

**TOWN OF ESOPUS
PLANNING BOARD MEETING
NOVEMBER 14, 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
Peter C. Graham, Esq.

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 October 10, 2012 meeting.

Fred made a correction to page 2, paragraph 3 , line 2 change to since we do not have a quorum or super majority to override, etc.; Margaret made correction to page 3, paragraph 2, line 19 change to he said that one day, etc.; page 7, paragraph 2, should be Michael Minor stated and line 5, remove the word for; page 7, paragraph 7 line 5 change next stop to next step.

MICHAEL MINOR MADE A MOTION TO APPROVE THE MINUTES AS CORRECTED SEONDED BY RICH. 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 October)..\$ 2,250.00
Clough Harbour (ARC-Connolly Terrace).....\$ 1,695.73
Daily Freeman (Aberdeen-on-Hudson Public Hearing Notice).....\$ 12.50

Daily Freeman (ARC – Connelly Terrace Public Hearing Notice).....\$ 13.95
April Oneto (secretarial services).....71 hours

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

MICHAEL MINOR MADE A MOTION TO GO INTO EXECUTIVE SESSION AT 7:15 PM REGARDING ARC, CONNELLY TERRACE, TO CONSULT WITH THE PLANNING BOARD ATTORNEY, PETER C. GRAHM, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

MICHAEL MINOR MADE A MOTION TO COME OUT OF EXECUTIVE SESSION AT 7:42 PM SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

OLD BUSINESS:

ARC (CONNELLY TERRACE): Case #2012-13 – Special Use Permit/Site Plan – Mobile home Park Expansion Off James St., Connelly; SBL: 56.015-1-7

Roxanne stated that the Engineering Report received from Peter Lilholt, Engineer, Clough Harbour, stating that he is happy with everything and if all members agree we can go on to the Resolution.

FRED MADE A MOTION TO HAVE THE RESOLUTION READ AND BECOME PART OF THE RECORD FOR ARC, CONNELLY TERRACE, CASE #2012-13, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY MARGARET. ALL MEMBERS AGREED. MOTION PASSED WITH A VOTE OF 6-0.

Chairperson Pecora read into the record Resolution dated August 6, 2012, Revised Sept. 8, 2012, Oct. 25, 2012, November 14, 2012. This decision of the Town of Esopus Planning Board shall be recorded and filed with the records of the Planning Board, Town Clerk, the applicant and the Ulster County Planning Board within five (5) days of the date of this decision. Said decision shall include and specify all conditions attached to the decision.

Fred stated that it should be noted that in the prior sections of the park there was a recreation area set aside and it has not been maintained or useable. Fred stated that he does not believe that the 15 foot roadway was overridden. After looking at the minutes, Roxanne read a motion made by Michael Minor to override the County’s recommendations and the motion did not pass. This Board agreed with the County Planning Board and the road should be 20 feet. Resolution was changed to reflect that we agreed with the County’s requirement for wider pavement for the emergency access

road.

Nadine stated that on page 6, D. the date should be August 1, 2012 and November 12, 2012. On page 3, 2nd whereas should state that the plans have been revised through November 8, 2012

Discussion took place regarding a Letter of Credit should be required. Peter C. Graham, Esq. stated that the resolution requires full payment before a Building Permit can be issued. It was felt that a Letter of Credit in the amount of \$10,000.00 should be presented to the Town for the improvement of the recreation area that this Board has credited the applicant with. This requirement was added to page 6, G requiring a \$48,000.00 recreation fee be paid as well as a Letter of Credit for \$10,000.00 to insure the completion of on-site recreational improvements.

MICHAEL MINOR MADE A MOTION TO GRANT APPROVAL TO ARC (CONNELLY TERRACE) CASE #2012-13 SPECIAL USE PERMIT/SITE PLAN AS PER RESOLUTION WITH CHANGES TO BE FILED WITH THE TOWN CLERK AND MADE A PART OF THE RECORD SECONDED BY MARGARET. 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
Michael.....yes
Roxanne.....yes

Chairperson Percora recused herself at 8:10 p.m. Fred Zimmer, Co-chair took over at this time.

