

PLANNING BOARD MEETING  
DECEMBER 9, 2015

PRESENT: Roxanne Pecora  
Michael Minor  
Margaret Yost  
Darin Dekoskie  
Dan Michaud

EXCUSED: Fred Zimmer  
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 November 11, 2015 meeting and if there were any changes or corrections.

MARGARET MADE A MOTION TO APPROVE THE NOVEMBER 11, 2015 MINUTES AND SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MINUTES PASSED WITH A VOTE OF 5-0.

VOUCHERS:

M.L. Putman Consulting (Scenic Hudson).....	\$ 585.00
M.L. Putman Consulting (November, 2015).....	\$2,300.00
M.L. Putman Consulting (December, 2015).....	\$2,300.00
Public Hearing Fee (Scenic Hudson).....	\$ 200.00
NY Planning Federation Fee,, 2016.....	\$ 250.00
April Oneto (secretarial services).....	49 1/2 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.

MICHAEL MADE A MOTION TO OPEN THE PUBLIC HEARING FOR SCENIC HUDSON, CASE #2015-08, SITE PLAN/SPECIAL USE PERMIT, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR.

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

Chairperson Pecora asked if there was anyone present who wanted to speak regarding his

application.

Larry Quick, 378 Broadway (Miranda Court) said that he has three parcels surrounding by Scenic Hudson. He stated that there are two accesses to the Scenic Hudson property. One is from River Road and one from Route 9W. He stated that originally when Ken Silver had the property surveyed about 1/3 to 1/2 acre that they thought was their property was actually his property which is the access road going to this property. Since Scenic Hudson has merged this property they have made it a public place for people to go through. The Hutterian Brothers have come frequently to his property with wagons, horses, trailers, etc. and gone over his property to get to their property. Now for them to make it more public for more people to go there and access through his property does not work for him. He does not see how they can make it more accessible to people going through his property for access when they have no easement or right-of-way. He said building a parking lot for people on River Road to access trails and they have many trails already. He does not see why they need to make more trails. He said he already has an acre parking lot and if they want to purchase his property they don't even have to build a parking lot. They can come down Route 9W and his property is a parking lot already. He wants to see how they can work this out. Mr. Quick submitted a picture to be made a part of the record. He explained that the picture is of his driveway off of Route 9W. He said they go down his driveway, through his property and there is a road that comes down and goes into his property and through his driveway and back out and this is what they have been using. He stated that four wheelers have been going down there on a daily basis and hunters have been going down there. He stated that in the past week he has found five dead deer in the field. He stated that he is the only one that lives there and he is the only one that has a problem.

Mr. Quick stated that he built a stone wall and Ken Silver had the property surveyed and they thought they owned the access road but he owns the access road. Mr. Quick stated that the Hutterians had never been on his property until it became public access to go on the trails. He was told that they are not proposing that the access be off of Route 9W. He understands that this is not what they are proposing. He stated that everybody that use the trails do not enter through River Road. It is easier for them to come down Route 9W and go through his property to access the trails. They also go through the radio tower property. He says he has been living here for 35 years. He says he is in the senior part of his life. He will be out raking his lawn and all of a sudden there are horses going through his property. He says this is very upsetting for him and not necessary.

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

DAN MADE A MOTION TO ADJOURN THE PUBLIC HEARING FOR SCENIC HUDSON, CASE #2015-08, UNTIL JANUARY 13, 2016 MEETING AT 7:40 PM SECONDED BY MICHAEL. ALL MEMBERS WERE IN FAVOR.

DARIN MADE A MOTION TO OPEN THE PUBLIC HEARING FOR BARRON, CASE #2015-10, SUBDIVISION/LOT LINE ADJUSTMENT SECONDED BY MICHAEL. ALL MEMBERS WERE IN FAVOR.

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

Chairperson Pecora asked if there was anyone present to speak regarding this application. No one was present to speak regarding this application.

MICHAEL MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR BARRON, CASE #2015-10, SUBDIVISION/LOT LINE ADJUSTMENT SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR.

Chairperson Pecora stated that the Planning Board Secretary's hours starting 2016 will be Monday 12-4, Wednesday 9-4 and Thursday 9-1.

MICHAEL MADE A MOTION TO OPEN THE PUBLIC HEARING FOR ESCAPES REALTY LLC, CASE #2015-13, SUBDIVISION SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR.

Chairperson Pecora asked if there was anyone present to speak regarding this application. No one was present to speak regarding this application.

MICHAEL MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR ESCAPES REALTY LLC, CASE #2015-13, SUBDIVISION SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR.

OLD BUSINESS:

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

Heather Blaikie was present to represent Scenic Hudson.

Myles reviewed M.L. Putman Report dated 12/4/15. Copy given to applicant and copy placed in file.

This application will split Lot 4 from the previous subdivision and create Lot 5.

