

PLANNING BOARD MEETING

AUGUST 12, 2015

PRESENT: Roxanne Pecora, Chairperson
Michael Minor
Fred Zimmer
Margaret Yost
Dan Michaud

EXCUSED: Darin Dekoskie
Mark Anderson

ALSO PRESENT: Myles Putman, Consultant

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:30 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: Chairperson Pecora asked if the Board read the minutes from the July 8, 2015 meeting and if there were any changes or corrections.

MICHAEL MADE A MOTION TO APPROVE THE JULY 8, 2015 MINUTES AS AMMENDED BY MARGARET, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MINUTES PASSED WITH A VOTE OF 5-0.

VOUCHERS:

M.L. Putman Consulting (July, 2015).....\$2,300.00

Peter C. Graham, Esq. (Rehab Support Serv.).....	\$2,485.00
Peter C. Graham, Esq. (ZBA ruling).....	\$1,242.50
Peter C. Graham, Esq. (letter preparation).....	\$ 175.00
Daily Freeman (P.H. Notice).....	\$ 23.50
Association of Towns (F.Zimmer).....	\$ 90.00
April Oneto (secretarial services).....	43 hours

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

PUBLIC HEARING

MIKE MADE A MOTION TO OPEN THE PUBLIC HEARING FOR SCENIC HUDSON LAND TRUST, INC., CASE #2015-05, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY MARGARET. 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. Copy placed in file.

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

Peter Relson, Ulster Park, said he was in support of Scenic Hudson and is in support of the project.

Fran Sansone, Lakeshore Villas, is in support of the project.

Robert Litton, Lakeshore Villas, is concerned because he has studied the lake and the lake is in bad shape. It is overgrown with weeds. The fish are way out of balance. He fears if a boat ramp is to be put in that the lake will be destroyed.

Roxanne stated this piece of property deals with River Road. She asked Heather from Scenic Hudson to explain the application before this Board to the public.

Heather Blaikie, Scenic Hudson representative, explained that the parcel we are presently dealing with is on the west side of River Road and we want to develop it as an access point for additional parcels that are upland between River Road and Route 9W. The existing trails on this parcel will remain with the addition of new trails which will be nothing more than foot paths. No structures will be built. The residence on this property was demolished and they will have gravel parking lot that will lead to viewing areas with benches. There will be accessible pathways to a kiosk and trails.

Audrey Friedrichsen, Esq., for Scenic Hudson, stated that this is the subject of tonight's Public Hearing. She stated that they submitted a combined application that will address the remainder of the property.

There were no further comments.

MICHAEL MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR SCENIC HUDSON LAND TRUST, INC., SPECIAL USE PERMIT/SITE PLAN REVIEW, CASE #2015-05, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

OLD BUSINESS:

SCENIC HUDSON LAND TRUST, INC.: Case #2015-05, Special Use Permit/
Site Plan – 132 River Rd., Ulster
Park; SBL: 64.001-2-8.1

Heather Blaikie and Audrey Friedrichsen, Esq. were present to represent the applicant.

Chairperson Pecora stated that this application was referred to the Ulster County Planning Board and a referral response dated 8/5/15 came back with Advisory Comments. The comment stated that the applicant will need to follow-up with County DPW to verify the sight distance issues have been remedied. Copy placed in file.

Chairperson Pecora stated that we have a response from the Waterfront Advisory Board dated 8/6/15. They feel that this project will have a positive impact on the town for our residents and supports this action. Copy of letter placed in file.

Michael mentioned the Board's concern about the turning radius for buses headed north on River Road. They indicated that buses would contact Scenic Hudson prior to their visit and they would be told not to come from the south and when they leave they are to go back north. Heather stated that this is what they would do.

Heather stated that she has been in contact with Ulster County DPW and they are preparing the forms for removal of the brush. She was told that they would need to provide us with a copy of written correspondence from Ulster County DPW.

MICHAEL MADE A MOTION TO DECLARE A NEGATIVE DECLARATION UNDER SEQR FOR SCENIC HUDSON, CASE #2015-05, SPECIAL USE PERMIT/SITE PLAN REVIEW, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR.

MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO GRANT CONDITIONAL APPROVAL FOR SCENIC HUDSON LAND TRUST, INC., CASE #2015-05, SPECIAL USE PERMIT/SITE PLAN CONDITIONED UPON CORRESPONDENCE FROM ULSTER COUNTY DPW AND THE RECEIPT OF SIX PAPER MAPS SIGNED BY THE APPLICANT, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

Heather handed out formal invitations from Scenic Hudson to the Ribbon Cutting Event for the Esopus Meadows on 8/22/15 at 11:00 a.m. The public is invited.

