

**TOWN OF ESOPUS
PLANNING BOARD MEETING
DECEMBER 11, 2013**

PRESENT: Roxanne Pecora, Chairperson
Fred Zimmer
Michael Minor (arrival 7:50 p.m.)
Margaret Yost
Michael Manicone
Darin Dekoskie

EXCUSED: 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 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 November 13, 2013 meeting.

Margaret made corrections to page 6 under Citivision. Joseph Pisani was referred to as Mr. Pisani in some paragraphs and as Joe in other paragraphs. Minutes will be changed to reflect Mr. Pisani for consistency in the record.

MARGARET MADE A MOTION TO APPROVE THE MINUTES OF NOVEMBER 13, 2013 AS AMENDED SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Michael Manicone.....yes
Darin.....yes
Roxanne.....yes

VOUCHERS:

M.L.Putman Consulting (Month of November, 2013).....	\$2,250.00
M.L. Putman Consulting (Month of December, 2013).....	\$2,250.00
Joseph Eriole, Esq. (August – December, 2013).....	\$ 490.00
New York Planning Federation Yearly Fee.....	\$ 250.00
Daily Freeman (Public Hearing Notice – Coppersea).....	\$ 13.05
April Oneto (secretarial services).....	53 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 5-0.

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 at 7:12 p.m.

DARIN MADE A MOTION TO OPEN THE PUBLIC HEARING FOR COPPERSEA DISTILLERY SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Darin.....yes
Roxanne.....yes

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

Chairperson Pecora asked if there was anyone present who wished to speak regarding this application. There was no one present to speak regarding this application.

FRED MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR COPPERSEA DISTILLERY, CASE #2013-16, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0.

OLD BUSINESS:

COPPERSEA DISTILLERY: CASE #2013-16, 1592 BROADWAY (US ROUTE ROUTE 9W; STATE HWY 5508), WEST PARK; SBL: 72.003-1-26

Angus MacDonald and Mr. & Mrs. Ira Weiner present for this application.

Chairperson Pecora stated that at the last meeting we reviewed a letter from the Waterfront Advisory Board with concerns. Roxanne stated that she has spoken with the Chairperson for that Board and she was under the understanding that they wanted the applicants to come back to them to answer their questions. This is not the case. The Chairperson for that Board is satisfied if the Planning Board obtains those answers and

this Board is satisfied with those answers.

Mr. Weiner stated that they are not near Black Creek or the Hudson River and the water that they use is taken from their well. Angus stated that there is no waste water going off site. The water that they spill is on the floor inside pressure washing and would be measureable in ounces not gallons. They use no detergents, no cleaning chemicals, no pesticides basically no chemicals at all. Basically they cook oatmeal and then take it away. They distill the mash in wood vats and to clean them they spray them with a pressure washer and plain water. All of this water is added to the waste mash which is taken off site to Resource Recovery to be disposed of and they pay for this disposal. They use propane for fuel. They use about 1 ½ gallons of propane an hour for five days a week. Fred asked how many gallons of water they use per day. Angus stated that the process water is 350 to 400 gallons per week. Darin asked where they store the clean-up water. Angus stated that it gets added back into the mash. This is stored in IEC totes, 250 gallon cubes. Ira stated that there are no drains in the floor and the whole building is very environmentally clean. Darin asked how much mash do they generate a week. Angus stated that the volume barely changes because you are extracting some portion of 6% to 12% alcohol from your distillers' beer. It is down 6-12% and that is your product. Fred asked what kind of production they have. Angus stated that they are legally limited by their license to produce no more than 36,000 proof gallons a year. A proof gallon is a gallon of 100% spirit. He stated that they are no where close to that and do not expect to be.

The Board felt that they answered the Waterfront Advisory Board questions.

Myles had questions on the completeness of the FEAF. Myles needs this completed so that he can complete Part 2 and 3 of the FEAF. It was agreed that Angus will have Michael Kinstlick schedule himself to come to the next pre-submission meeting so that they will know everything that needs to be answered.

FRED MADE A MOTION TO HAVE MYLES PROCEED WITH THE COMPLETION OF PART 2 AND PART 3 OF THE FEAF AFTER OBTAINING THE REMAINING ANSWERS TO PART 1 SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Darin.....yes
Roxanne.....yes

Margaret returned to the Board.

**CITIVISION: Case #2013-17 – Minor Subdivision – 60 Carney Rd., Rifton;
SBL: 63.003-17, 18 & 19**

Joseph Pisani, Esq. and Barry Meddenbach, Meddenbach & Eggers, was present for this application.

Barry asked if we received a letter from the Highway Superintendent. We have not received a letter at this point.

Myles reviewed M.L. Putman Report dated 12/7/13. Copy was given to applicant and a copy was placed in the file.

