

**PLANNING BOARD MEETING
NOVEMBER 11, 2015**

PRESENT: Roxanne Pecora
 Fred Zimmer
 Michael Minor
 Margaret Yost
 Darin Dekoskie
 Dan Michaud
 Mark Anderson

ALSO PRESENT: Myles Putman, Consultant

Chairperson Pecora 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. Roxanne advised the public of the building's fire exits and roll call was taken.

MINUTES: Chairperson Pecora asked if the Board read the minutes from the October 14, 2015 meeting and if there were any changes or corrections.

MARGARET MADE A MOTION TO APPROVE THE OCTOBER 14, 2015 MINUTES AND SECONDED BY MICHAEL. ALL MEMBERS WERE IN FAVOR. MINUTES PASSED WITH A VOTE OF 7-0.

VOUCHERS:

M.L. Putman Consulting (September,2015).....	\$2,300.00
M.L. Putman Consulting (Tapper).....	\$ 260.00
April Oneto (secretarial services).....	51 1/2 hours

MICHAEL MADE A MOTION TO APPROVE THE VOUCHERS AS READ, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0.

OLD BUSINESS:

SUSAN BRISBOIS: SPECIAL USE PERMIT -15-17 Rifton Terrace, Rifton

Roxanne stated that we received a letter from Tim Keefe, Building Inspector dated 10/21/15. He visited Serenity Scene, Inc. He inspected the property on 10/19/15. The property is clean and well maintained. There are no violations. There are a total of 11 rooms and 2 may be used as double occupancy. Copy of letter was placed in the file. He feels that the applicant should be granted the Special Use Permit.

Margaret visited the site and stated that the home is spotless and Ms. Brisbois has cleaned

up the yard and the porch.

The Board agreed that the motion said that the Special Use Permit would be granted for one year contingent upon a report from the Building Inspector. The Building Inspector has reported to the Board so applicant will receive a letter from the Planning Board stating that the Special Use Permit is granted for a one year period of time for a total occupancy of 13.

SCENIC HUDSON LAND TRUST: Case #2015-08 – Special Use Permit/Site
Plan – 132 River Rd., Ulster Park; SBL:
64.001-1-8.1, 11.1, 12, 13, 14, 64.001-2-1.
11, 7, 13.2

Heather Blaikie was present to represent Scenic Hudson.

Chairperson Pecora stated that we are in receipt of a letter dated 10/20/15 from Kyle Barnett, Town Supervisor, that the Town Board has made a decision to dissolve the entire PUD (Planned Unit Development). Copy placed in the file.

Myles informed the Board that he did not revise Part I of the EAF but he took advantage of the ability to attach additional information at the end of the EAF which describes explicitly all of the properties now being considered under the rezoning petition which was decided by the Town back in October and was recommended to the Town by the Ulster County Planning Board. Myles stated that the documents that were electronically sent to the Board members included Part 2 of the FEAF and Part 3 of the FEAF. He has circulated a Draft Resolution of Environmental Significance which gives basically a Negative Declaration on this project with an attached Negative Declaration Statement the text of which will be put into the ENB once the board takes action on it.

The Board was in agreement to proceed with SEQR. Chairperson Pecora read the Resolution of Determination of Environmental Significance pursuant to SEQR.

MICHAEL MADE A MOTION TO ACCEPT THE RESOLUTION AS READ FOR SCENIC HUDSON LAND TRUST, CASE #2015-08, SPECIAL USE PERMIT/SITE PLAN REVIEW SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

- Michael.....yes
- Roxanne.....yes

Chairperson Pecora signed and dated the Resolution. Planning Board secretary signed the resolution. It will be presented to the Town Clerk to put the date, time and her signature on this document. Negative Declaration Statement is attached to the Resolution.

MICHAEL MADE A MOTION TO REFER SCENIC HUDSON LAND TRUST, CASE #2015-08, SPECIAL USE PERMIT/SITE PLAN REVIEW TO THE ULSTER COUNTY PLANNING BOARD, WATERFRONT ADVISORY BOARD AND ENVIRONMENTAL BOARD SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR SCENIC HUDSON LAND TRUST, CASE 2015-08, SPECIAL USE PERMIT/SITE PLAN REVIEW FOR DECEMBER 9, 2015 AT 7:40 PM SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

BRITT & GRAFF: Case #2015-11 – Site Plan – 2 Liese Lane, Ulster Park; SBL: 63.002-2-2.1

Phil Schaeffer and Raymond Navarra were present representing this application.

