

**PLANNING BOARD MEETING
DECEMBER 13, 2017**

PRESENT: **Roxanne Pecora**
 Fred Zimmer
 Melanie Marino
 Darin Dekoskie
 Dan Michaud
 Margaret Yost
 Mark Anderson

ALSO PRESENT: **Myles Putman, Consultant**

Chairperson Roxanne 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.

Chairperson Pecora thanked Co-Chair Fred Zimmer for running the Planning Board Meeting for the last two months in her absence.

MINUTES: Chairperson Pecora asked if the Board read the minutes from the Planning Board Meeting held on November 8, 2017 and if there were any changes or corrections.

MARK MADE A MOTION TO APPROVE THE NOVEMBER 8, 2017 MINUTES AS AMENDED, SECONDED BY MELANIE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0.

VOUCHERS:

M.L.Putman Consulting (Month of November, 2017).....	\$2,500.00
M.L.Putman Consulting (Month of December, 2017).....	\$2,500.00
April Oneto (secretarial services).....	101 1/2 hours

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

PUBLIC HEARINGS:

MARK MADE A MOTION TO OPEN THE PUBLIC HEARING FOR KENNEDY, CASE #2017-14, SPECIAL USE PERMIT/SITE PLAN REVIEW, SECONDED BY MARGARET.

VOTE WAS AS FOLLOWS:

Darin.....yes
Dan.....yes
Melanie.....yes
Mark.....yes
Fred.....no
Roxanne.....yes

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. Chairperson Pecora asked if there was anyone present who wished to speak regarding this application. There was no one present who wished to speak.

DAN MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR KENNEDY, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR.

OLD BUSINESS:

KENNEDY: Case #2017-14 – Special Use Permit/Site Plan – 639 Third Ave., Sleightsburgh; SBL: 56.044-2-24.1

Chairperson Pecora stated that since there is no one present to represent this application before the Board they will be placed on the agenda for the January, 2018 meeting.

MURPHY: Case #2017-09 – Special Use Permit/Site Plan – 676 Broadway (US Rt. 9W; State Hwy 310), Ulster Park; SBL: 63.004-5-16.221

Steve Murphy and Charles Wesley were present for this application.

Myles reviewed M.L. Putman Report dated 12/12/17. Copy was given to applicant and a copy was placed in the file.

(This was previously before the Board for a landscaping supply business presented by David Friedlander who is no longer pursuing this project.)

The submission this month does not show the flood hazard area. We have an updated landscaping plan for the front of the property. Charles Wesley stated the reason that the flood boundaries were not shown is because he looked at the site and saw what they were listed as but he is really not sure they apply any longer since the area has been elevated based on the amount of fill that has been placed on the property. He stated that it is hard for him to believe that the flood plain area relates to the property as it is now. He does not think it is relevant any longer.

Darin stated that the Board is in possession of a letter regarding this property from the DEC dated 9/6/17. The letter basically says that there are some issues that need to be addressed. Steve was told that he will need to work with the Building Inspector regarding this.

Dan stated that he is a little confused about the sequence of events. He sees how the site was developed and cleared and he sees wetlands right through the area. He asked if this was proposed to be moved to the new contour. Dan stated that the map shows that the applicant is proposing to build in the wetland area. Charlie stated that he would think that it would be. Charlie stated that the topography has changed. Steve said it has been at least 6-8 years since they started placing fill there. Dan stated that he has a problem looking at a map that has a proposed storage area developed within the wetland area. Dan asked if this is a regulated boundary. Charlie said this is a question they need to have answered.

Mark stated that in the letter from the DEC it states that the applicant needs to have the wetland boundary validated. They should contact John Fisher, New York State Department of Environmental Conservation to validate where the boundary is. His number is listed in the letter. He may be willing to move the boundary but the Board will need something in writing from New York State Department of Environmental Conservation regarding this. Dan stated that his concern is that the area is technically a mapped wetland and does it need to be changed. Applicant will follow up on this issue. Margaret questioned the federal wetlands. Roxanne stated that they will have to contact the Army Corp of Engineers regarding this and the Board will need something in writing from them. Steve will follow up on this.

