

**TOWN OF ESOPUS  
PLANNING BOARD MEETING  
NOVEMBER 13, 2013**

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

**EXCUSED:**         Michael Manicone  
                  Darin Dekoskie  
                  Rich Williams

**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 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:** Board members were asked if there were any changes or corrections to the minutes of the October 9, 2013 meeting. Margaret Yost made corrections prior to the meeting. There were no additional corrections.

**MICHAEL MADE A MOTION TO APPROVE THE MINUTES OF OCTOBER 9, 2013 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0. VOTE WAS AS FOLLOWS:**

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

**VOUCHERS:**

M.L.Putman Consulting (Month of September, 2013)..... \$2,250.00  
Daily Freeman (Public Hearing Notice – Coppersea).....\$13.50  
Daily Freeman (Public Hearing Notice – Citivision).....\$12.60  
April Oneto (secretarial services).....59 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 4-0.**

**PUBLIC HEARINGS:**

**COPPERSEA DISTILLERY: CASE #2013-16, 1592 Broadway (US Route 9W; State Hwy 5508), West Park; SBL: 72.003-1-26**

Margaret recused herself from Coppersea Distillery (lands of Weiner) application and she left the room.

Chairperson Pecora explained to applicants that the Planning Board will not be able to hold the Public Hearing as scheduled since we do not have a quorum. Angus MacDonald, Michael Kinstlick and Ira Weiner present. This Public Hearing will be rescheduled for December 11, 2013 at 7:10 PM. Margaret agreed to vote to reschedule the Public Hearing.

**MICHAEL MADE A MOTION TO RESCHEDULE THE PUBLIC HEARING FOR COPPERSEA DISTILLERY FOR DECEMBER 11, 2013 AT 7:10 PM SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0. VOTE WAS AS FOLLOWS:**

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

**CITIVISION INC.: Minor Re-Subdivision – 126 Carney Rd., Ulster Park; SBL: 63.003-3-17, 18 & 19**

**MARGARET MADE A MOTION TO OPEN THE PUBLIC HEARING FOR CITIVISION, CASE #2013-17, MINOR RE-SUBDIVISION SECONDED BY MICHAEL. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0.**

Chairperson Pecora read the article placed in the Daily Freeman for the Public Hearing. A copy was placed in the file.

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

Robert Hare – 130 Carney Road, Ulster Park – Rob stated that he and his wife have quite a history with Citivision. They have a contiguous property line of approximately 3500 feet. They are concerned about who their future neighbors will be and will all of the expended be in vain. There are rumors that the Adinolfi property is becoming a home for seriously at risk women. It is also rumored that the camp is being purchased by another religious organization which had used the camp back when it was active. If they could be informed about their future neighbors, that would go a long way towards creating neighborly harmony.

The camp property was in use by Citivision as a camp under the zoning provision

of Continuation of Non-Conforming Use which was created at the start of zoning in 1971. As part of the provision a "sunset clause" was included. This clause stated that if the use stopped after a certain period which he believes after reading the zoning code is 5 years at which time the property would revert to its originally intended zoning classification. This would be 1 acre, 1 family. He does not believe that the camp has been used for at least 5 years. There has been a caretaker on site up until last year and once or twice a year for a weekend there has been small groups of young men doing lawn mowing and minor maintenance. This questions continuing use. He questions if there have been staff, counselors and recreational, non labor attendance of 40 to 50 campers on site. Rob respectfully requests that the Planning or Zoning Board rule on what constitutes "continuing use". Rob stated that the Building Department stated that approximately two years ago they tried to rescind the camp's status due to apparent vacancy only to experience active resistance from Mr. Pisani and his client.

In 1998 he learned of the expansion plans for the camp. A legal battle involving the Zoning and Planning Board resulted in a Stipulation between Citivision and the Town of Esopus agreeing to maximum occupancy limitation of 310 people. Rob stated that if the main camp is going to be used as a summer camp again and there will be a rehab facility as well he respectfully requests that the Zoning and/or Planning Board rule on whether the total occupancy of the camp and rehab facility are to be counted within the 310 total occupancy or will this number increase. He is concerned that if a new entity is allowed to start adding more people to the property which was originally agreed to hold a total of 310 there is no reasonable way to stop endless additional number of occupants through continuing subdivision. This is a real concern of the neighbors.

Noise had been a very serious problem. For many years neighbors have tried to deal with the camp director to subdue the noise which often went past 10 or 11 pm. Most of the time the camp did not comply and complaints were filed on a regular basis with the Sheriff's Department. Finally in 2004 a limit was defined by the Planning Board in a stipulation for approval of the Citivision Multi-Use Building. There is to be no mechanical or electrical amplification of sound at the camp and the building is limited to occupancy of 240. It is a primary concern of the neighbors that this limitation continue. He requests that if approval is granted a stipulation be included continuing the noise restriction.

