

**PLANNING BOARD MEETING
NOVEMBER 12, 2014**

PRESENT: Roxanne Pecora, Chairperson
Fred Zimmer
Daniel Michaud
Michael Minor
Darin Dekoskie

EXCUSED: Margaret Yost

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

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:35 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.

Chairperson Pecora stated that we have received the resignation of Michael Manicone which has been submitted to the Town Board.

MINUTES: Chairperson Pecora asked if the Board read the October, 2014 minutes and if there were any changes or corrections. Fred stated on Page 2, last paragraph it should be not. Michael stated on Page 1 end of paragraph, 4th line from the bottom the there is the wrong there. Page 7, 4th paragraph from the bottom the line should read the third and last thing that the Planning Board needs is enforcement. On page 9, 5th line from the bottom the word should be quiet.

MICHAEL MADE A MOTION TO APPROVE THE OCTOBER MINUTES AS AMENDED SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MINUTES PASSED WITH A VOTE OF 5-0.

Chairperson Pecora asked if the Board read the September, 2014 minutes and if there were any changes or corrections.

Michael stated that he withdraws his questions as voiced at the October Planning Board Meeting, during discussion related to the approval of the minutes. He believes that the Planning Board should approve the September minutes as originally submitted. He stated that as most of the Board knows he has been sent a "disciplinary" letter by the Town Board, related to those questions and to his actions at the October Planning Board Meeting. He further stated that the approval of the September minutes as submitted at the October Planning Board Meeting, and the related approval for the October minutes as submitted tonight, show that his comments at the October meeting, made under the proper agenda item (approval of minutes of the September meeting), were proper and timely questions about the accuracy of the minutes of our independent Planning Board. He approves of both sets of minutes as submitted.

FRED MADE A MOTION TO APPROVE THE SEPTEMBER, 2014 MINUTES SECONDED BY DAN. MINUTES PASSED WITH A VOTE OF 4-0-1. VOTE WAS AS FOLLOWS:

Fred.....yes
Darin.....yes
Dan.....yes
Michael.....abstained
Roxanne.....yes

VOUCHERS:

Daily Freeman (Public Hearing – Church Communities).....\$ 16.20
Daily Freeman (Public Hearing – Aleo).....\$ 12.15
Clough Harbour (Aleo).....\$ 1,531.91
Public Hearing Fee – Church Communities.....\$ 200.00
Public Hearing Fee – Aleo.....\$ 200.00
M.L. Putman Consulting – Church Communities – SEQR.....\$ 1,300.00
Myles Putman (November, 2014).....\$ 2,300.00
Myles Putman (December, 2014).....\$ 2,300.00
April Oneto (secretarial services).....64 hours

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

Chairperson Pecora informed the Board that there will not be a Planning Board Meeting in December. The next Planning Board Meeting will be January 14, 2015.

PUBLIC HEARING:

CHURCH COMMUNITIES (The Mount Expansion): Case #2013-19 – Special Use Permit/Site Plan – 825-1001 Broadway (US Rt. 9W), Ulster Park; SBL: 72.001-2-13.1

MICHAEL MADE A MOTION TO OPEN THE PUBLIC HEARING FOR CHURCH COMMUNITIES, CASE #2013-19, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR.

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. Copy of notice placed in the file.

Chairperson Pecora asked if there was anyone present who wished to speak regarding this application. She informed the audience that this is their second public hearing.

Frank Lancer – 844 Broadway, Ulster Park – He asked if the plan has been amended. The plan has not been amended. He asked if the phasing has changed and was told that it has but the project is the same. He was told that this is a public hearing and it is not an interactive discussion. He was told that right now we just accept comments from the public. He said that he lives 100 feet south of Pell Lane which would be the main entrance to the factory. He stated that his comments are basically the same as the last time. He objects to the location of the factory and the fact that there will be a lot of trucks going in and out. A lot of noise and it will lower property values in the area. He stated that somebody from Church Community came to visit him after the last public hearing. He suggested that they move the factory away from houses and locate it back from Pell Lane. He told them that he felt that they should locate it next to their residences because they would have less distance to walk and if the factory was such a desirable thing then why not put it next to your residences. He stated that they do not want all of the trucks next to their residences. Mr. Lancer said that is exactly why he does not want it located where they want to put it. Having done a little investigation, he thinks that there has been some discussion about whether they needed a variance. He knows this was discussed and that the Planning Board attorney's opinion was that a variance was not required. Maybe it is legal to build it without a variance. He stated that this is the RF1 zoning which is residential and by some legal means that exists maybe they can build this structure on their property and it may be legal but is it ethical. He thinks that if they want to be good neighbors and they are doing something commercial that maybe they should go through the variance process.