Myles reviewed ML Putman Report dated 11/5/15. Copy given to applicant and copy placed in file.

Phil handed out maps and paperwork addressing the comments from the Ulster County Planning Board Review dated 11/4/15. Chairperson Pecora read the Ulster County Planning Board Recommendations. Copy of report given to applicant and copy placed in file.

Mr. Navarra stated that there is no lighting, it is town water and sewer, there is no parking on site since there are no customers on site and there will be no signage. They received a letter from the Port Ewen Fire Department date 11/11/15.

Turning radius was discussed and the Board felt that if the Fire Department can get the fire trucks in and out without a problem that this is not an issue. This is a daytime operation and no customers will be coming to the site. The house is vacant and will remain vacant. There is a motion detector on the outside of the building.

Ulster County Planning Board recommendations were each addressed below:

1. Required Modification: Completeness

Roxanne said that she went back and looked at the Town of Esopus Planning Board minutes and unless someone can find it in our minutes we never said that we were looking for additional materials and clarification from the applicant. They are saying that at this time the application is incomplete. We would not have sent this to the Ulster County Planning Board if we did not feel that it was complete.

MICHAEL MADE A MOTION TO OVERRIDE THIS REQUIREMENT SINCE THIS BOARD FELT THAT THE MATERIALS SUBMITTED WERE COMPLETE. MOTION WAS SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

2. Required Modification: Fire District Review

We agree with this comment and have received a letter from the Port Ewen Fire Department dated 11/11/15. Copy placed in file and copy will be sent to the Ulster County Planning Board with the Referral Response.

3. Required Modification: Parking and Loading/Unloading Area Identification

This is not a retail establishment. There is parking on the map for employees only.

MICHAEL MADE A MOTION TO OVERRIDE THIS REQUIREMENT SINCE THE ORIGINAL MAP SUBMITTED TO THE ULSTER COUNTY PLANNING

BOARD SHOWED THE PARKING AND LOADING. THIS MAP WILL BE RESUBMITTED WITH THE AREA IN QUESTION HIGHLIGHTED. MOTION SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

4. Required Modification: Lot Lines/Subdivision

MICHAEL MADE A MOTION TO OVERRIDE THIS REQUIREMENT SINCE THERE IS NO SUBDIVISION OR LOT LINE ADJUSTMENT TAKING PLACE FOR THIS APPLICATION. MOTION WAS SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

5. Required Modification: Infrastructure

MICHAEL MADE A MOTION TO OVERRIDE THIS REQUIREMENT SINCE THERE IS NO PROPOSED CHANGE IN THE WELL AND SEPTIC. MOTION SECONDED BY MARGARET. A COPY OF THE PORT EWEN WATER SEWER BILLS ARE ATTACHED. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

6. Required Modification: Lighting

MICHAEL MADE A MOTION TO OVERRIDE THIS REQUIREMENT SINCE THERE IS NO ADDITIONAL LIGHTING PROPOSED ON THIS SITE. MOTION SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

7. Required Modification: Signage

DARIN MADE A MOTION TO OVERRIDE THIS REQUIREMENT SINCE THIS IS NOT A RETAIL LOCATION AND THERE WILL BE NO INCREASE IN THE SIGNAGE. MOTION SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO APPROVE THE SITE PLAN FOR BRITT & GRAFF, CASE #2015-10, CONDITIONED UPON RECEIPT OF 6 PAPER MAPS SIGNED BY THE OWNER. MOTION SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

BARRON: Case #2015-10 – Minor Re-subdivision/ Lot Line Adjustment – 14 Lamont Landing and Appletree Dr., Esopus; SBL 71.009-3-5.31 & 3

