

**TOWN OF ESOPUS
PLANNING BOARD MEETING
SEPTEMBER 12, 2012**

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

BOARD MEMBER EXCUSED: Michael Minor

ALSO PRESENT: Myles Putman , M.L. Putman Consulting

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:05 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 August 8, 2012 meeting.

Margaret make a correction to page 11, paragraph 2, next to last sentence, there issue should be changed to their issue and page 12, 3rd paragraph, next to last sentence change to "as of right uses".

RICH MADE A MOTION TO APPROVE THE MINUTES AS CORRECTED SECONDED BY MARGARET. 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:

M.L. Putman Consulting (Month of August).....	\$ 1,750.00
Clough Harbour (ARC-Connelly Terrace).....	\$ 708.75
Clough Harbour (ARC-Connelly Terrace).....	\$ 1,081.50
Clough Harbour (Esopus Farms).....	\$ 840.00
Clough Harbour (Esopus Farms).....	\$ 217.00

April Oneto (secretarial services).....64 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.

PUBLIC HEARING:

C & M SACKETT DEVELOPMENT, LLC: Case #2011-14 – Minor re-subdivision, 196 Sackett St; Hamilton Ct; Kline La., Port Ewen; SBL: 56.060-3-9.3

RICH MADE A MOTION TO OPEN THE PUBLIC HEARING FOR C&M SACKETT DEVELOPMENT, LLC, CASE #2011-14 MINOR RE-SUBDIVISION 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 and copy was placed in the file.

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

Eileen Callaghan – 198 Sackett Street – She is concerned about the water and the erosion in the back part of her property. She currently has water in her back yard and she is afraid this will get worse with the new development. Eileen asked if someone actually goes and looks at the property and she was told that they do.

There were no further comments on this application.

RICH MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR C&M SACKETT SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

OLD BUSINESS:

C&M SACKETT DEVELOPMENT, LLC: Case #2011-14 – Minor Re-subdivision, 196 Sackett St; Hamilton Ct; Kline La., Port Ewen; SB:” 56/060-3-9.3

Applicant represented by Chris Zell, Brinnier & Larios.

Roxanne stated that we received a letter from Waterfront Advisory Board dated 8/29/12. Letter read by Chairperson, copy placed in the file and copy given to

applicant. Roxanne stated that there is a concern being raised by the Waterfront Advisory Board and we don't usually receive many concerns from this Board.

Myles stated that he thought we would be receiving an updated drawing for this month's review showing the driveway grades, a dry well be added to Lot 3A and a cross section be added to the maps for the turning area. Applicant was supposed to meet with the Highway Superintendent regarding the improvements to Hamilton Court. Chris stated that he would like the owners present when he does this and they have not been able to set up a meeting at this point.

Fred stated that the two family was supposed to be removed from the maps since this is not an "as of right". Chris stated that he is aware that they would have to come back to this Board for a Special Use Permit for a two family house if this is what they wish to do.

Margaret asked about the meeting with the Highway Superintendent. Chris stated that he needs to arrange a meeting with the owners and the Highway Superintendent since they will need to submit a Letter of Credit. The drawings have not actually been changed at this point because he is waiting to have this meeting.

Roxanne reminded Chris that our Town only does Letter of Credit and this amount will be established after the meeting with the Highway Superintendent has taken place.

Fred and Chris discussed the issue of the map not being correct. Chris went to Real Property this week and they agree that the County Map is not correct according to the deeds.

Margaret asked if Chris spoke with the Water/Sewer Superintendent regarding the lines and Chris stated that he did and he is happy with the way they are. He wants two separate lines coming in for water and sewer for each residence.

Myles is questioning if they can maintain a consistent level of the improved turning area and still do the driveway grades. Fred stated that they are showing a two foot change in grades.

Fred brought up the comment made at the Public Hearing regarding erosion in Ms. Callaghan's back yard. Chris stated that the lot in question is already there. Darin asked if they could put a gradual swale in to minimize the disturbance area. Chris stated that they can try to do something between Lot 3B and Callahan's lot to minimize anything that goes in her direction. There will be a dry well on Lot 3A and they will see what they can do with the driveway. The lot in question by the Waterfront Advisory Board was already approved.

Chris asked if the Highway Superintendent gives the estimate for Hamilton Court improvements or do they obtain one from a private contractor. The Board will get an estimate from the Highway Superintendent but it is the applicant's responsibility to do the work on the road and have it inspected by the Highway Superintendent after it is completed.

FERGUSON ("ABERDEEN ON THE HUDSON"): Case #2012-10 – Special Use Permit – 1723 Broadway 9US Route 9W, West Park; SBL: 80.001-3-21.1

Chairperson Pecora recused herself from this application at 7:35 PM. Vice Chairman Fred Zimmer took over as Chair.

