

PLANNING BOARD MEETING
SEPTEMBER 9, 2015

PRESENT: Fred Zimmer, Vice Chairperson
Michael Minor
Margaret Yost
Darin Dekoskie
Mark Anderson
Dan Michaud

EXCUSED: Roxanne Pecora, Chairperson

ALSO PRESENT: Myles Putman, Consultant

Vice Chairperson Zimmer 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. Fred advised the public of the building's fire exits and roll call was taken.

MINUTES: Vice Chairperson Zimmer asked if the Board read the minutes from the August 12, 2015 meeting and if there were any changes or corrections.

MARGARET MADE A MOTION TO APPROVE THE AUGUST 12, 2015 MINUTES AS SECONDED BY MICHAEL. ALL MEMBERS WERE IN FAVOR. MINUTES PASSED WITH A VOTE OF 6-0.

VOUCHERS:

M.L. Putman Consulting (August, 2015).....\$2,300.00
April Oneto (secretarial services).....46 hours

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

NEW BUSINESS:

SUSAN BRISBOIS: 15-17 Rifton Terrace, Rifton – Ms. Brisbois was not
present.

SCENIC HUDSON LAND TRUST: Case #2015-08 – Special Use Permit/Site
Plan Review – 132 River Rd., Ulster Park;
SBL: 56.020 & 64.001

Heather Blaikie, Scenic Hudson present for this application.

Myles reviewed M. L. Putman Report dated 9/2/15. Copy given to applicant and
copy placed in file.

Myles stated that Scenic Hudson Land Trust, Inc. has simultaneously submitted a
petition to the Town Board for a Zoning Map Amendment to undo the PUD and
also an application for a Special Use Permit approval, for the proposed recreational
facility, to the Town Planning Board. Myles stated that both actions are proposed
aspects of one single action pursuant to SEQR. We cannot segment the actions
and we are going to have both the Town Board and the Town Planning Board
involved in coordinated review. Myles recommended that the Planning Board make
a motion tonight to state its intent to act as Lead Agency under SEQR and to

circulate Lead Agency Coordination Forms to the Town Board. A Type 1 Action requires preparation of the Full EAF. Part 1 of the FEAF has been submitted by the applicant. If the Town Board is considering changing the petition to include the entire PUD, lands that are not in control of Scenic Hudson, a supplemental or modified Part 1 will be required to address the deletion of the entire PUD. This can be prepared by the Lead Agency. Separate public hearings are required for the Zoning Amendment and the Special Use Permit.

Heather stated that they want to leave the open space and use existing trails and add some new trails. They just developed a site for access which they have received approval for.

Fred asked if Scenic Hudson was planning on consolidating all the parcels into one parcel in the future. Heather stated that they had considered it but at this point they are planning on not doing this. Michael asked Myles if there was anything that Ken Silver could do with the remaining property that would cause him to want to keep it a PUD. Myles stated that the PUD was meant to be the whole thing and Scenic Hudson has petitioned for the lands that they have control of. Myles has recommended to the Town Board deleting the whole PUD. Myles stated that Mr. Silver has 35 acres and he has recommended general commercial and it by no means prevents a future PUD from being established. It is over 25 acres and has access to water and sewer. Fred stated that this will be the decision of the Town Board. Myles stated that if Planning Board does SEQR Lead Agency Coordination this month it puts a stay on all proceedings for 30 days. We can't go any further until we hear back from the Town Board and at that point we will set the public hearing and make the referrals.

MICHAEL MADE A MOTION TO CALSSIFY SCENIC HUDSON LAND TRUST, INC. , CASE #2015-08, AS TYPE I ACTION PURSUANT TO SEQR, SECONDED

BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

- Mark.....yes
- Margaret.....yes
- Darin.....yes
- Dan.....yes
- Michael.....yes
- Fred.....yes

MICHAEL MADE A MOTION TO INITIATE LEAD AGENCY COORDINATION FORMS AND FOR THE PLANNING BOARD TO BE DECLARED LEAD AGENCY FOR SCENIC HUDSON LAND TRUST, INC., CASE #2015-08, SPECIAL USE PERMIT/SITE PLAN REVIEW, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

- Mark.....yes
- Margaret.....yes
- Darin.....yes
- Dan.....yes
- Michael.....yes
- Fred.....yes

Discussion took place regarding a motion to request that Myles complete Part 2 & 3 of the EAF. Fred felt that should the Town Board decide to allow the Planning Board to be Lead Agency then Myles would already have approval to proceed. Board members agreed.

