myles reviewed M.L. Consulting Report dated 7/8/14. Copy of report given to applicant and copy placed in the file.

Jeffrey clarified that there are steps but there is no access to the rear of the building. There is a garage bay but no access road or driveway to the back. Anything delivered will have to be taken down from the top by way of the steps and a hand truck. This is strictly a manufacturing facility. There will be no public retail.

Margaret asked that if the business takes off would they open the building to sell from this location. Applicant was told that if this happens they would be required to come back before the Planning Board. Fred stated that should this be the case and they need to look for a larger location the Planning Board can put a condition on the approval that should this business cease to exist at this location the Special Use Permit ends. Roxanne stated that the Board needs to think about the stipulations that they may want to put on the Special Use Permit.

Myles would like a statement on the water usage. Jeffrey stated that there is a drilled well. Jeffrey stated that we are talking about 2,325 gallons from October to December. There are 31 gallons per barrel.

Roxanne asked if they are buying the building. Jeffrey stated that they are renting from the owner. Applicant was told that he will need a letter from the landlord telling the Planning Board that they have the landlord’s permission to negotiate the Special Use Permit.

**FRED MADE A MOTION TO GRANT SKETCH APPROVAL FOR GIESBERG, CASE #2014-13, SPECIAL USE PERMIT SECONDED BY MICHAEL MINOR. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

**MICHAEL MINOR MADE A MOTION TO CLASSIFY GIESBERG, CASE #2014-13, SPECIAL USE PERMIT AS A TYPE 2 ACTION PURSUANT TO SEQR SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

**FRED MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR AUGUST 13, 2014 AT 7:40 PM FOR GIESBERG, CASE #2014-13, SPECIAL USE PERMIT SECONDED BY MICHAEL MINOR. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

Jeffrey was informed that there is a \$200 Public Hearing fee that must be paid by the deadline date of July 30, 2014 along with receipt of maps showing parking spaces and a letter from the property owner.

**MICHAEL MINOR MADE A MOTION TO REFER GIESBERG, CASE #2014-13, SPECIAL USE PERMIT TO THE WATERFRONT ADVISORY BOARD AND THE ULSTER COUNTY PLANNING BOARD. MOTION SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

**NEW BUSINESS:**

**MELAMUD: Case #2014-14 – Special Use Permit/Site Plan – 15-17 Rifton Terrace, Rifton; SBL: 71.030-2-25.2**

Mr. Eli Melamud and Dale Schaeffer were present regarding this application.

Myles stated that applicant appeared at the Pre-submission Meeting held on 7/2/14. We have a situation regarding an existing boarding house in Rifton which the Building Department is requiring the owner to remedy certain non-conformities. The one sited in the Building Department Notice to Remedy is a previous condition to the Special Permit that the boarding house be renewed annually and after a certain date back in the 1970's the renewals did not happen. Applicants have been directed to come back to the Planning Board for a Special Permit or else risk losing what the Building Department views as a legally non conforming site. The Conditional Use Permit which is now a Special Use Permit was approved by the Planning Board in 1972 pursuant to the original Zoning Ordinance of 1971. The site was the former Holland Hotel in Rifton. Originally it was identified with a total site area of 4 acres and 9 rooms for rent. Previous owner was Robert Patton. The stipulation by the Planning Board did not include any stipulation about a maximum limit on rentable rooms or the maintenance of a minimum lot size for the boarding house above and beyond the minimum lot size that is required in the R40 district. The original file includes a renewal of the permit in 1973 but nothing after that time. The site was later subdivided and the 1.2 acre site was sold to Melamud in 1986. Applicant produced letters at the Pre-submission Conference from a former Town Supervisor undated but presumed to be from 1986 and also from the Building Inspector in reference to the on-going use of the building as a boarding house. The Building Department documentation indicates that there are 12 rentable rooms in the house. The Supervisor's letter from this time references an Adult Retirement Facility operated on this site. The recent letter from the Building Department from June 19, 2014 identifies the site as not being in compliance with the Zoning Law because there were no renewals of the permit since 1974. Revised Zoning Law adopted in 1995 does not allow boarding houses in any zone in the Town. The apparent expansion of the number of rentable room at the boarding house took place during or prior to 1986 at a time when the boarding house was still permitted. There is no record of any Planning Board approval for such expansion. The Building Department letter indicates that the primary issue to be addressed is of an administrative nature and that the permit requires a renewal from the Planning Board. If no such renewal is obtained, the current legal status the owner enjoys (having an approved boarding house) will cease. Owner was directed to file an application with the Planning Board for this meeting. The owner was advised at the Pre-submission Meeting to prepare an up-to-date to scale site plan showing the existing buildings and other improvements on the site including all parking. The owner is hoping to sell the boarding house as is with all approvals in place. Myles stated that if this gets legitimized there is a possibility that an institutional group could come in and make this a "members only" boarding type house.