NEW BUSINESS:

ALDEN – DINOME: Case #2015-06 – Lot Line Adjustment – 685 & 687
 Broadway (US Route 9W; State Hwy 310), Ulster

Park; SBL: 64.003-1-17 & 18

Applicant is represented by Chris Zell, Brinnier & Larios.

Myles reviewed MLP Consulting Report dated 7/23/15. Copy was given to applicant and copy placed in file.

Myles stated that the Board could benefit from a determination regarding the variances that are being requested from the ZBA. It would help if the Zoning Enforcement Officer gives us a clear listing of all the non-conformities that would be created by this proposed action.

Since this site is reasonably proximal to orchard lands within the Agricultural District an Agricultural Data Statement should be prepared.

Chairperson Pecora noted that Fred spent some time reviewing this application and asked him if he spoke with Tim Keefe, Town Building Inspector, regarding this. He did not speak to him about this application. Fred stated that this is something that should really be simple since it is existing and nothing is really being changed.

Chris Zell stated that this goes back to 1957 when they were all seasonal cabins used for the lake. Mr. DiNome ended up with all of the cabins and he kept the lots separately described. He sold two to Beth Alden and is now hoping to sell one more. Chris stated that as Fred said all of the non-conformities have been there since they first came into existence. This was all prior to zoning. They were pre-existing and non-conforming. Chris has a statement from Mr. DiNome saying that they are for seasonal residential use only and they are not occupied on a full time basis. Chris has an Agricultural Statement filled out. These issues have been settled. He stated that they have an application before the Zoning Board of

Appeals to obtain a variance on the side yard setbacks. One lot will get bigger and one lot will get smaller but he agrees with Fred that when we get done no matter what we do we will be right back to where we are right now. Chris stated that if they do nothing they will have non-conformities there. Myles stated that he just wants to make sure that the applicant is not making a non-conforming situation worse inadvertently. Chris stated that the only one that he can that we may be making it worse would be the DiNome parcel from a conforming density to a slightly non-conforming and the Alden parcel will actually go to non-conforming to less non-conforming. Chris stated that this is what we have and they are on the agenda for next week for the Zoning Board of Appeals.

Michael stated that of course this could not be built today because at this point we do not know if seasonal use counts as a residence or not. Michael stated that it would be nice to know this even though it will not affect this because this is pre-existing.

It was decided that the Board will wait for the Zoning Board of Appeals to make their determination and wait until it comes back to this Board to make comments. Applicant has applied to the Zoning Board for the setback and the density issues. They have not applied for an interpretation of seasonal use. Roxanne stated that we want to know if Section 123.11(a) defines this as seasonal or not. Does this apply as a seasonal dwelling and this is for the Planning Board to ask this question of the Zoning Board for future reference.

**TOWN OF ESOPUS: Case #2015-07 – Lot Line Adjustment – Lands of
Presentation Church/Archdiocese of New York –
Bowne St., W. Stout Ave. & Bayard St., Port Ewen;
SBL: 56.067-3-10**

Councilperson Gloria VanVliet is representing the Town for this application. We have a letter signed by the Town Supervisor stating that she will be representing the Town for this application

Myles reviewed MLP Consulting Report dated 8/5/15. Copy was placed in the file and copy was given to applicant.

Roxanne stated that a week ago there was a meeting after having a discussion with the Town Supervisor and agreed to place this on the agenda because the State of New York has fallen behind on the grant and all of a sudden the grant is available and they need certain things done by a certain time frame. This grant is for \$50,000. The new Town Supervisor thought that a subdivision had been done and it had not. Myles came up with a solution. Roxanne stated that there is another property that has an encroachment which the Town may deal with at a later date in a separate application.

Myles stated that the Town will acquire just under ½ acre for Presentation Church. Myles stated that the deed describes lots 1 and 3 combined into one parcel, followed by a separate description of lots 6 and 8 combined and finally a description of lots 12 and 14 combined. Based on the above information, the proposed action will affect three pre-existing, separately described parcels owned by the Presentation Church.

The plat that was submitted shows a simple division of the site into a 0.482 acre western portion (“new lot A”), fronting on Bowne and West Stout Avenue; and a 0.344 acre section on the east (“new lot B”) fronting on Bayard Street. The church will retain ownership of “lot B”.

The proposed action will reduce the number of parcels from 3 to 2, with the Town

to take ownership of one of these lots.

Myles stated that it is very important to have the maps touched up so that it shows those three existing parcels with corresponding text to say lot lines to be deleted. The new maps should have the surveyors stamp and signature. A copy of Myles review dated 8/5/15 will be forwarded to Michael Vetere, surveyor.

Myles stated that in order to facilitate moving this application along he has prepared parts 2 and parts 3 of the EAF. We have a waiver letter in the file to waive the Public Hearing.