FERGUSON (ABERDEEN-ON-THE-HUDSON): Case #2012-10 – Special Use Permit/Site Plan – 1723 Broadway (US Route 9W; State Hwy 5508), West Park; SBL: 80.001-3-23.1

Maria Ferguson, applicant, along with her attorney Mark Grunblatt was present to represent this application.

Fred stated that we received comments for the Ulster County Planning Board dated 10/31/12 and Maria requested a meeting with the County to discuss their comments. Fred was present at this meeting representing the Town of Esopus Planning Board.

Fred stated that as of this date according to our Building Inspector, Timothy Keefe, there are no existing code violations.

Fred stated that the County has one modification that discusses the possibility of having a

one year Special Use Permit at which time when it is over it could be re-evaluated. Which he feels might not be a bad idea. There are some noise requirements which is pretty technical and it would impose problems for the Town and he feels that this should be overridden and documented in other ways by time restrictions and there are other ways to control the noise other than through what they suggest. The County mentioned it being across from a historic site and they are requesting a visual analysis which was also requested by the Waterfront Advisory Board. This is something that will need to be done. The County brought up Fire Safety and the applicant will have to get in touch with the Esopus Fire Department. The lighting is in compliance at this time. The caterer will have to obtain Health Department approval.

Myles reviewed M.L. Putman review dated 11/13/12. A copy of this report was given to the applicant and a copy was placed in the file.

Myles stated that the water line approval from the house down to the actual generator/utility building. The water line is out because there are some very strict standard regarding this from the Health Department. Following some discussion applicant stated that the dishes, utensils, etc. will be taken by the caterer and dealt with off site. Maria stated that this was discussed with the caterer along with the porta potty and she has documentation that they provide their own water.

Fred stated that he would entertain a motion to override the County's noise pollution requirement. Discussion took place regarding the noise issue.

DARIN MADE A MOTION TO OVERRIDE THE NOISE POLLUTION COMMENT FROM THE ULSTER COUNTY PLANNING BOARD REGARDING FERGUSON, CASE #2012-10 SECONDED BY RICH. MOTION DID NOT PASS WITH A VOTE OF 3-2. VOTE WAS AS FOLLOWS:

Darin.....yes
Rich.....yes
Michael.....abstained
Margaret.....abstained
Fred.....yes

Darin said that the applicant was told that she should come to us with something in writing regarding the noise issue so that we can go back to the U.S. Department of the Interior and the Ulster County Planning Board. We do not have a noise ordinance in the Town to go by. Mike stated that at this time we do not have the ability to enforce this regulation but if some time down the road there is a regulation and we can enforce it then he agrees with Darin that we have to have some kind of number.

Darin stated that since we did not vote to override the County's comment then we need to address this comment and we need to have some sort of documented information from the applicant stating that this is what they are proposing and we need to agree on this and it needs to be placed on the plans.

Fred stated that there are three outstanding issues that we are required to deal with. One is the visual issue and we will need pictures, two we have the noise issue and we will need a proposed decibel level from the applicant and we will need to agree with this and three we have the safety issue and we will need something in writing from the Esopus Fire Department.

Fred requested that the secretary makes sure that all the Board members have both letters from the DEC.

Vegetative screening was discussed as a way to help with the noise and the lighting. Fred explained to the applicant that part of the noise restriction that would be established by a decibel level should the applicant decide to put in additional screening it would help reduce the decibel level at the property line. This is up to the applicant.

Liquor license was discussed and Mark Grumblatt, Esq., stated that the liquor license comes from the State and it would be up to the caterer to take care of this. Michael mentioned that he heard that if any single location does more than four events even though they may be separate caterers that the location may be required to obtain a liquor license. Mark stated that he has not heard of this as being a requirement. Michael just wanted to bring this to their attention.