Maria Ferguson was present along with Karin Hlywiak, Event Planner, was present.

Myles reviewed M.L. Putman Report dated 9/6/12, copy given to applicant and copy placed in file.

Darin questioned if we send a referral to Vanderbilt since it is across the river. Myles stated that it is national and we probably should send a courtesy referral. Rich questioned some type of vegetative border for the neighbor for the purpose of keeping lighting from the neighbors and Darin stated that he is thinking that the tent side on the North should be rolled down as well as the one on the South.

Maria stated that she brought Karin since she is the Event Planner and if the Board has any questions that they asked before and she could not answer they can ask her tonight.

Rich stated that the sides rolled down would be an attempt to dampen the music and help reduce the lighting from the inside of the tent from being seen by the neighbors. Karin stated that there will be no headlights of any sort because the cars will be parked at the top. Maria stated that she has 13 sections of 6-8 foot sections of fencing there to help with the lighting when people leave.

Margaret questioned if the music will be turned off at 8:00 p.m. Fred stated that the loudspeakers are to be turned off at 8:00 p.m. but they can play music without loud speakers after that time. Karin questioned that every wedding she has ever done has a noise ordinance of 10:00 p.m. She was told that this Town has a Town Ordinance of 8:00 p.m. Darin stated that as far as he is concerned we need to inform them of the ordinance and they need to try to adhere to the ordinance.

Margaret mentioned that she drove down in that area and there is a B&B two houses down which is a retreat center and they do not anticipate outdoor music

in their area. Retreats are generally quiet and how do you keep this quiet if there are going to be weddings.

RICH MADE A MOTION TO DECLARE THE APPLICATION COMPLETE AND SCHEDULE A PUBLIC HEARING FOR FERGUSON, CASE 2012-10, SPECIAL USE PERMIT FOR OCTOBER 10, 2012 AT 7:10 PM SECONDED BY DARIN. MOTION PASSED WITH A VOTE OF 4-1. VOTE WAS AS FOLLOWS:

Margaret.....no
Rich.....yes
Darin.....yes
Fred.....yes
Mike.....yes

DARIN MADE A MOTION TO REFER THIS TO THE ULSTER COUNTY PLANNING BOARD, WATERFRONT ADVISORY BOARD, COURTESY REFERRAL TO TOWN OF HYDE PARK AND THE VANDERBILT MANSION FOR FERGUSON CASE 2012-10 SPECIAL USE PERMIT SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

Darin asked for something on the plans showing how they are going to get the portable toilets in and out of the site. Darin stated that they have a maintenance access road that ends and there is an access to the tent. You will probably need more access for the toilets and this should be shown on the maps.

Margaret stated that in the narrative you mention activities for children sort of like a babysitting service. You mention arts and crafts and could you tell me where they will be doing the arts and crafts. Karin stated that if a couple attending the wedding bring their children they offer a babysitting service to entertain the children by reading books, doing arts and crafts, etc. Margaret stated that if there is inclement weather where will the children go? Karin stated that they have the cottage, an indoor space, where the children will stay. Margaret asked if this is where the bride and groom will be. Karin stated that it is a place just for them to get ready. There will be couches and chairs, a television and a water cooler but not a place for them to sleep. If the weather is bad the children would be inside there playing games, etc.

Chairperson Pecora returned as Chair at 7:53 PM.

NEW BUSINESS:

McCABE: Case #2012-20 = Lot Line Adjustment w/Sanzi – 221 Hasbrouck Lane & 161 Prospect Street, Port Ewen; SBL: 56.059-1-13 & 14

Myles reviewed M.L. Putman Consulting Report dated 9/5/12, copy given to applicant and copy placed in file.

Sean McCabe was present to represent this application.

Fred requested that the maps identify the landowner (Sanzi). Fred requested that the top signature be lettered out so we know whose it is.

RICH MADE A MOTION TO DECLARE AGREEMENT WITH THE SKETCH PLAN, AS SUBMITTED, AND TO CLASSIFY THE PROJECT AS AN UNLISTED ACTION PURSUANT TO SEQR FOR MCCABE CASE #2012-20 LOT LINE ADJUSTMENT SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

DARIN MADE A MOTION TO DECLARE THIS APPLICATION AS COMPLETE AND WAIVE THE PUBLIC HEARING, AS REQUESTED, AS THE APPLICATION SATISFIES THE CRITERIA SET FORTH IN SECTION 107-16.A OF THE SUBDIVISION LAW FOR MCCABE CASE #2012-20 LOT LINE ADJUSTMENT SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

MARGARET MADE A MOTION TO DECLARE A DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO SEQR FOR MCCABE CASE 2012-20 LOT LINE ADJUSTMENT SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