Two years ago when Citivision applied for a 3 lot subdivision of approximately 5 acres each Rob presented photos showing what appeared to be a dump adjacent to his eastern property line. Rob filed a complaint with the Building Department. In speaking with the Building Department yesterday the Building Inspector stated that he thought the problem was corrected. Rob has personally looked at the area and it is still a dump. He respectfully asks that the dump be entirely remediated prior to approval of this application. There are fewer unregistered vehicles than before, however, the boats remain which could be

holding standing water, which is very much like old tires and can be an excellent breeding ground for mosquitos.

He would like to see these issues addressed by all parties prior to granting approval. No one wants to be here discussing old issues again. They simply want a neighborhood they can be happy to come home to.

Mr. Hare submitted his comments in writing, pictures taken 3-4 days ago along with a copy of the January 22, 2004 Planning Board Minutes.

Mr. & Mrs. Adinolfi, Rifton, requested that Mr. Meddenbach show him where the property lines will be. Chairperson Pecora stated that we are more than happy to have him look at the maps but there cannot be too much of a discussion because we are in a Public Hearing. Fred Zimmer and Barry Meddenbach reviewed the property lines on the map with Mr. & Mrs. Adinolfi.

There was no one else wishing to speak regarding this application.

**MARGARET MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR CITIVISION, CASE #2013-17, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0. VOTE WAS AS FOLLOWS:**

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

**OLD BUSINESS:**

**COPPERSEA DISTILLERY (lands of Weiner): Case #2013-16 – 1592 Broad-Way, West Park; SBL: 72.003  
-1.26**

Applicants Michael Kinstlick, CEO, Angus MacDonald and Ira Weiner were present to represent this application.

Margaret recused herself from the discussion regarding this application and left the room.

Roxanne read response from Waterfront Advisory Board dated 10/23/13. They are concerned about what type of fuel is used to operate the distillery and they would also like to know how much water is used in the process of distillery and in the necessary cleaning process. They are concerned about how much wastewater is produced and if it might possibly enter Black Creek and/or the Hudson River. A copy of this letter was given to the applicants.

Myles reviewed M.L. Putman Consulting Report dated 11/8/13. A copy of this report was placed in the file and a copy was given to the applicant.

Myles stated that the Full EAF needs to be completed and once the Planning Board accepts this Parts 2 and 3 can be completed and adopted by the Board with a Determination of Significance. Once the SEQR process is closed out the Board can take actions on this application.

Roxanne stated that we need to discuss the Waterfront Advisory Board's letter and what information they require. Applicants stated that they will attend the Waterfront Advisory Board Meeting to be held December 17, 2013 at 7:00 p.m. and at that time they will answer their concerns.

Fred asked if they had an agreement with the neighbor for the north driveway. Ira stated that it has been this way for over 100 years. The neighbor is Scenic Hudson and the applicants were asked to contact them and ask them for something in writing acknowledging two driveways and the of.

**CITIVISION: Case #2013-17 – Minor Re-Subdivision – 126 Carney Rd., Ulster Park; SBL: 63.003-3-17, 18 & 19**

Applicant was represented by Joseph Pisani, Esq. and Barry Meddenbach. , Meddenbach & Eggers.

Myles reviewed M.L. Putman Consulting Report dated 11/8/13. Copy of report given to applicants and copy placed in the file.

Mr. Pisani stated that there are a few things that the engineer must provide before they will be in a position to finalize this application and asked to be put on the agenda for the December Planning Board Meeting.

Barry stated that he did not know that the Board wanted to see the lot improvements for the new building lot and that the Board would make the Health Department approval a condition of approval. He has no problem having the Highway Department look at the driveways. He showed the map submitted to the Health Department which shows a single family house, septic system and the grade from the road is level.

Michael stated that he has some concerns and issues related to the Sunset Provisions mentioned and if they have the right to exist as a camp. He wonders if they make the property smaller will this affect the total maximum usage. Barry stated that the undeveloped and unuseable land is what they are removing from the camp parcel. Fred stated that we are creating one new building lot and we do not know who is going to buy the rest of the property. Fred stated that whoever buys the property has to come before this Board with a site plan. Barry

stated that his understanding is that the campground is a pre-existing use and he does not believe that it expires. Barry stated that he believes that this is a legitimate operating camp and that the new buyers can come in and operate a camp. Fred stated that the applicant has to have a contract with the new buyer and if he says that they can run a camp on this property and the buyer accepts and he comes to this Board and it does not work out it is between the buyer and the seller. Michael stated that he would like to see the document that talked about the Sunset Provisions and he would like to see the document that talked about the total population.

Mr. Pisani stated that the Building Department did not try to close them down and that Mr. Hare is mistaken. Mr. Pisani requested a copy of Mr. Hare's statement so that he can respond to it. Mr. Pisani stated that there was a discussion with the Assessor and not the Building Department. He stated that they proved to the satisfaction of the Assessor that there were camp activities continuing on the property to this day. Mr. Hare's statement that there have not been camp activities in five years is absolutely wrong.