MICHAEL MADE A MOTION TO MAKE A DETERMINATION OF NON SIGNIFICANCE PURSUANT TO SEQR FOR ESCAPES REALTY LLC SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL PLAT APPROVAL FOR ESCAPES REALTY, CASE #2015-13, SUBDIVISION CONDITIONED UPON SUBMISSION TO THE TOWN BOARD FOR ACCEPTANCE OF THE ROAD AFTER REVIEW BY THE TOWN ATTORNEY AND SUBMISSION OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY THE APPLICANTS AND A CHECK FOR \$2,000 RECREATION FEE FOR LOT 5, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR AND MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes  
Michael.....yes  
Dan.....yes  
Margaret.....yes  
Roxanne.....yes

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 did three referrals for this application. Advisory comments received from Ulster County Planning Board for Special Use Permit and Site Plan dated 12/3/15. Comments were the same for both reviews. Copy was given to applicant and copy was placed in file. Letter received from the Waterfront Advisory Board dated 12/3/15. Letter read by Chairperson Pecora. Copy given to applicant and copy placed in file. The Environmental Board will not meet until 12/14 so this Board will need to wait for this Board’s comments.

Discussion took place regarding the issue raised by Larry Quick. The only thing that the applicant can do is discourage public access. It was suggested that Mr. Quick work with Heather Blaikie, Scenic Hudson, to work on a solution for this problem. Heather stated that this is the first time they have heard that there have been trailers and horses on the property. She stated that ATVs are not allowed on the property and hunting is not allowed. She stated that it is their intention to have the other parking lot opened by the end of the winter. The park itself is not public until it is officially opened so people are trespassing. There are signs that have already been put up saying that it is Scenic Hudson property and they are welcomed to use it but there is no access off of Route 9W. Heather stated that hopefully some of these issues can be resolved when they have their opening event and explained to the public where the entrance is. She said there was a chain and they can put up signs. There may be other physical solutions. Mr. Quick stated that someone came to survey the property and put stakes in. They have not been back and he has tried to contact them for 3-4 months. Heather will convey Mr. Quick’s concerns and they will try to come up with a solution.

Mr. Quick stated that they have no right to use his property and a sign has been posted on his property that says the public is welcome to use the property. He said that people have to go down his driveway and through his property to see the sign. Scenic Hudson has not given anyone permission to use his property and this may be an issue to discuss with the Sheriff's Department. Michael stated that the thing to do is to have Mr. Quick get together with Scenic Hudson and try to come up with a solution. Mr. Quick and Heather will share their contact information.

Michael Minor recused himself from the Board for this application.

MILLER: Case #2015-09 – Minor Re-subdivision – 1385 Old Post Rd., Rifton;  
SBL: 71.030-2-6.1

Applicant Richard Miller and Engineer Barry Medenbach were present for this application.

Myles reviewed M.L. Putman Report dated 11/6/15 and 12/3/15. Copy placed in file and copy given to applicant. This month we received the Ulster County Health Department approval for all three lots. We have the access approval.

Darin asked about the limits of disturbance. Barry stated that it was about 2 acres. Darin requested the limits of disturbance and calculations for stormwater. He would like applicant to submit calculations for culverts. Myles would like information from DEC regarding the natural heritage. Barry stated that he has contacted them and has still not received anything.

Darin questioned the Ulster County Public Works permit dated 11/6/15 stating the agency's agreement for the proposed means of access, consisting of a separate driveway for Lot 1 and a shared access drive for Lots 2 and 3 (side-by-side driveway).

Applicant submitted a letter requesting waiver of the length of the flag lots.

Myles stated that in order to schedule a public hearing he needs to complete the SEQR paperwork and he cannot complete this without the information regarding the natural heritage. Barry stated that he has sent two letters to them and they have not responded. He is going to ask a biologist to write a letter and submit it.

DARIN MADE A MOTION TO WAIVE THE MAXIMUM LENGTH OF THE FLAG LOT AS PER SECTION 123-12.D(5) FOR MILLER, CASE #2015-09, RE-SUBDIVISION SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0. VOTE WAS AS FOLLOWS:

Dan.....yes  
Margaret.....yes

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

DAN MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR JANUARY 13, 2015 AT 7:50 PM FOR MILLER, CASE #2015-09, RE-SUBDIVISION SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0. VOTE WAS AS FOLLOWS:

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

Applicant was informed that there is a \$200 Public Hearing fee that needs to be received prior to the meeting. Applicant was informed that when the application is approved there will be a \$2,000 recreation fee per new lot. Mr. Miller asked about setting aside property in lieu of the fee and was informed that we do not do that in the Town of Esopus. He asked what the purpose of the fee was. Myles stated that it goes into a recreation account that supports the maintenance of the existing parks within the Town of Esopus.

NEW BUSINESS:

Michael Minor is back on the Board for this application.

ARONZON: Case #2015-14 – Lot Line Adjustment -23 & 29 Barry Drive, West Park; SBL: 80.001-5-14 & 15

Daniel Aronzon and Christian Jacobi were present for this application.

Myles reviewed M.L. Putman Consulting Report dated 12/14/15 & 12/19/15. Copy placed in file and copy given to applicant.

Applicant was told that the surveyor needs to add the map notes on the maps as listed in his report. Myles prepared a Short EAF Part 2.