Applicant was represented by Michael Moriello, Esq., and Chris Zell, Brinnier & Larios. Myles stated that two houses on one lot was one of the issues. Chris stated as to the two buildings on one parcel that is going to be used as an accessory building. It will not be a separate dwelling nor does applicant ever intend to cut that off. Michael Moriello stated that we have limits on accessory use. Chris stated that this building predates zoning. Roxanne stated that we asked the Building Inspector who was present at the last meeting to get back to us about this and we still do not have a response. We asked if the second dwelling on the site is deemed to be an accessory apartment by the Building Department as per Section 123.11.G. If this is the case, we do not have a violation. Building Inspector, Tim Keefe, was present at this meeting and asked to let us know what he determines and get back to this Board and we do not have a response. Chris stated that it has always been this way. Myles stated that this is true but you had created a bigger lot and now you are creating a smaller lot and this lot does not have the land area to support two separate dwellings. If this second dwelling is deemed an accessory dwelling, then we could make a condition placed on the approval that if this ever changes then they will not be allowed to use it as dwelling because this is not a separate dwelling. Michael Moriello stated that they could put a note on the map stating this cannot be used as a dwelling; which would then be in the chain of title. The Board is okay with this condition.

Discussion took place regarding access problem. Chris stated that they still contend that he has access. The lot as shown on the map touches the edge of pavement which is a user road which is a public road. Myles agrees with Chris because when Barbara Patrick, former owner, came in here to create the lots the road reservation area was formalized to appoint 25 feet from the center line on either side of the user defined Town highway which runs on lands owned by a private property owner. This is true for a lot of Towns. Fred disagrees with this. He says that what is shown on the map is that the private property is underneath the pavement. Fred discussed them making the dock a separate parcel and put a note on their plans that the parcel with the dock is not an approved buildable lot and put it in the deed description. Myles stated that this would be highly unusual. It is undersized and it is going against our own code. Fred stated that it is a defined highway. The owner owns the land underneath the road. What is shown that from Lot 3 they run a 10-12 wide strip down to the dock to connect to the dock underneath the pavement. This does not work for him. Michael Moriello stated that the Town has a user right to the road but it does not change the fee ownership to the road. Fred stated that what you own underneath the road does not give the property frontage on the road. Chris stated that you cannot deny a lot on a user highway the right to use the user highway. The Board was told that the present owner is not going to dedicate the road to the Town.

Fred suggested that they set up an escrow account and we send it to Peter C. Graham, Esq. and let him advise us. Michael Moriello, Esq. stated that they could put their position in writing and provide the case law but it seems like they would be spending a lot of money that they should not have to spend. Michael Moriello stated that this is an existing condition and feels the rights to use the road are vested.

Roxanne stated that the Town is maintaining a privately owned road with taxpayers' dollars and she feels that this is an issue. Michael Moreillo stated that the road is privately owned but the right for the public to go on that road is established by the use. This is statutory. Darin and Mike do not agree with Fred about making the lot with the dock on it a private lot. Darin questioned if we should not present this to the Town Board and see if they would even want to accept the road. Michael Moriello stated that we could get an opinion from the Town Board but his client is not going to change his mind about turning the road over to the Town.

MICHAEL MADE A MOTION TO GRANT SKETCH PLAN APPROVAL AS SUBMITTED FOR BARRON, CASE #2015-11, LOT LINE ADJUSTMENT/ SUBDIVISION, SECONDED BY DAN. MOTION PASSED WITH A VOTE OF 4-3. VOTE WAS AS FOLLOWS:

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

Discussion took place about the remaining lot which is a 44 acre vacant lot and whether applicant needs to show that it was a buildable lot. Following review it was felt that they did not need to show that the lot was buildable. Fred requested that applicant move the line out on the map to show that it touches the edge of the pavement. Chris will change the map.