Darin and Fred felt that the time restriction and expiration of permit approval was a good recommendation made by the County. Mark state that a one year limited permit would create a problem because brides book their weddings way in advance. He thinks five years would give the business a chance to be known in the area or if the Board wanted to go with three it would probably be fair. One year makes it really commercially destructive. Both Fred and Darin felt five years was too much. Fred stated that he could go for two years. Darin feels that two years would be acceptable. Michael stated that you could make the permit one year and give the applicant one year after that date to curtail operations if it is not working. This will allow us to review the Special Use Permit within a year. This discussion remains open.

Mark submitted two pictures for the visuals and he stated that this has been shared with the National Park Service. This is a photo from the Vanderbilt Mansion looking toward the site. Fred stated that we would need the tent superimposed (basically a 3D photo).

Mark asked that the Board schedule the Public Hearing as quickly as possible. Fred stated that we can not schedule the Public Hearing until we have the missing information. Maria stated that the Fire Department does not have a problem. She was told that we need something from them in writing. They will need to provide something for the noise comment. We will need to reply to all the County comments and the Department of Interior comments.

Roxanne returned to the Board at 8:45 PM.

**ESCAPES REALTY: Case #2012-08 – Minor Re-subdivision – 183, 192 Martin
Sweedish Rd, Esopus; SBL: 71.003-5-26.11**

Abram Rosenblum, Dave Pakenham and Don Brewer, surveyor, were present to represent this application.

Myles reviewed M.L. Putman Consulting Review dated 11/9/12. Copy given to applicant and copy placed in file.

Fred stated that according to the minutes applicant just needs to provide us with a DEC Permit. Roxanne stated that they need to provide missing data from the Erosion and Sediment Control Plan for Lot #3 as specified by Myles. Darin stated that they need joint permit for the wetlands disturbance.

Discussion took place regarding adjusting driveway and house on Lot #2 so that it does not disturb the federal wetlands. Fred stated this is conceptual anyway and they need to show the Board that there is a buildable location that does not interfere with the wetlands.

This Board is okay with the Flood Plains that are delineated on the overall maps that were presented.

Myles wants to see for Lot #3 where we stand with the DEC application and what are those disturbance plans looking like and taking this into account in terms of finishing the EAF. With Lot #2 they will need to adjust the development plan and try to avoid the federal wetlands and have the engineer recheck the disturbance area. We need an erosion and sediment control plan, along with the delineation of the flood hazard area boundary on Sheet 2; and also that the engineer's drawings for site disturbance, specifically the plans for Lot 2, indicate the surveyed bounds of the federal wetlands.

**SCHULTZ/PAPLIN D/B/A “STONEWALL FARMS LLC: Case #2012-19 –
Special Use Permit: Far “Retreat” Center – 219 Hardenburgh Rd.,
West Esopus; SBL: 7.1001-3-25**

Trevor Schultz was present. Myles reviewed M.L. Putman Consulting Report dated 11/13/12. Copy was given to applicant and copy was placed in the file.

Myles made a site visit to this location this past week. Myles stated that the real challenge will be to work with the applicant to come up with a layout that will provide buffering between this site and the residential neighbors in a way that will preserve the privacy of both the residential neighbors and result in privacy for the retreat.

Michael thinks that this is a wonderful use for this property that requires some tweeking. He would like to see some modification of the parking requirement if it is within our prevue. He feels that the applicant may have visitors come in larger groups and arranging to pick them up at a train station, etc.

Darin stated that he would like to arrange a time to visit the site. Darin stated that if the applicant is going to do a topographic survey we would be looking for a maximum of two foot contours. Darin told the applicant that he believes that the survey will be worth the money up front in terms of balancing your cut and fill for the amount of site work that they are proposing to do. Fred agrees with Darin. Fred stated that if you have to bring fill in it gets really expensive. Trevor stated that he would try to not have to bring in anything. He would like to just level out what he has on the site.

Myles stated that as far as the parking the Town Code does not have a standard for this type of development. The standards we have used in the past were one guest per parking space. He thinks that the applicant would need to go to the Zoning Board of Appeals and present them with a plan as to how many parking spaces he would like to provide for his maximum number of visitors. Trevor should come up with a plan and present it to the Planning Board and we may need to refer him to the Zoning Board.