Melanie questioned why so many trees were removed. Steve stated that they did leave some trees up but they need to get into the site and they need exposure. Charlie stated that they are planning on submitting a planting plan with new screening that will be better screening than they had before. Fred stated that the plans now show a total of eleven (11) trees one every fifty (50) feet. Fred requested a landscaping plan be submitted. He would like to see the types of plantings and the spacing should be shown. Discussion took place regarding the types of plantings and the possibility of staggering the plantings. Steve stated that until he receives approval for the plan it does not make sense for him to spend money on screening. The Board members reiterated that a Landscaping Plan is needed. Steve said that if he needs to add more landscaping he will. Roxanne stated that this is important because the property is in the overlay zone and we have to follow the code until such time as it is changed.

Steve stated that he will be putting in a 48 foot electric gate and place a sign on the fence.

Margaret referred to the New York State DEC letter received 9/6/17 and on the last there are notations regarding erosion/sediment control requirements. She is wondering if this project will require a construction permit under MS4 regulations. Myles stated that he might be covered by the general permit or he will have to deal with the Town MS4 representative (building inspector).

Applicant was informed that we will need correspondence from New York State Department of Transportation stating that they visited the site and have no issues. Charlie stated that they already started to deal with the state and have received layouts from them.

Fred informed applicant that the State just rewrote the regulations for 360 Solid Waste Transfer Station. He stated that he is not sure exactly what is in the new regulations. He feels that if material is brought into the site the site owner needs to know exactly what is in it.

STEVE MORRIS (“Caffeine”): Case #2017-15 – Special Use Permit/Site Plan (mixed-use occupancy) – 154 Broadway (US Rt. 9W; State Hwy 310), Port Ewen; SBL: 56.059-3-13

Applicant was represented by Steve Haberstroh who is Steve Morris’ partner. He was informed that he will need to submit a letter from Steve Morris giving him permission to represent him in this action.

Myles reviewed M.L. Putman Report dated 12/7/17. Copy was given to applicant and a copy was placed in the file.

Steve stated that there is a street lamp in the parking lot that actually has a light. He stated that it illuminates the parking lot. The downstairs of the house will be the business and the upstairs is an apartment. Steve stated that it is going to be a full coffee menu with cappuccino, espresso, frappuccino, and Starbucks coffee. It will have a full kitchen. They will have a juice bar. The 900 square foot first floor will be divided into a service counter (with seating), several tables (including a partitioned area), a kitchen and bathroom. A total of 20 seats are shown. The business is expected to employ 8 people.

Roxanne asked where they will indicate the sign and parking. Steve stated that the sign will be a gooseneck sign that hangs off the front of the building. Roxanne informed him that the sign details will need to be on the plan. Vehicle access into the site is from Schryver Street and this will need to be indicated to direct the cars. Steve stated that Steve Morris owns the adjacent building which is 156 Broadway. Steve stated that for people coming from Poughkeepsie area they can put a sign on the side of the 152 Broadway building.

Roxanne mentioned that the building he currently owns is in disarray. She would like to know what they plan on doing to restore that building. She would like to see this fixed. They will look at it. Steve stated that he was going to discuss with the Board about exterior improvements to the building to be able to utilize the 1,000 square feet they have to put a patio in front of the 154 and 156 Broadway locations and have the patio go around the corner and have an outdoor courtyard. They were thinking of putting French doors on the side of the commercial building and having an art gallery there. This would be further down the road. Myles stated that he might want to get in touch with the Economic Development Committee to discuss future plans. It was recommended that they encompass their long range plans all in one submission and they can complete the project in stages. This way they do not have to come back to this Board.

Dan questioned if the parking is going to stay gravel. Steve stated that he was under the impression that the Board wanted it paved. He asked if it was necessary to pave it. They will need to look at the storm water runoff. They will need to show handicapped parking and handicapped entrance. The main entrance to the building will be in the back. They will need to provide a glare shielded lighting plan. They need to show the sign and dimensions as well as location. Hours of operation should be noted on the map. Dan mentioned that they might want to put in a bike rack.