DARIN MADE A MOTION TO WAIVE THE REQUIREMENT FOR BARRON, CASE #2015-11, LOT LINE ADJUSTMENT/SITE PLAN REVIEW TO SHOW THAT THE REMAINING LOT IS BUILDABLE SINCE IT IS 44 ACRES. DAN SECONDED THE MOTION. MOTION PASSED WITH A VOTE OF 6-0-1. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO REFER BARRON, CASE #2015-11, LOT LINE ADJUSTMENT/SUBDIVISION TO WATERFRONT ADVISORY BOARD, COURTESY REFERRAL TO TOWN OF HYDE PARK PLANNING BOARD

AND REQUEST THAT MYLES COMPLETE THE FEAF. MOTION SECONDED BY MARGARET. MOTION PASSED WITH A VOTE OF 6-0-1. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR BARRON, CASE #2015-11, LOT LINE ADJUSTMENT/SUBDIVISION FOR 12/9/15 AT 7:50 PM. MOTION SECONDED BY MARGARET. MOTION PASSED WITH A VOTE OF 6-0-1. VOTE WAS AS FOLLOWS:

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

**ESCAPES REALTY LLC (LEWIS): Case #2015-13- Re-subdivision – 183, 192
Martin Sweedish Rd., Esopus; SBL: 71.003-
5-26.114**

Myles reviewed M.L. Putman report dated 11/7/15. Copy placed in file and copy given to applicant.

Applicant Abram Lewis was present for this application.

FRED MADE A MOTION TO WAIVE THE SCALE OF THE MAP FOR ESCAPES REALTY LLC (LEWIS), CASE #2015-13, RE-SUBDIVISION SECONDED BY MICHAEL. ALL MEMBERS WERE IN FAVOR. MOTION WAS PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

FRED MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR ESCAPES REALTY LLC (LEWIS), CASE #2015-13, RE-SUBDIVISION SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO CLASSIFY ESCAPES REALTY LLC (LEWIS), CASE #2015-13, RE-SUBDIVISION AS AN UNLISTED ACTION PURSUANT TO SEQR, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

Myles stated that when a Public Hearing is scheduled for this application the Highway Superintendent should be informed. We will need a draft deed description to be reviewed by our attorney. Roxanne said that the draft deed description should go to the Town board. Myles stated that the new maps make reference to the past filed subdivision.

MICHAEL MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR ESCAPES REALTY, LLC (LEWIS), CASE #2015-13, RE-SUBDIVISION FOR DECEMBER 9TH AT 8:00 PM, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

Applicant was informed that there is a \$200 fee. Applicant was told that they need to get the deed description and revised maps. Deed description will be given to the Town Board and will need to be reviewed by Town attorney. Myles stated that both maps should include a filed map reference to the previously-approved subdivision plat for Escapes Realty. Road on the maps should be spelled Martin Sweedish Road.

MILLER: Case #2015-09 – Subdivision

No one present for this application.

TAPPER: Case #2015-12 – Proposed “Boutique” Hotel and Restaurant, Special Use Permit/Site Plan Review – 1689 Broadway (US Route 9W), West Park; SBL: 80.001-3-23.1

Alan Dumas, Brinnier & Larios and Michael Moriello, Esq. were present for this application.

Myles reviewed M.L. Putman Report dated 11/10/15. Copy given to applicant and copy placed in the file.

Chairperson Pecora informed them that the Planning Board has not received the \$5,000.00 escrow check. We cannot refer this to the engineer until we receive the escrow check.

MICHAEL MADE A MOTION TO GRANT APPLICANT’S ATTORNEY, MICHAEL MORIELLO, PERMISSION TO CIRCULATE LEAD AGENCY COORDINATION PURSUANT TO SEQR FOR TAPPER, CASE #2015-12, SPECIAL USE PERMIT/ SITE PLAN REVIEW, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

ZBA REFERRAL:

None

PLANNING BOARD LIAISON TO BUILDING DEPARTMENT:

Fred mentioned that we received a letter from Central Hudson and it was agreed that it will be sent to the Building Inspector. We noted that this is the same identical correspondence received yearly with no changes in wording.

MARGARET MADE A MOTION TO ADJOURN THE MEETING SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MEETING ADJOURNED AT 9:25 PM.

NEXT PLANNING BOARD MEETING: DECEMBER 9, 2015

DEADLINE DATE: NOVEMBER 25, 2015

NEXT PRE-SUBMISSION: DECEMBER 16, 2015

Respectfully submitted:

April Oneto
Planning Board Secretary