

**TOWN OF ESOPUS
PLANNING BOARD MEETING
JANUARY 11, 2012**

BOARD MEMBERS PRESENT: Roxanne Pecora
Fred Zimmer
Margaret Yost
Michael Minor
William Devine
Darin DeKoskie

NEW MEMBER: Rich Williams introduced as new member of the Planning Board.

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

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:10 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 December 8, 2011 meeting.

MIKE MADE A MOTION TO ACCEPT THE PLANNING BOARD MINUTES OF DECEMBER 8, 2011, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Mike.....yes
Darin.....yes
Bill.....yes
Rich.....yes
Roxanne.....yes

VOUCHERS:

New York Planning Federation Dues.....\$175.00
April Oneto (secretarial services).....37 hours

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

OLD BUSINESS:

PORT EWEN HOUSING ("The Meadows"): Case #2006-10 - Major Subdivision - 231 ½ Salem Street, Park Lane, Eugene Street, Cynthia Street, Port Ewen; SBL: 56.06706020

Andrew Fetherson, Maser Consulting and Stanley Schutzman, Esq. were present to represent applicant in this matter. Andrew stated that they have prepared a set of major subdivision plans which they believe address the comments from the 2008 Planning Board Engineer. They updated the stormwater report based on revisions to the plans. Status wise they believe we had the Public Hearing but SEQR was not addressed. They are looking to obtain preliminary approval on plans in order to go to the outside agencies, i.e. Health Department, DEC or County Highway. Andrew stated that there were 26 lots and they have dropped it to 25 lots. One lot will just be a drainage lot and they reconfigured the drainage.

Roxane stated that she is aware that the Planning Board Engineer already has a complete set of these plans but he has been asked to wait until after this meeting before reviewing them so that we can let him know exactly what we need.

Myles reviewed M.L. Putman Consulting Report dated 1/10/12, copy given to applicant and copy placed in file.

Myles stated that since Mountainview (Belleaire Ridge) Project has been closed the sewer connection is an issue. The road system will meet the town specifications but the sharp 90 degree angles on the street lines between "Road B" and "Road A" should be smoothed out into curves, parallel to the pavement edge. The Town Engineer has not identified any major issues with this project and Myles believes that we can resume the paperwork to complete SEQR. He suggests that Part I of the Full EAF should be updated to reflect revised site disturbance.

Andrew stated that they did have a proposal for the sewer. He stated that his client did work with Mountainview. He stated that his client understood clearly that if they could not go through Mountainview they had to design a way to build it or design a pump station. He understands that there is an easement or there will be an easement and he will have to get that to this Board. They are proposing sewer right down through what was Mountainview to the trunk sewer. They did this in plan but also in profile. They are trying to build something now that matches what they were going to do for Mountainview. They wanted to make sure that the sewer that they did was not an obstruction or a problem should Mountainview come back. They are thinking that they will build first and should Mountainview go ahead they would not have a problem. He will clear up where they are with the easement. Myles stated that if the easement goes through they should do their disturbance calculations from that off site work as well.

Fred mentioned that on the dimension plan he does not see a dimension on any lot. Andrew stated that they do not have the metes and bounds on the lots. They owe this to the Board. The square footage is an approximation but Andrew stated that it is quite exact. They also owe the Board the landscaping and the lighting. Fred questioned a pump station for the sewer. Andrew stated that they do not want a pump station. Fred questioned if it would not be cheaper. Andrew asked who would own it. Fred stated that the Town would wind up owning it. Andrew stated that the applicant has instructed him to do a gravity sewer. Mike questioned the angle of the hammerhead. Road B hammerhead entering on the left seems to be tight. He was told that it is the right-of-way that is tight. Fred stated that there is the same situation by Lots #3 and #4 and he does not really see it as a problem as long as the road is built in the right spot. Applicant was informed that we have a new Highway Superintendent. Andrew stated that he was not aware of that but they were designed to the road specs for this project. Fred stated that these are the road specifications that we gave the applicant and he can speak to the new Highway Superintendent if necessary. Fred stated that there will need to be some type of temporary hammerhead at the A road turn around between Lots #5 and #6. Andrew stated that the only reason that turn around is there between Lots #5 and #6 is because the Town Planning Board asked them to put it there for future access to the Town Hall property. Andrew stated that they can move this. Stanley stated that they originally put it at the end of the road showing access to the Town Hall but later in discussions with the Planning Board they were told that they should move the road up. Andrew stated that it was really because of the grades. Shared driveways were briefly discussed. Applicant was told the Planning Board does not want to see shared driveways. Fred stated that the Highway Superintendent needs to be happy with the plans. Andrew will get in touch with the new Highway Superintendent. Stanley asked if they made Road A a shared driveway reserving the full metes and bounds dedicated to the Town if at such a time the connection was made. This way they would be able to resolve both issues right away and let it be plowed by a

private company. Fred stated that they do not want shared driveways. They need to speak with the Highway Superintendent to resolve this issue.