P.Z.R. CONSTRUCTION, INC. (Ruggieri): Cases #2017-16 – Subdivision – 360-370
Broadway (US Route 9W; State Highway 310);
159-189 Clay Rd. (Town Hwy 931), Port Ewen;
SBL: 56.083-4-10.121

Applicant represented by Jeff Hogan, Praetorius and Conrad, P.C. and property owner Deborah Ruggieri.

Myles reviewed M.L. Putman Report dated 12/8/17. Copy was given to applicant and copy placed in file.

Jeff stated that the concept plan is to break off the commercial lot to create funds to allow for the future development of residential lands. At this point they do not know how many residential lots, based on the topography, stormwater, engineering issues so they don't really know how many lots could be developed. The goal is to break off Lot #1 and allow that to be sold.

Fred stated that he is concerned about segmentation if we don't conceptually look at some kind of build out for Lot #2. He does not feel that we need to go in depth but we need to make it apparent that we know that this is going to be subject to a re-subdivision.

Fred stated that we will need something in writing from DOT regarding an approved entrance to Lot #1. Jeff stated that he has no problem contacting DOT. Darin suggested that they look at the topography for a drainage easement for Lot #2. Jeff stated that they actually have requested aerial and should be receiving it shortly. They will have 2 foot contours across the whole site. The Board wants to see the contours on the plans. The Board would like to see at least one conceptual house on Lot #2 site.

Myles stated that at this point the applicant has not submitted anything on what will happen with Lot #2. Following this subdivision they could sell Lot #2 as well. He stated that the Board has the right to ask what could happen to Lot #2 and ask for some type of feasible legal sketch layout showing what a re-subdivision and what that might entail. Right now all they have to do is show splitting this into two lots. We know that something can happen to Lot #2. Fred stated that he does not want someone coming back questioning segmentation. He does not feel that we have to go into great detail but this is in a residential neighborhood and there will be some concerns.

Jeff asked if there is a timeframe before they can come back for a subdivision of Lot #2. Myles stated that for this project there is no timeframe. Myles stated that the Lead Agency making the SEQR Determination has to have the evidence there stating that something definitely is going to happen with the other property. He stated that it might be worth doing a baseline analysis just to see what a re-subdivision of Lot #2 could do regarding site disturbance, storm water runoff, water/sewer demands and traffic generation. Myles feels that they might want to do something conceptual for Lot #2 with some basic information.

Applicant should talk to the Town Highway Superintendent for curb cut for Lot #2 and obtain something from DOT regarding Lot #1.

FRED MADE A MOTIOIN TO GRANT SKETCH PLAN APPROVAL AND TO CLASSIFY THIS AS AN UNLISTED ACTION FOR P.Z.R. CONSTRUCTION, INC. (RUGGIERI), CASE #2017-16, SUBDIVISION, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

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

BUILDING INSPECTOR: Sal Morello

Discussion took place regarding Steve Murphy property located at 676 Broadway, Esopus. Mr. Murphy was given an Order to Remedy Violation on 8/2/17 stating that he was in violation of Section 80-12, Land being filled without a Floodplain Development Plan. Following discussion among the Board it was agreed that a letter will be sent to Mr. Murphy informing him that we will not be able to place him on the Planning Board Agenda for this property until such time as this matter is cleared up with the Building Inspector. The letter will be sent Certified Mail/Return Receipt.

It was pointed out that the letter received from DEC regarding this property was submitted to Myles and Sal at the time of pre-submission for this property by Mr. Murphy.

ZBA REFERRALS:

Christopher Carfora – 50 Chambers Road, West Park

Area Variance – Article V Section 123-21 E(2)

Applicant is requesting an area variance of 20 feet to meet access requirements. Current right-of-way is 30 feet wide and 50 feet is required by code. Applicant is planning on selling the property to an individual who would like to build a house.

Following review of the material and discussion the Board recommends that this variance be denied.

DAN MADE A MOTION TO ADJOURN, SECONDED BY MARGARET. MEETING ADJOURNED AT 9:25 PM. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0.

NEXT MONTHLY MEETING: JANUARY 10, 2018

DEADLINE DATE: DECEMBER 27, 2017

NEXT PRE-SUBMISSION: JANUARY 17, 2018

Respectfully submitted,

April Oneto
Planning Board Secretary