Connie Vendetti -7 Esopus Avenue, Ulster Park – He is concerned about the traffic on this road. Since the school has been put in there they have school buses exiting and entering and he feels that traffic has become a problem. He said that buses turning south take time to cross the road and now they are going to have trucks going in and out. He wants to know if anything has been done with the State to put a light there to eliminate these problems. He stated that the stream at the bottom of the hill has quite a large aquifer and supplies water to many of the wells on Route 9W and in the village of Esopus. Has anything been done to address this issue? He stated that there are 400 acres of land there and isn't there a better place to put this factory. He wants to know if anybody has given consideration to the dust from construction and the noise from equipment that will be produced.

Chairperson Pecora stated that she will entertain a motion to close the public hearing or did we want to delay the closing? Roxanne stated that Hans Boller is okay with the public hearing being left open until the meeting in January. Michael stated that he would like time to consider the comments made at the public hearing. Myles informed the Board that this is a Special Use Permit application and there is no default provision that kicks in if we are beyond the 62 days to make our decision.

Michael Moriello, Esq., attorney for Church Communities, stated that SEQR is completed and the issues raised are exclusively related to SEQR and not the Site Plan. He further stated that the comments we heard tonight are the same comments or similar comments we heard at the last public hearing. Michael Moriello stated that the

comments raised have been addressed in the SEQR Document. Mr. Lancer stated that he does not feel that the comments have been addressed. He was referred to the SEQR Documentation in the file. He was advised that he can FOIL this document or come into the office to review the file. Michael Minor stated that we have discussed the water issue extensively prior to completion of SEQR. These are things that are required in that document. Discussion continued regarding leaving the public hearing open. Chairperson Pecora stated that we have already completed SEQR and they can still comment in writing but SEQR has been decided and there is nothing more that we are going to do regarding this.

FRED MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR CHURCH COMMUNITIES, CASE #2013-19, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY ROXANNE. MOTION PASSED WITH A VOTE OF 4-1. VOTE WAS AS FOLLOWS:

Darin.....yes
Fred.....yes
Dan.....yes
Michael.....no
Roxanne.....yes

PUBLIC HEARING

ALEO (“Hasbrouck Hill”): Special Use Permit for proposed duplexes: Case #2014-06 – Hasbrouck Avenue, Port Ewen; SBL: 56.059 Block 4

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. Copy placed in the file.

MICHAEL MADE A MOTION TO OPEN THE PUBLIC HEARING FOR ALEO, SPECIAL USE PERMIT, CASE #2014-06, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR

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

Roger Brandt – 142 Prospect St., Port Ewen – He is concerned about the paper street and will this be opened. He was told that this will go to the intersection and it will not be continued at this time.

Michael Dauner – 182 Hasbrouck Ave., Port Ewen – There has been a lot of development in that area and there is a lot more traffic. He is asking along with his neighbors that the paper street never be allowed to be opened. He does not think that the street could handle any more additional traffic. He understands that there are other parcels back there but it is his opinion that the street cannot handle the traffic and should not be developed any

further.

There were no additional comments.

MICHAEL MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR ALEO, SPECIAL USE PERMIT/SITE PLAN, CASE #2014-06, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Fred.....yes
Dan.....yes
Michael.....yes
Roxanne.....yes

OLD BUSINESS:

CHURCH COMMUNITIES (The Mount Expansion): Case #2013-19 – Special Use Permit/Site Plan – 825-1001 Broadway (US Rt. 9W), Ulster Park; SBL: 72.001-2-13.1

Dennis Larios, Brinnier & Larios, Dan Shuster, Shuster Associates, Mark Barth, Church Communities and Richard Reisley, Esq. and Michael Moriello, Esq. Reisley & Moriello present to represent this application.

FRED MADE A MOTION TO REQUEST THAT MYLES PUTMAN PREPARE COMPLETE THE RESOLUTION FOR CHURCH COMMUNITIES, CASE #2013-19, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Fred.....yes
Dan.....yes
Michael.....yes
Roxanne.....yes

Chairperson Pecora asked Michael Moriello, Esq., if they would be acceptable to extending the final approval until the next meeting on January 14, 2015. Michael Moreillo, Esq., stated that they would be agreeable to this.