MICHAEL MADE A MOTION TO ASK MYLES PUTMAN TO COMPLETE PART 2

& 3 OF THE EAF SHOULD THE TOWN BOARD GRANT THE PLANNING BOARD LEAD AGENCY STATUS FOR SCENIC HUDSON LAND TRUST, INC., CASE #2015-08, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Michael.....yes
Fred.....yes

Fred stated that should the Town Board decide to make the rezoning for the entire PUD he would like to have the Planning Board make a motion permitting Myles Putman to complete Part I of the EAF which will have to be amended. Fred stated that this decision would have to come from the Town Board but Myles would be able to move forward with completion of this.

DARIN MADE A MOTION TO AUTHORIZE MYLES PUTMAN TO COMPLETE PART I OF THE AMENDED EAF FOR SCENIC HUDSON LAND TRUST ZONING AMENDMENT SHOULD THE TOWN BOARD MAKE THIS DECISION, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Michael.....yes

Fred.....yes

MILLER: Case #2015-09 – Minor re-subdivision – 1385 Old Post Rd.,
Rifton; SBL: 71.030-2-6.1

Michael Minor recused himself for this application.

Heather Gabrielle, Meddenbach & Eggers and Richard Miller, applicant were present for this application.

Myles reviewed M.L. Putman Report dated 9/4/15. Copy given to applicant and copy placed in file.

This site is noted as being in a habitat area so applicant was asked to write a letter to DEC in Albany for specific information on the endangered or threatened species and/or its associated habitat. The boundaries of the federally regulated wetlands should be flagged and surveyed. The removal of the street improvement requirement is subject to the County DPW allowing for a future side-by-side access. The Planning Board should be copied in on any and all correspondence from the DPW regarding site access. The Planning Board would have the ability to waive the flag lot access strip limits set forth in 123-21.D(5) once it is requested in writing by the applicant.

Fred mentioned that between Route 213 and the Rondout there has been some issues with flooding from the last couple of big storms. Dan questioned if the problems in this area have been solved. Fred thought they were going to put some bigger pipe in that area but he does not know if this has occurred. Mr. Miller stated that they cleaned out some of the area and there were some down trees that have been taken care of.

Heather stated that they are in the process of figuring out how many houses are going to be put on the site and they will design the drainage based on this information.

Fred stated that he does not have a problem with the side by side driveway since they are 9 feet each. He would like to see the notation for proposed common driveway removed from the map. Fred stated that generally speaking the County and State like to see driveways consolidated so they have only one entry point. He feels that there are a couple of dimensions that need to be cleaned up at the entrance. Fred suggested that the driveway to lot 1 could be moved so that it is on Old Mill Road. Heather stated that they need to get some topo in that area before they can make the determination what they can do there. Myles stated that if they do not build a road and have side-by-side driveways this application can be treated as a minor subdivision.

Mr. Miller stated that they do not plan on selling anything. The lands will be for the family. Fred stated that right now they are in a stormwater prevention plan and from what he sees they have over 300 feet frontage. He suggested that they might be able to get three houses on Old Mill Road in the front if they wanted. Mr. Miller does not want to put the houses up in front. Fred stated that they can do what they want. The Planning Board wants to see that the lots are buildable and where they go after the approval it is up to them. Heather stated that they will figure out a way to mitigate the stormwater.

DAN MADE A MOTION TO CLASSIFY MILLER, CASE #2015-09, SUB- DIVISION, AS AN UNLISTED ACTION PURSUANT TO SEQR, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Michael.....recused
Fred.....yes

Applicant will submit a waiver for flag lot as per Section 123-2.D(5). Applicants will put two foot contours on the map and grading.

DARIN MADE A MOTION TO ACCEPT MILLER, CASE #2015-09, SUB- DIVISION AS SKETCH PLAN APPROVAL, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Michael.....recused
Fred.....yes

ZBA REFERRALS

ALDEN/DINOME – Ralph DiNome – 687 Broadway/Route 9W, Ulster Park

Variance to Article V Section 123-20 Area and Bulk regulations.

Following discussion regarding the referral the Planning Board has no comments.

BUILDING DEPARTMENT LIAISON REPORT:

Tucker Pond - The lights being put up on this site are the lights that were approved by the Planning Board as per the map in the file.

Darin asked if we received any formal resolution of the condos verses apartments. Fred stated that we received a letter from Peter C. Graham, Esq. and he basically told us that we cannot control this at all it is up to the HOA. The law states that as long as they maintain the Condo Association that they can rent them out. The State controls this not the Planning Board. Once the Homeowners Association was approved we lost all authority over this.

Michael questioned if the pond is doing its stormwater runoff job.

MARGARET MADE A MOTION TO ADJOURN AT 8:45 PM SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

NEXT PLANNING BOARD MEETING: October 14, 2015

DEADLINE DATE: September 30, 2015

NEXT PRE-SUBMISSION MEETING: September 16, 2015

Respectfully submitted:

April Oneto
Planning Board Secretary