Driveway profiles discussed. Barry stated that they had the Highway Superintendent look at the location and there should be a letter forthcoming. Barry stated that the driveways are going to be about 4-5% slope and the ground is very level coming off both of the driveways. Barry mentioned that they have Health Department approval. Map signed by the Health Department in file. This map shows the grade, location of house, well and septic system. Fred would like to see the Health Department map referenced on the file map submitted to this Board.

DARIN MADE A MOTION TO MAKE A DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO SEQR FOR CITIVISION, MINOR RE-SUBDIVISION, CASE #2101-17, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR AND MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Roxanne.....yes

Fred raised the question of the number of occupants allowed in the camp which was brought up at the Public Hearing. Following some discussion it was agreed that the Health Department would determine the number of occupants allowed on site.

Roxanne reminded the Board that we are dealing with a subdivision at this time.

DARIN MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR CITIVISION, CASE #2013-17, MINOR RE-SUBDIVISION CONDITIONED UPON REFERENCE OF THE ULSTER COUNTY HEALTH DEPARTMENT MAP LISTED ON THE FINAL MAPS, LETTER FROM THE HIGHWAY SUPERINTENDENT, RECREATION FEE OF \$2,000, SIX PAPER MAPS AND ONE REPRODUCIBLE MASTER SIGNED BY ALL OWNERS, MOTION SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes

Margaret.....yes
Darin.....yes
Roxanne.....yes

HARE: Case # 2012-09 – 3 Lot Subdivision – 130 Carney Rd., Rifton; SBL: 63.003-5-19

Rob and Izabella hare were present to represent this application. Applicant submitted a letter requesting a time extension.

Fred stated that this Board received the driveway profile. Fred stated that the profile shows a large area of disturbance which changes everything as it is would require a stormwater management prevention plan which could be a lot of time and expensive. Fred suggested that they get permission from the conservancy to move the house to the bottom of the hill. Discussion took place regarding the best way to deal with the driveway for this property so as not to disturb over one acre of land. Rob is going to need to submit to the Planning Board a driveway profile with an area of disturbance less than 1 acre or a SWPPP is going to be required.

Michael Minor arrived at 7:50 p.m.

FRED MADE A MOTION TO GRANT AN EXTENSION OF CONDITONAL APPROVAL FOR HARE, CASE # 2012-09, SUBDIVISION FOR A PERIOD OF 90 DAYS SECONDED BY MICHAEL MANICONE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred..... yes
Margaret.....yes
Darin.....yes
Roxanne.....yes

NEW BUSINESS:

AHMADJIAN: Case #2013-18 – Lot Line Adjustment with Saccoman – 121 & 109 River Rd., Ulster Park; SBL: 56.020-3-22 & 21

Applicant was represented by Collin Houston.

Myles reviewed M.L. Putman Consulting Report dated 12/7/13. Copy of report given to applicant and copy placed in the file.

The owner of an undersized one family residential lot is proposing to convey a small portion of his land to the owner of an even more substantially undersized lot in order to eliminate an encroachment upon the larger parcel by a portion of a dock on the smaller

lot. Applicant submitted a letter for a waiver of the Public Hearing.

Collin Houston feels that the interpretation of the Code 123-35 says “that no lot shall be reduced in area so that it creates a nonconforming bulk or use in violation of any regulations contained in this chapter”. Collin stated that every other Town who writes an ordinance like this puts a comma in and states or takes a pre-existing undersized lot and make it smaller. He stated that the Towns ordinance does not say that. He stated that there is a sale pending on this lot and he talked to the attorneys on both sides and they both agree with his interpretation of the code. He states that the Towns code should be changed. Collin stated that the lot conforms in width, coverage, side yard and rear yard. They are not creating a noncompliance that does not already exist. They are talking about an 8x10 area.

Michael Minor stated that he understands what the applicant is saying and believes that the Zoning Board would approve an area variance. Applicant does not feel that they should have to go to the Zoning Board of Appeals. Fred showed the applicant how it can be reconfigured to make this work. Collin stated that his applicant is giving up everything and Saccoman is not willing to give up anything so Fred’s idea will not work. Collin stated that they tried to do this with a simple easement but Mr. Saccoman would not agree to this. Following further discussion the Board agreed they should look at the language in our code, however, it is the Board’s opinion that the applicant will need to seek an area variance and come back to this Board for a Lot Line Adjustment.

ZBA REFERRALS:

None.

MISCELLANEOUS:

It was agreed by Board members that the Planning Board Meetings starting in January, 2014 will begin at 7:30 P.M.

DARIN MADE A MOTION TO ADJOURN AT 8:25 PM SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR.

NEXT MONTHLY MEETING:

DEADLINE DATE:

NEXT PRE-SUBMISSION:

Respectfully submitted,

April Oneto
Planning Board Secretary