FRED MADE A MOTION TO EXTEND THE TIME FOR THE FINAL DECISION FOR CHURCH COMMUNITIES, SPECIAL USE PERMIT/SITE PLAN REVIEW, CASE #2013-19, UNTIL JANUARY 14, 2015 WITH APPLICANTS APPROVAL, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS

FOLLOWS:

- Darin.....yes
- Fred.....yes
- Dan.....yes
- Michael.....yes
- Roxanne.....yes

Fred stated that we are still looking for the applicant to identify the factory parcel and a boundary survey. Dennis stated that we discussed at the last meeting that all the final changes will be added into the final set of plans which will delineate the taxable parcel for the factory. Dennis stated that there were 7/8 Clough Harbour comments, Fred’s comments and a few from Myles notes. These will all be added into the final set. Dennis stated that the clean-up comments from Myles and Clough Harbour will be addressed at with the final submission.

Ulster County Planning Board Comments: 9/3/14

Trail Access: Required Modification

FRED MADE A MOTION THAT WE CONSIDERED THIS REQUEST AND IT IS NOT WITHIN OUR AUTHORITY TO REQUIRE THIS AND THE BOARD SHOULD OVERRIDE IT, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

- Darin.....yes
- Fred.....yes
- Dan.....yes
- Michael.....yes
- Roxanne.....yes

Visual Impact: Required Modification

Darin suggested that applicant put a **Do Not Disturb vegetation** on the plans. We are aware of the fact that we cannot control Central Hudson or other authorized entities. Dan Shuster stated that the applicant cannot be held responsible for the actions of other parties. Mr. Reisley stated that the Town already has laws against tree cutting and if the applicant wants to cut trees they will have to come back before this Board. Roxanne stated that is not the issue, the issue is that the applicant has Route 9W frontage and we cannot control Central Hudson or other entities that are authorized to cut on Route 9W.

Michael Moreillo, Esq. stated that they could put a note on the plans stating that this area should not be disturbed with a caveat that applicant is not responsible for disturbance by other authorized entities.

The Planning Board is in agreement with this Required Modification.
Pell Lane Access: Required Modification

The Planning Board is in agreement with this Required Modification.

Fire Safety: Required Modification

The Planning Board is in agreement with this Required Modification.

Architecture: Required Modification

The Planning Board is in agreement with this Required Modification.

AUYANG: Case #2014-15 – Lot Line Adjustment – 2001 Broadway & 9 Barry Drive, West Park; SBL: 80.001-5-11 & 12

David Dipple was present to represent the applicant.

Applicant is requesting a Time Extension so that he can file his maps with the County.

MICHAEL MADE A MOTION TO GRANT A TIME EXTENSION TO AUYANG, CASE #2014-15, LOT LINE ADJUSTMENT, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Fred.....yes
Dan.....yes
Michael.....yes
Roxanne.....yes

ALEO (Hasbrouck Hill): Case #2014-06 – Special Use Permit for proposed duplex-
Es – Hasbrouck Ave., Port Ewen; SBL: 56.059 Block 4

Khattar Elmassalemah, Praetorius & Conrad, P.C., present to represent this applicant.

Myles reviewed M.L. Putman Consulting Report dated 11/8/14. Copy of report given to applicant and copy placed in file.

Khattar was asked to agree to a Time Extension for the Board’s Decision until the next Planning Board Meeting on January 14, 2015. Khattar stated that they agree to the extension.

Applicant was informed that the Board will need a Letter of Credit. Applicant is to come up with an estimate for public benefit improvements and submit it to this Board who will send it to the Planning Board Engineer for review. Roxanne stated that one part of this

would be for Public Benefit Improvements and the second part of this would be site landscaping and revegetation. We will need two estimates. Fred wanted to make sure that the applicant knew that this is not a joint Letter of Credit.

Fred asked for a benchmark for when construction starts and it should be labeled now. Myles stated that it should be a permanent feature like a sewer access.

Roxanne stated that we received Ulster County Planning Board comments dated 11/5/14. The Ulster County Planning Board’s sole concern with respect to this proposal is the future development of Hasbrouck Avenue. **Required Modification:** As the future buildout of the adjacent vacant parcels along Hasbrouck Avenue occurs; Hasbrouck Avenue should be completed and connected to Prospect Street to complete the grid network for public access.

Following some discussion the Board does not feel that they are in a position to comment on this modification at this time.