Myles stated that he is concerned with the north end of the property where they are going to put a second driveway in and they may have to do some filling and they are not sure about the wetlands. Fred questioned a 50' wide access for the second driveway. Trevor stated that it is necessary for emergency vehicles. Fred is questioning the 50 foot access. Trevor stated that the Highway Superintendent came out to the property and this is what he was told. Roxanne told the applicant that we will need a letter from Michael Cafaldo, Highway Superintendent, for our files.

Darin left at 9:10 PM.

GORDON, ET AL: Case #2012-24 – Minor subdivision – 112 Hudson Lane, Ulster Park; SBL: 64.003-3-16

R. Gordon, Patti Brooks, surveyors, and Matt Shipkey, Scenic Hudson, were present for this application.

Myles reviewed M.L. Putman Consulting Report dated 11/9/12. Copy of report was given to applicant and copy was placed in the file.

Roxanne stated that when we get the final set of maps all of the owners will need to sign them. Patti mentioned that when they prepared the survey maps the property was under a trust. The trust at that time was Lori and her two children. Since this time Lori has passed this along to the Lori L. Gordon Living Trust so there are four owners and they have submitted letters of authorization for all four owners. They will submit a copy of the new deed for the records.

FRED MADE A MOTION TO DECLARE THIS AN UNLISTED ACTION UNDER SEQR FOR GORDON, ET AL, CASE #2012-24, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

RICH MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 12, 2012 AT 7:10 PM FOR GORDON, ET. AL. SUBDIVISION, CASE #2012-24, SECONDED BY MICHAEL. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

MICHAEL MADE A MOTION TO REFER GORDON ET.AL SUBDIVISION, CASE #2012-24 , TO THE WATERFRONT ADVISORY BOARD AND THE TOWN OF HYDE PARK FOR THEIR REVIEW AND COMMENTS SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

Michael stated that he is the liaison from this Board to the Waterfront Advisory Board. He will not be hear for their next meeting and asked if there was anyone who would be able to take his place. This meeting will be held the fourth Tuesday of the month at 7:00 PM (11/27/12) and the meeting is held in the bottom floor of this building. Patti Brooks said that she can be present and Margaret will check her calendar.

There will be a \$200.00 Public Hearing fee due by the deadline date of 11/28/12.

DECICCO: Case #2012-23 – Lot Line Adjustment – 131, 137 Hudson Ln., Ulster Park; SBL: 64.003-3-8, 4-25 & 26

Applicant Ralph DeCicco and Patti Brooks, surveyor, were present.

Myles reviewed M.L. Putman Consulting Report dated 11/7/12. A copy of this report was given to the applicant and copy was placed in the file. Myles noted in his report that

the applicant did not ask for a waiver of the Public Hearing.

Roxanne asked the applicant to be sure if they wished to request a waiver to the Public Hearing. They stated that they did not. Patti stated that the thought was if they do need to come back in the future it is better to be up front now.

MICHAEL MADE A MOTION TO CLASSIFY DECICCO, CASE #2012-23, AS AN UNLISTED ACTION UNDER SEQR SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

MICHAEL MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR DECICCO LOT LINE ADJUSTMENT, CASE #2012-23, FOR DECEMBER 12, 2012 AT 7:20 PM SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS;

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

MARGARET MADE A MOTION TO REFER DECICCO LOT LINE ADJUSTMENT, CASE #2012-23, TO THE WATERFRONT ADVISORY BOARD SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

There will be a \$200.00 Public Hearing fee due by deadline date of 11/28/12.

ARNIKA CORP.: Case #2007-11 – Lot Line Adjustment – Old Post Rd., Swarte Kill Rd., Floyd Ackert Rd., West Esopus; SBL: 71.004-4-15.1, 19, 31.12, 31.2, 33 & 64.1

Applicant Anthony Aebi was present along with Matt Shipskey, Scenic Hudson and Bill Eggers, Meddenbach & Eggers.