MICHAEL MADE A MOTION TO DECLARE THIS AS AN UNLISTED ACTION PURSUANT TO SEQR AND MAKE A NEGATIVE DECLARATION FOR ARONZON, CASE #2015-14, LOT LINE ADJUSTMENT SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Dan.....yes  
Darin.....yes  
Margaret.....yes  
Michael.....yes  
Roxanne.....yes

MICHAEL MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR ARONZON, CASE #2015-14, LOT LINE ADJUSTMENT SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes  
Michael.....yes  
Dan.....yes  
Margaret.....yes  
Roxanne.....yes

MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL PLAT APPROVAL FOR ARONZON, CASE #2015-14, LOT LINE ADJUSTMENT CONDITIONED UPON SUBMITTAL OF 6 PAPER MAPS AND 1 MYLAR WITH CHANGES REFERENCED IN MLP REPORT DATED 12/9/15 AS WELL AS BULK TABLE, SIGNATURES OF ALL OWNERS AND SIGNATURE BLOCK FOR TWO PLANNING BOARD MEMBERS, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Dan.....yes  
Margaret.....yes  
Darin.....yes  
Michael.....yes  
Roxanne.....yes

Applicant requested that Myles send him the memo electronically. Myles will do this.

OLD BUSINESS:

BARRON: Case #2015-10 – Subdivision/Lot Line Adjustment – 14 Lamont Land-  
ing & Appletree Drive, Esopus; SBL: 72.009-3-5.31 & 3

Michael Moriello, Esq. and Chris Zell surveyor were present to represent this applicant.

Roxanne informed applicants that we need a check from them made out to the Town of Esopus for \$650.00 to pay Myles for preparation of Parts 2 & 3 of the EAF which he has completed and the SEQR Determination. Rather than opening an escrow so that we can pay Myles and we need it before the end of the month so that it will be in this year's business.

Myles reviewed M.L. Putman Consulting Report dated 12/4/15. Copy given to applicant and copy placed in the file.

Referral made to the Waterfront Advisory Board and received a response dated 12/3/15. Letter read into the record by Chairperson Pecora. Copy placed in the file. They do not

have any issues with the re-subdivision.

Margaret questioned two dwellings on one lot. The Board was told that the second dwelling is not going to be split off and it will remain the way it has been for many years.

Chairperson Pecora read the Resolution for the Determination of Non-Significance.

MICHAEL MADE A MOTION TO APPROVE THE RESOLUTION OF NON-SIGNIFICANCE AS READ FOR BARRON, CASE #2015-10, MINOR RE-SUBDIVISION/ LOT LINE ADJUSTMENT SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

Resolution was signed and date and will be stamped by the Town Clerk. Original will be placed in the file and copy mailed to the applicant’s attorney.

Applicant was reminded that they needed to make the stonewall change on the maps. He agreed to do this. He was waiting until after tonight’s meeting in case there were other changes.

MICHAEL MADE A MOTION TO GRANT CONDITIONAL FINAL PLAT APPROVAL CONDITIONED UPON MAP CHANGE TO INCLUDE STONEWALL, RECEIPT OF \$2,000 RECREATION FEE AND \$650 FOR M.L. PUTMAN FEE AND RECEIPT OF 6 PAPER AND 1 MYLAR SIGNED BY APPLICANTS SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

ZBA REFERRALS:

Maryanne Staccio – 81 Union Center Road, Ulster Park

Applicant is seeking a variance of Article V, Section 123-21E(2) to be able to build on a land locked parcel that does not have road frontage. They are requesting that the ZBA grant a right-of-way to two parcels through an existing driveway.

Discussion took place regarding this referral. The Planning Board feels that according to Town Code Section 123.21.E(2) and New York State Town Law 280-A states that this is not the way in which to accomplish this. There is another way to look at this and that would be to look at Town Code Section 123-21.E(3) Open Development area in which a request would have to be made to the Town Board..

Myles informed the Board that we will need to refer Escapes Realty LLC , subdivision and Barron subdivision to the Ulster County Planning Board because they are in the 100 year flood zone.

MICHAEL MADE A MOTION TO REFER BARRON, CASE #2015-08, SUBDIVISION AND LOT LINE ADJUSTMENT TO THE ULSTER COUNTY PLANNING BOARD SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes  
Michael.....yes  
Dan.....yes  
Margaret.....yes  
Roxanne.....yes

MICHAEL MADE A MOTION TO REFER ESCAPES REALTY, LLC, CASE #2015-13, SUBDIVISION TO THE ULSTER COUNTY PLANNING BOARD SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0 . VOTE WAS AS FOLLOWS:

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

MICHAEL MADE A MOTION TO CLOSE THE MEETING SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MEETING CLOSED AT 9:35 PM.

NEXT PLANNING BOARD MEETING: JANUARY 13, 2016

DEADLINE DATE: DECEMBER 30, 2015

PRE-SUBMISSION DATE: JANUARY 20, 2016

Respectfully submitted:

April Oneto  
Planning Board Secretary