FRED MADE A MOTION TO OVERRIDE THE COUNTY REQUIRED MODIFICATION FOR ALEO, CASE #2014-06, SPECIAL USE PERMIT/SITE PLAN STATING THAT THE APPLICANT CANNOT CONTROL PORTIONS OF HASBROUCK AVENUE THAT ARE PRESENTLY UNDEVELOPED BECAUSE THE APPLICANT DOES NOT OWN THOSE PORTIONS OF THE STREET, SECONDED BY MICHAEL. ALL MEMBERS WERE IN FAVOR. MOTION APPROVED BY VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Fred.....yes
Dan.....yes
Michael.....yes
Roxanne.....yes

Chairperson Pecora read the SEQR Resolution dated 11/11/14 for Aleo, Case #2014-06. A signed copy was placed in the file.

MICHAEL MADE A MOTION TO DECLARE A NEGATIVE DECLARATION (DETERMINATION OF NON-SIGNIFICANCE) PURSUANT TO SEQR FOR ALEO, CASE #2014-06, 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:

Darin.....yes
Fred.....yes
Dan.....yes
Michael.....yes
Roxanne.....yes

Khattar mentioned some of the comments remaining from Clough Harbour. The town has a lighting district. Fred stated that Central Hudson will determine and they will be standard lights. Fred stated that the comments that he sees that need to be addressed are the benchmark, construction estimates and 5' depth on copper water main should be shown. Khattar stated that the 5' depth is shown. Fred requested that Khattar talk to Central Hudson regarding whether they are going to go underground or above ground for the utility pole.

MICHAEL MADE A MOTION TO HAVE MYLES WORK WITH FRED AND THE ENGINEER TO PREPARE THE RESOLUTION FOR ALEO, CASE #2014-06, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Fred.....yes
Dan.....yes
Michael.....yes
Roxanne.....yes

BUSICK: Case #2014-09 – Minor re-subdivision – 1725 Broadway (US Route 9W; State Hwy 5508), West Park; SBL: 80.001-3-28.1

Chris Zell and John Busick were present to represent this application.

Myles reviewed M.L. Putman Consulting Report dated 11/8/14. Copy of report given to applicant and copy placed in file.

Chris stated that they received the Health Department Approval and a copy is in the file. Applicant was asked if they have received a letter from DOT. Chris stated that he has spoken with them and a letter will be forthcoming regarding the curb cut.

MICHAEL MADE A MOTION TO REFER BUSICK, CASE #2014-09, SUBDIVISION TO WATERFRONT ADVISORY BOARD AND A COURTESY REFERRAL TO TOWN OF HYDE PARK PLANNING BOARD AND TOWN OF HYDE PARK TOWN CLERK, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Fred.....yes
Dan.....yes
Michael.....yes
Roxanne.....yes

MICHAEL MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR

BUSICK, CASE #2014-06, SUBDIVISION, FOR JANUARY 14, 2015 AT 7:40 PM, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Fred.....yes
Dan.....yes
Michael.....yes
Roxanne.....yes

Applicant was told that there is a \$200.00 Public Hearing fee.

ZBA REFERRALS:

Gabriel Cicale & Kathleen Nealis – 4 Russett Lane, Ulster Park – Variance of Article V Section 123-21 (c)(5)(a) to place an RV Carport in the front yard. Following some discussion the Board has no comment.

PLANNING BOARD LIAISON TO BUILDING DEPARTMENT REPORT:

Fred informed the Board of an applicant before them at Pre-submission Meeting where he had a lot he purchased in Connelly that was illegally put together by the County and needed to be corrected.

Fred informed the Board that Esopus Farms never filed their maps so it is null and void. The Special Use Permit this Board approved at the time we were told that they owned both parcels and when you look it up there are two different names for the owners so with all probability that is null and void. Due to their petitioning New York State Historic Preservation Office for Historic Status we now have a Historic District that now they probably have to go back in front of them if they want to do anything. So the old approval is no good and the new approval doesn't go through this Board until Historic Preservation gives them their approval.

DARIN MADE A MOTION TO ADJOURN SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MEETING ADJOURNED AT 9:00 P.M.

NEXT MONTHLY MEETING: JANUARY 14, 2015

DEADLINE DATE: DECEMBER 30th, 2014 (Tuesday)

NEXT PRE-SUBMISSION: JANUARY 7, 2015

Respectfully submitted:

April Oneto
Planning Board Secretary