Fred stated that the issue was brought to light by complaints of the neighbors at a Town Board Workshop Meeting which is summarized in today's newspaper. Fred stated that this is not a permitted use any more and it does not necessarily have to be renewed. Discussion took place regarding the preexisting nonconforming use of the boarding house and the fact that it never stopped functioning as a boarding house even though the permit

was not renewed annually. Fred stated that we are at a point now after all these years where there is not a previous approval. We are at the point now to decide whether we want to continue this or not. Fred stated that the reason this applicant was put on the agenda tonight was to establish an escrow account to seek legal opinion on this matter. We need to keep in mind that what was originally approved in the 1970's is not the same property and not even the same acreage. Roxanne stated that the whole purpose of a Special Use Permit is when you put a condition in that it has to be renewed annually by the Planning Board and that did not occur for 42 years that onerous is on the Town. The fact that she has learned from Peter Graham, Esq. is this can be corrected since it is Municipal Law. Municipal Law recognizes that we can always correct mistakes. What we really need to determine is if that Special Use Permit is no longer valid. Fred stated that the Town already had Paul Kellar, Esq. tell us this answer. Fred stated that Tim Keefe spoke with the Town Attorney. (We do not have any information on this and will need to speak with the Building Inspector.) Roxanne stated that at this point we do not even know if boarding houses were a permitted use in the code in 1971. Discussion continued among Board members. It was agreed that what we need to do is establish an Escrow Account to obtain a legal opinion. Fred stated regardless the applicant is going to have to submit a site plan.

Mr. Melamud stated that when they bought the property it was already a boarding house and it had already been subdivided. They came to the Town and spoke with the Town Supervisor, Town Clerk and Building Inspector and spoke to the Health Department. They were assured that they could do what they were doing and they have that in writing from the Town Supervisor. Fred pointed out that the letter in writing is not dated and was made out to the bank. It was brought to his attention that the Town Supervisor was not the Planning Board. He said that they were told that it was permitted and it was grandfathered. Mr. Melamud stated that the Health Department gave them approval for 18 people. A copy of that document was requested by the Planning Board.

Mr. Melamud stated that they have owned the boarding home for 25-30 years and for most of that time it was flawless and it just became too much. They are selling it. He stated that they live down the street and they are very concerned with the nature of the neighborhood. He stated that it takes management and it takes more than they have to give and they just want to sell it. They held onto it because the value of the property was that it could be used as a boarding home, bed and breakfast, etc. They have a very interested buyer that would be great for the neighborhood. This came out of nowhere. Mr. Melamud stated that if they had been told that the permit had to be renewed every year they may have made a different decision. He stated that he feels that the best solution is to get a benign buyer and sell the property and they have such a buyer. Fred asked if the buyer would be interested in this being a bed and breakfast. Myles stated that the buyer he has heard about wants a boarding home.

Roxanne stated that the only thing he was sent to the Planning Board for was the expiration of the permit and that is what the issue is. Because it has expired and it has not been renewed in all these years is your boarding house legally legitimately able to operate right now? We don't have this answer right now. He was told that at this time this

Planning Board cannot answer any of his questions without seeking a legal opinion. Mr. Melamud said that the Building Inspector told him that the Planning Board would tell him how many parking spaces he needed and he could draw them into the site plan he has. He was told that we needed to know how many people he had there. He said that the Health Department gave him a document stating that he could have 18 people there. Roxanne explained to him that even if the Health Department gave him approval for 18 it does not mean that the Planning Board in that timeframe gave him approval for 18. This needs to be researched.

**FRED MADE A MOTION TO ESTABLISH AN ESCROW ACCOUNT FOR \$7,500.00 FOR MELAMUD, CASE #2014-14, SPECIAL USE PERMIT/SITE PLAN REVIEW, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:**

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

Mr. Melamud asked about the sale he has pending. He was told that he can sell his property whenever he wants to but we can not tell him that they will have a Special Use Permit for this property.

**MISCELLANEOUS:**

**Tucker Pond:** We received letter from Peter C. Graham, Esq. dated 6/28/14 regarding Esopus Estates LLC project changing from condominiums known as Tucker’s Pond to a multi-family rental project.

Letter needs to be sent to Tucker Pond’s attorney telling them that they need to schedule a date to return to the Planning Board. Roxanne stated that the easement for the pipe for the Town which Peter marked up in 2011 has never been completed with their attorney. They should have no occupancy permits there and the Building Inspector informed Peter that he has issued 4 CO’s after his compliance inspection. The Building Inspector has informed the developer that no more CO’s will be issued until the completion of Planning Board review.

Peter stated that throughout the lengthy history of this project, the Town has sought to ameliorate the drainage issue by requesting a drainage easement for existing 18 inch pipe. A past attorney for the developer had previously submitted an easement for which I suggested minor modifications. This is still an open issue from the past.

Roxanne stated that the escrow account will need to be replenished because the easement agreement needs to be completed.

**Planning Seminar:**

Fred stated that there is a Planning Seminar in Kingston June 29, 2014 and wants to know if the Town is going to pay for this. Roxanne said that there is money in the budget for this. They were told to bring a receipt in.

**ZBA REFERRALS:**           None

**MICHAEL MINOR MADE A MOTION TO ADJOURN SECONDED BY DAN.  
ALL MEMBERS WERE IN FAVOR. MEETING ADJOURNED AT 10:20 PM.**

**NEXT MONTHLY MEETING:**           **AUGUST 13, 2014**

**DEADLINE DATE:**                   **JULY 30, 2014**

**NEXT PRE-SUBMISSION:**           **AUGUST 6, 2014**

Respectfully submitted:

April Oneto  
Planning Board Secretary