Myles reviewed M.L. Putman Consulting Report dated 11/9/12. Copy was given to applicant and copy was placed in the file.

MICHAEL MADE A MOTION TO WAIVE THE PUBLIC HEARING PER SECTION 107.16.A FOR ARNIKA CORP., CASE #2007-11, LOT LINE ADJUSTMENTS SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

MICHAEL MADE A MOTION TO GRANT THE WAIVER TO THE MAXIMUM ALLOWABLE LENGTH OF A FLAG LOT ACCESS STRIP AS PROVIDED BY SECTION 123-21.D FOR ARNIKA, CASE #2007-11, LOT LINE ADJUSTMENTS SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

MARGARET MADE A MOTION TO GRANT FINAL PLAT APPROVAL TO ARNIKA, CASE #2007-11, LOT LINE ADJUSTMENTS SUBJECT TO THE SUBMISSION OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY THE OWNERS SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

ESOPUS FARMS, LLC: Case #2012-17 & 22 – Special Use Permit/Site Plan/Lot Line Adjustment – 1398 & 1466 Broadway (US Rt 9W St. Hwy 5508), Esopus; SBL: 71.004-4-26 & 31.11

James Connors, Chazen Associates, Joseph Pisani, Esq., and Brian Chevcheck, Architect,

were present to represent this application.

Myles reviewed M.L. Putman Consulting Report dated 11/14/12. Copy given to applicant and a copy was placed in the file.

Roxanne said that she spoke with Peter Lilholt, Clough Harbour, yesterday and Fred has spoken with him as well. Pete has concerns regarding the parking and that the total seems reasonable and that there is too much where it is not needed and less where it is needed and that the parking needs to be looked at. He thinks that there is more needed for the hotel and conference center. This would be the largest impact on anything pertaining to the plan. Pete knows that DOT signed off on the traffic but he feels that the trip generation numbers are a little fuzzy and that it does not consider weekday events and he feels that this needs to be considered.

He had some issues regarding the permeable surface. Fred stated that it is a big project but he really does not see that much there. Fred stated that we should allow the applicant to speak directly to Pete on the drainage and the highway issues. The soil issues on the geotechnical he thinks that it can be broken out into two things. One would be highway and into drainage. Fred stated that the concerns that they have with ground water and drainage is not a major concern to him. This is on their property and as long as they certify it and say it is okay he does not have a problem with it. Fred feels that the remainder of the items in Clough Harbour's Review fell within Myles' prevue. Fred feels that in order to get through this application we should set up a separate meeting for just this application.

James Connors, Chazen Engineering, and Joseph Pisani, Attorney, would be willing to do separate meetings to get through the process. James stated that he does not think that anything in the Clough Harbour Review is insurmountable. James agrees with Fred and they are doing the testing that is required. Fred stated that he is satisfied with the traffic. Michael questioned if they stated that they were going to have a shuttle to and from the parking area. James stated that they are. Fred thinks that maybe Pete did not see this. Fred stated that the one thing that has come up consistently is a walking path from the upper and lower areas. James stated that there is a pedestrian walking path. There is a trail that goes along the access road into the camping and the parking areas. They will make sure that these trails will be clear on the next submission. James stated that in their discussion with the County Planning Board they want to see a travel path that a pedestrian can walk to the north and south behind the cemetery so that it is not interacting with any vehicles.

Margaret asked if the public would be able to use the spa. Joe stated that initially they will not and they will have to obtain a zoning change to accomplish this. The public will be able to use the restaurant and tavern. The tavern is part of the restaurant. Margaret asked about the artist studios in the conference center. What does this mean? Brian stated that the artist studios will be primarily on the ground floor area that can be used by an artist in residence. They will have a room to stay in and then they can come down nad have a working gallery where they can paint or do sculpture, etc.

Roxanne stated that we need to schedule a separate meeting to discuss the details on the plans. Following some discussion a separate meeting was scheduled for **Thursday, November 29, 2012, at 7:00 p.m. It was agreed that we do not need to have a quorum for this meeting. No decisions will be made it is meant to be a working session.** Any Board Members that can attend this meeting should plan on attending. Fred, Roxanne, Margaret and Myles will attend. Rich and Michael will not be able to attend.