MICHAEL MADE A MOTION TO DECLARE TOWN OF ESOPUS, CASE #2015-07, LOT LINE ADJUSTMENT, AS AN UNLISTED ACTION PURSUANT TO SEQR, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

Fred questions if lot 1 and lot 2 were described as one in the deed. Myles stated they are and that lot 12 and lot 14 are separate parcels. Myles stated that this does not have to be connected to Ross Park and they will be going from 3 existing lots down to 2 lots and we do not have to merge anything.

MICHAEL MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR TOWN OF ESOPUS, CASE #2015-07, LOT LINE ADJUSTMENT, MAP DATED 6/8/11,

SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO GRANT THE REQUEST TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR TOWN OF ESOPUS, CASE #2015-07, LOT LINE ADJUSTMENT, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO GRANT A NEGATIVE DECLARATION PURSUANT TO SEQR FOR TOWN OF ESOPUS, CASE #2015-07, LOT LINE ADJUSTMENT, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

- Fred.....yes
- Margaret.....yes
- Dan.....yes

Michael.....yes

Roxanne.....yes

MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL PLAT APPROVAL
CONDITIONED UPON RECEIPT OF COMPLETE UPDATED MAPS WITH THE
MAP SHOWING THE EXISTING THREE PARCELS AND THEIR BOUNDARIES
AND THE LOT LINES TO BE DELETED, APPLICATION NEEDS TO BEAR THE
SIGNATURE OF THE AUTHORIZED OFFICER OR DESIGNATED
REPRESENTATIVE OF THE ORGANIZATIONAL ENTITY THAT PRESENTLY
OWNS THE SITE, THE MAP SHOULD IDENTIFY THE CURRENT OWNER OF
THE SITE, ALONG WITH A REFERENCE TO THE CURRENT PROPERTY DEED
AND PROPERTY OWNER SIGNATURES AND 8 PAPER MAPS AND 1 MYLAR
SIGNED BY THE PROPERTY OWNERS. MOTION SECONDED BY DAN. ALL
MEMBERS WERE IN FAVOR WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes

Margaret.....yes

Dan.....yes

Michael.....yes

Roxanne.....yes

ZBA REFERRALS:

Wesley & Mary Ann Hayes - 677 Broadway, Ulster Park, NY

Requesting a Variance of Article V, Section 123-21C (5)(a)

Carport installed in front parking area. After reviewing the application submitted the Board decided that they have no comments on this application.

Nathan Dotson – 103 E. Main St., Port Ewen, NY

Requesting variance to Section 123-21C 5(a) (1&2)

Discussion took place regarding this application. After careful review the Planning Board feels that this is a potential accessory structure. The plans show a building that is far more than a garage. It has the potential to be an apartment over a garage with dormers. We refer to Zoning Codes 123.21 C(1)(a) reminding them that this is a corner lot and the frontage that abuts each street is a front yard and 123.21 C(5)(a) accessory buildings and if you don't comply with 1,2 and 3 under subsection (a) then your accessory building has to comply with the setback for that district and this makes the front yard more restrictive than the rear or the side yard.

TOWN BOARD REFERRAL:

Zoning Text Amendment

Roxanne stated that the Text Amendment was reviewed by the Ulster County Planning Board and we received official correspondence dated 8/6/15 and there was no County Impact. All we need to do is to tell the Town Board that we are in agreement with this by a motion and we accept the County's replies.

Myles stated that he was the one who drafted this and made changes after speaking with Paul T. Kellar, Esq., Town Attorney and Kyle Barnett, Town Supervisor. This has gone through the process and had a Public Hearing with the Town Board and the referrals were made to the County Planning Board and the Town Planning Board and he is in favor of it.

FRED MADE A MOTION THAT AT THE TOWN OF ESOPUS PLANNING BOARD

MEETING OF 8/12/15 THE BOARD REVIEWED THE REFERRAL ON THE TEXT AMENDMENT AND IS IN AGREEMENT WITH IT, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

LEGAL:

Roxanne stated that Peter C. Graham, Esq. prepared a letter for the Board to send to the new owner of the Melamud property (15-17 Rifton Terrace).

She read his letter since we modified it. We modified the letter to give them the date of the next Planning Board Meeting with the time and request that they contact the office to confirm their attendance or reschedule. Discussion took place regarding whether the applicant should come to a pre-submission meeting or a regular meeting. The Board agreed that the letter should be sent to invite this individual to a Planning Board Meeting.

BUILDING DEPARTMENT LIAISON:

Margaret asked Fred if he discussed Tucker Pond Cos (Certificate of Occupancies), the Board's concern about the lighting and the stormwater pond with the Building Inspector. Fred stated that he knows about the stormwater pond. Michael stated that we said we would be patient. Margaret stated that the Building Inspector has