Mr. Pisani stated that the Sunset Provision is a law of the State of New York saying that anything that precedes the enactment of the Zoning Law may be continued and grandfathered in. Michael asked for how long. Mr. Pisani stated as long as it is used. It has to be proved that it has been used and it is not done before the Planning Board it is done before the enforcement authorities. Michael asked if there was an agreement that they would have no more than certain number of people based on the size of the property. Mr. Pisani stated that he believes that there was an agreement filed with the Zoning Board. Mr. Pisani stated that if there is any violation of that agreement it is enforceable. We need to locate a copy of this agreement.

Mr. Pisani stated that the Planning Board needs to look at what is before them now and not look at what might be presented to you in the future by a new applicant if there is a new applicant.

Barry was told that he needs to show the disturbance area for Lot #1. The Board needs a letter from the Highway Superintendent. Fred questioned that they show a house on the lot and where the entrance will be.

**J. & T. LANDI & REFORM CHURCH: Case #2013-09 – Lot Line Adjustment – 530, 532 Main St., 115 Decker St., St. Remy ; SBL: 63.006-1-4, 7 & 8.1**

Joseph & Therese Landi were present. Myles reviewed M.L. Putman Consulting Report dated 11/8/13. A copy was given to the applicant and a copy was placed in the file.

Applicant received the variance from the Zoning Board of Appeals on 10/15/13 to

allow a lot line adjustment of 20 feet to the north property line.

**MICHAEL MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR THE LOT LINE ADJUSTMENT FOR LANDI, CASE #2013-09 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0. VOTE WAS AS FOLLOWS:**

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

**MICHAEL MADE A MOTION TO DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR FOR LANDI, CASE #2013-09, LOT LINE ADJUSTMENT SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0. VOTE WAS AS FOLLOWS:**

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

**MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR LANDI, CASE #2013-09, LOT LINE ADJUSTMENT CONDITIONED UPON RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY THE PROPERTY OWNERS WITH THE CHANGE BEING THE BOLDING UP OF THE ONE SECTION OF THE MAP AS SHOWN SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0. VOTE WAS AS FOLLOWS:**

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

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

Abraham Rosenblum, applicant, and Michael North, Engineer, were present. Myles reviewed M.L. Putman Consulting Report dated 11/8/13. A copy of this report was given to the applicant and a copy was placed in the file.

Applicant needs to revise and re-submit Part 1 of the Full EAF using the new

forms.

Mr. North stated that they could not make the deadline with some revisions on Lots 1 and 2 so he submitted revisions today which he does not think Myles has had an opportunity to review. He stated that his drawings do not show the property line change on Lot 2. He stated that if they need to submit the new EAF Form they should be able to coordinate the drawings so that they all make sense.

Myles stated that they need to show the disturbance area especially from the new Lot 3. The engineering plans must show a limit of site disturbance, a disturbance area calculation, and erosion control measures, including, but not limited to silt fences and stabilized construction entrances.

Fred stated that he wants to see a driveway shown on the map for all lots. He does not care if they put it in but he wants them shown on the map. They will need to speak with the Highway Superintendent about the driveway cut. Fred stated that he does not care if they do the road profile or just extend the contours up.

Fred stated that on Map C-2 he would like to see where the property line is in relationship to the driveway between Lots 3 and 4. On Map C-3 they will need to revise the property line. Fred told them to put their soil and erosion notes on C-3. Applicant was told that they need to have one complete set of plans.

Roxanne said that the Board will need to increase the Escrow Account by \$500.00 so that Myles can complete Part 2 and 3 of the EAF that he will need to do.

**MARGARET MADE A MOTION TO INCREASE THE ESCROW ACCOUNT FOR ESCAPES REALTY LLC, CASE #2012-08 BY \$500.00 SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0. VOTE WAS AS FOLLOWS:**

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

Fred stated that the 50' stations are not labeled correctly. Fred reminded Mr. North that we need a complete set of plans and they need to agree with each other.

**ZBA REFERRALS:**

Quetzal Saunders – 1356 Old Post Rd., Ulster Park – They are requesting a variance for a proposed porch in the front yard. The house is already within the

40 ft. setback. The 6 foot deck will be 7 feet from the front property line. A variance will be needed for further encroachment.

Following some discussion it was recommended by the Planning Board that this applicant have the front property lines established by a licensed land surveyor.

**MISCELLANEOUS:**

Due to scheduling conflicts Margaret asked if the Planning Board Meetings could be started at 7:30 p.m. Discussion took place and all members present did not have a problem with this. The discussion was tabled until next month when the excused Board members are present.

**MICHAEL MADE A MOTION TO ADJOURN AT 8:36 PM SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR.**

**NEXT SCHEDULED MEETING:                      December 11, 2013**

**DEADLINE:    November 27, 2013**

**NEXT PRE-SUBMISSION:                      December 4, 2013**

Respectfully submitted:

April Oneto  
Planning Board Secretary