Fred informed the applicant that they are combining two lots at this time. He stated that if they are thinking of selling the back portion of that they could do it now under a lot line adjustment. Joe stated that they are not thinking of selling anything at this point. This is something that the applicant can think about for the future. James stated that the CSX railroad bisects the property so essentially they are separate parcels. They are not separate tax parcels. Joe stated that they are one deed.

NEW BUSINESS:

HIGHLAND VINEYARDS; BEECH STONE LP; Case #2012- 25 Minor Re-sub-division – 130 Burroughs Rd (TH 836) @ Broadway (US Rt 9W; St. Hwy 5508), West Park; SBL: 80.001-5-1-16

Applicant was represented by Patti Brooks, surveyor.

Myles reviewed M.L. Putman Consulting Report dated 11/5/12. A copy of this report was given to the applicant and a copy was placed in the file.

Michael asked if the winery is going to grow grapes on the property. Patti stated that the property was just sold a month ago and she knows that they are working with an architect right now but she does not know what there long range plans are. She believes that they are planning on doing something with the site.

Patti stated that Scenic Hudson took an easement on the entire property and then they set aside two building envelopes. Mr. Fiori will be building his personal residence on one of them. This has been sold by Mr. Fiori without the benefit of a subdivision which is why she is here. The remaining land has significant restrictions on them even in the building envelope area. They distinguish between Building Envelope A and what can be done there and the remaining lands which have more restrictive conservation easements on it.

Fred asked what Scenic Hudson ends up with. Patti stated that they end up with a Conservation Easement on the entire property. They do not have ownership of anything nor will they. Fred stated that this means that this property remains on the tax rolls. Patti stated that this is correct.

RICH MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR

HIGHLAND VINEYARDS; BEECH STONE LP, CASE #2012-25, MINOR RE-SUBDIVISION SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

The Board is classifying this as an Unlisted Action pursuant to SEQR.

LYNCH-AGIUS: Case #2012-26 – Lot Line Adjustment – New Salem Rd, Tooley & Edlin Drives, Kingston PO; SBL: 56.018-1-12 & 11.1; 56.019-1-25

Bert Winnie III, LLS , surveyor was present to represent this application.

Myles reviewed M.L. Putman Consulting Report dated 11/7/12. Copy given to applicant and copy placed in file.

RICH MADE A MOTION TO CLASSIFY LYNCH-AGIUS, CASE #2012-26, LOT LINE ADJUSTMENTS AS AN UNLISTED ACTION PURUSUANT TO SEQR SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

FRED MADE A MOTION TO APPROVE THE SKETCH PLAN FOR LYNCH-AGIUS, CASE #2012-26, LOT LINE ADJUSTMENTS SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

RICH MADE A MOTION TO WAIVE THE PUBLIC HEARING FOR LYNCH-AGIUS, CASE #2012-26, LOT LINE ADJUSTMENTS, AS PER SECTION

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

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

MICHAEL MADE A MOTION TO MAKE A DETERMINATION OF NON-SIGNIFICANCE (NEGATIVE DECLARATION) PURSUANT TO SEQR FOR LYNCH-AGIUS, CASE #2012-26, LOT LINE ADJUSTMETNS, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Rich.....yes
Michael.....yes
Roxanne.....yes

MICHAEL MADE A MOTION TO GRANT FINAL PLAT APPROVAL FOR LYNCH-AGIUS, CASE #2012-26, LOT LINE ADJUSTMENTS, CONDITIONED UPON:

- A. SIGNATURE OF EATON AND MUNGER ON THE APPLICATIONS, AS OWNERS OF TAX LOT 25, INDICATING THEIR CONSENT TO SELL A PORTION OF THEIR LOT TO THE APPLICANT;**
- B. DEPICTION OF EXISTING LOT LINES AND THOSE TO BE DELETED IN A CONSISTENT MANNER;**
- C. REVISIONS TO THE LISTING OF ABUTTING LANDOWNERS;**
- D. “BEORE” AND “AFTER” AREA CALCUALTIONS FOR THE EATON-MUNGER PROEPRTY;**
- E. FULL REFERENCE NOTES FOR FILED MAPS 2136, 2313 AND 08-248; AND**
- F. THE SIGNATURE OF THE OWNERS OF TAX LOT 12 (THE APPLICANT) AND 25 (EATON AND MUNBER) WHO ARE THE PROPERTY SELLERS IN THIS TRANSACTION**

AND SUBMSSION OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY ALL OWNERS SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

Rich.....yes
Michael.....yes
Roxanne.....yes

**VAN VELSON: Case #2012-27 – Special Use Permit (B&B) – 771 Broadway
(US Rt 9W; St Hwy 5508), Ulster Park; SBL: 64.003-5-19**

Susan and Gary VanVelson were present.

Myles reviewed M.L. Putman Consulting Report dated 11/5/12. Copy was given to applicants and a copy was placed in the file.

Fred asked Myles if he scaled the distance off of the map because he did not find a distance on it. Myles scaled the 20' easement owned by Tsitsera and he was able to work an adjustment. Fred stated that the surveyor did not put a distance on the maps.

Susan stated that they bought the house at an auction. They live around the corner in a house on Esopus Avenue. She stated that they have a small room that is used as an office and it has a bed. They are not intending to live in this house since they have a home on Esopus Avenue. They don't know how to fix the owner occupied stipulation. Roxanne said that they could always seek a variance for this stipulation.

Discussion took place regarding what this venture could be called since they did not intend to offer breakfast other than coffee. They have spoken with the Apple Bin because they do a beautiful breakfast. It is not her intention to cook for them. They would absolutely have coffee. They did not know what to call it. Myles stated that the definition of a Tourist Home would be a building containing individual living and sleeping accommodations each of which is accessible through doorways and hallways and offered for rental use by transient guests. This would not have to be owner occupied. They would not be able to provide breakfast service. Roxanne stated that there is such a thing as a continental breakfast where you just provide coffee and muffins, etc. There is no cooking being done in the kitchen.

They actually have four rooms upstairs and two rooms downstairs one of which is being used as an office. Michael stated that this would require five parking spaces. Susan stated that they expanded the existing driveway near the side porch. The side porch is now 15 feet wide rather than 30 feet wide. Myles stated that the parking standard for a Tourist Home is one parking space for every two beds.

Susan stated that they put the new driveway in because the existing driveway has a right-of-way with the neighbor and it comes out directly across from the Headless Horseman's three car driveway. Fred stated that this is a good thing and that they want the driveway opposite the Headless Horseman. Being opposite is the safest place to be. Gary stated that it is dangerous. There is a hill right there and if you pull out of the driveway you have to floor it. Headless Horseman has DOT approval for their driveways. Applicants were asked if they have DOT approval and they do not think that they do. Fred feels that

they probably do and it has been there forever. Fred stated that they would not need curb cuts if they did not put in the new driveway.

Roxanne told the applicant that if they are going to be Tourist Home rather than a Bed and Breakfast then they will need to revise the application. Myles stated that the big issue is dealing with the setback and lot depth issues. They were told that they would need to go to the Zoning Board of Appeals for a variance on the lot depth and the house setback and maybe even the parking. Susan said that there is no ability to expand the lot due to a drop off in back of the house.

Applicant was encouraged to attend the next Pre-submission Meeting which will be held on December 4th.

ZONING BOARD REFERRALS:

None

MISCELLANEOUS:

Roxanne reminded the Board members that as a Planning Board Member they are required to do four hours of education each year. Training documentation should be given to April for our records.

MICHAEL MADE A MOTION TO ADJOURN AT 10:50 PM SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

NEXT MONTHLY MEETING: DECEMBER 12, 2012

DEADLINE DATE: NOVEMBER 28, 2012

NEXT PRE-SUBMISSION: DECEMBER 4, 2012

Respectfully submitted:

April Oneto
Planning Board Secretary