DARIN MADE A MOTION TO GRANT FINAL PLAT APPROVAL FOR MCCABE CASE #2012-20 LOT LINE ADJUSTMENT WITH THE FOLLOWING CONDITIONS: 1) SIGNATURE OF THE OWNER WHO IS SELLING THE PROPERTY TO THE APPLICANT (SANZI); 2) A DATE OF THE SURVEY ADDED TO THE TITLE BLOCK; AND 3) A REFERENCE NOTE ADDED TO THE MAP MARGIN RELATIVE TO THE VAN WESTRUM MAP (FM 692) AND SUBMISSION OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY ALL OWNERS SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

**THE J.E. PAGGI CORPORATION – Case #2012-21 – Lot Line Adjustment –
288-290 Broadway (US Rt. 9W), Port Ewen;
SBL: 56.075-2-24 & 3.1**

Michael Vetere, Surveyor, was present to represent this application.

Myles reviewed M.L. Putman Consulting Review dated 9/5/12, copy given to applicant and copy placed in file.

Myles asked if applicant might want to consider creating a bigger parcel without necessarily going so far back as to compromise the access road that runs south through the site into Heavenly Valley. Mike Vetere stated that applicant wants to fix up the house and put it back on the market as a residential property.

Fred stated that the asphalt roadway on the map is an asphalt driveway. Fred stated by the applicant selling off the lot in the front it effectively puts and end to the subdivision because the client has alienated the Town Board so that they will not let them in and out of that connection. Roxanne reminded the Board that this property does not belong to Danielle any longer. This is a different owner. Roxanne stated that she hopes the applicant realizes what they are doing. This

needs to very clear to them. This is the only other way out of Phase II of Heavenly Valley. The Town requires two ingresses and egresses.

Darin stated that at 118 feet between commercial entrances the State really should not allow another entrance. They would probably want to upgrade the Town Hall driveway.

Fred thinks there should be another sheer outlining the boundary of the entire property. Discussion took place regarding this. Mike stated that he can not certify someone else's survey. Fred feels that you can show how this comes in and how it fits. Roxanne stated that we are trying to say that there were going to be 26 lots there about 4 years ago and this blacktop area was going to be the access/egress for Phase II. If they are not going to look at this now they are killing off potentially 26 lots. The original access/egress that was going to be done down at the ball field is wetlands and can never be done. The applicant really needs to understand this.

Darin explained that there was an agreement with the Town Board and Tom Danielle to have this roadway/driveway as the second access/egress for Heavenly Valley Phase II. The problem came about when Tom Danielle never paid the money that was owed to the Town Board. Darin stated that the hold up would be that if they wanted this to happen they would have to go back to the Town Board for this access. Roxanne stated that she feels that the Town Board would take a fresh look at this since it is a different owner.

Mike Vetere stated that he will mention the problem to them. He thinks the applicant thought they had access from the other development.

ZBA REFERRALS:

Referral received for a Use Variance for Patrick Bennett, 129 Third Street, Connelly. Mr. Bennett is requesting to store and occupy a recreational vehicle for a maximum period of 2 years until such time that he can complete a 2 bedroom house.

Myles stated that this is a Use Variance and with a Use Variance the ZBA has to put it to the applicant the burden of proof that he can not get any reasonable return for any other use of that property in that zoning district.

Following careful review the referral and discussion the Board feels strongly that the ZBA should not approve this request and that it will be setting a precedent for others to store and occupy recreational vehicles on residential sites. A memo will be sent to the ZBA informing them of the Planning Board's recommendation.

MISCELLANEOUS:

JOHN HOY ENTERPRISES LTD: Case #2012-12 – Minor Subdivision – At the Planning Board Meeting of 8/8/12 the Board asked for proof of ownership showing the shareholders. It was felt that what Joseph Pisani, Esq. submitted was not what the Board asked for. This information will be relayed to the applicant and their attorney.

ARC (CONNELLY TERRACE): Case #2012-13 – Special Use Permit/Site Plan –A letter was received from Steve and Bonnie Hewitt regarding drainage from that site onto their property. A copy of this letter will be sent to ARC and Nadine Carney, Brinnie and Larios, engineer. The Board will schedule a site visit to look at the problem.

PLANNING BOARD MEETING DATES: November/December, 2013

November Meeting will be Wednesday, November 14, 2012, Deadline October 31, 2012

December Meeting will be Wednesday, December 12, 2012; Deadline November 28, 2012

MARGARET MADE A MOTION TO ADJOURN AT 8:50 PM SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

NEXT MONTHLY MEETING: October 10, 2012

DEADLINE: September 26, 2012

NEXT PRE-SUBMISSION: October 2, 2012

Respectfully submitted:

April Oneto
Planning Board Secretary