Darin stated that he went through the stormwater plan. Darin stated that some of the pipes were designed for a 10 year storm. He has a little bit of a concern regarding this. Andrew stated that the spec is for 10 years. He stated that they got this from either the Town Code or the engineer. Darin requested that they check with the engineer and make sure he is okay with the 10 year storm. Andrew stated that the smallest pipe on the site is 18". Mike requested that they make sure of the easement with Mountainview and get back to the Board. Andrew will follow up on this. Andrew stated that he was not privy to these discussions and that he told his client that they either needed to do a pump station or obtain an easement. Mike stated that the owner of the other project needs to be made aware that approval of this project will not effect approval of their project should they come back before the Board. Andrew stated that he has shared information with the engineer for the other project in the past and the horizontal alignment of those roads lines up perfectly.

Roxanne stated to move forward the applicant needs to complete Part II and Part III of the EAF. Myles stated that he mentioned in his verbal comments that an amendment needs to be made to Part I of the EAF to reflect the revised plans in terms of vegetation clearing, land alteration, disturbance and some of the project characteristics. The most important thing that the EAF should address is all of the off site disturbance that is going to take place. The work on Eugene and Cynthia Street and the work that is going to take place on Mountainview (a.k.a. Belleaire Ridge) property to get the sewer line connected. Myles questioned if the Board feels that Pete Lilholts' comments need to be solicited at this point. He does not feel that there will be too many major things coming back to us.

Fred questioned if they are going to have a Homeowner's Association. Andrew stated only for the drainage. Andrew questioned if the Town wants a drainage district. He was told that the Town does not want a drainage district. Rich questioned if there is a regulation on the drainage ponds as to how often they need to be cleaned. Andrew stated that maintenance and inspection is required to be in the drainage report. They need to be designed and an instruction booklet goes along with the report. Stanley stated that it will be their preference to create a drainage district and let the Town maintain it and tax those people in this district for the cost of the maintenance. This insures that it is maintained. Stanley stated that they provide for a very aggressive format for an HOA and in default of that they can provide an easement for the Town to come in and do what is necessary.

Stanley asked if the Board tonight is in a position to issue a negative declaration and allow them Preliminary Plat Approval so they can move forward and get to the municipal agencies. Andrew would like to submit to the municipal agencies at the same time this Board sends it to Clough Harbour again so that he has one set of comments to respond to. Stanley stated they feel that the engineering is in pretty good shape and they know that this is an ongoing process before the Board would consider Final Plat Approval but they think they have brought it to the point where they respectfully would ask if the Board would give favorable consideration to a negative declaration tonight and Preliminary so they could move forward. Andrew stated that the Part I EAF is being revised and updated and will get the additional data to this Board. Myles stated that if we want to do a negative declaration we need the SEQR paperwork to back it up. Myles stated in order for him to prepare SEQR Part II and III he needs revised Part I and it is contingent upon whether they are going to go through Mountainview and the disturbance calculations. That EAF is about 3-4 years old and needs to be revised. Roxanne stated that we need the Part I EAF revised with the SEQR information and Myles needs the additional information on the sewer. Myles stated that the SEQR when it states site disturbance, land area affected, should include any and all work done on the Mountainview property. Stanley stated that if they get this information to Myles then they would be in a position to get a negative declaration and close out SEQR next month and they could move forward with their agency approvals.

Fred stated that he would feel more comfortable if we had the report back from Clough Harbour and something from the Town Highway Department and they will need something from the Water/Sewer Superintendent. Stanley stated that they have so much to go through wouldn't it be permissible to be proceeding simultaneously with that review because if they do not get Health Department Approval they are done. Roxanne stated that we do not need SEQR to

get Health Department approval. Roxanne stated that we can do an approval contingent upon Health Department approval. Preliminary approval can be given once the SEQOR is completed. They can meet with the Water/Sewer Superintendent and the Highway Superintendent and obtain letters from them and submit them to this Board.

Darin questioned sending this to Clough Harbour. Roxanne stated that they already have this packet. She needs to give Pete specifics on what this Board wants him to review. Andrew stated that the water and sewer will be reviewed by the Health Department. It seems like there are so many people looking at the same thing. Roxanne stated that we have a 21 page response from Maser and Darin and Fred are engineers and qualified to look at this report. The question is is there anything in their report that we see as an issue to send back to Pete. Roxanne needs to give Pete firm direction. She needs to know specifically what we need him to review. Following some discussion it was agreed that we want him to take the responses as part of preliminary review. Fred stated that the drainage layout now is considerably different than before. Roxanne will communicate with Pete.

Stanley wanted to clarify what they need to do. They will satisfy Myles and they are going to do what they can to clear up as many things as they can for the next meeting but even if the engineer has not responded to the Board's request for review they will have satisfied Myles sufficiently where the SEQOR process can be closed, where the Board could issue preliminary approval subject to the engineer's comments, the Highway Superintendent's review, etc. and that is what we will look for next month. Andrew stated with all due respect to the Planning Board Engineer but there are 21 pages to their response and he can not do a better job than he already has.

CITIVISION: Case #2011-12 - Re-subdivision - 60 Carney Rd. (Town Highway 854),
Rifton; SBL: 63.003-3-18 & 22.1

Myles reviewed M.L. Putman Consulting Report dated 1/6/12, copy given to applicant and copy placed in file.

Barry Meddenbach, surveyor/engineer was present to represent the applicant for this project.. Barry asked if Alan Larkin sent the Planning Board a letter regarding this project. He was informed that the Planning Board did not receive a letter from the previous Highway Superintendent regarding this project. Barry said that they did meet Alan on site and he did not have a problem with it. He will meet with the new Highway Superintendent to obtain this letter. Barry stated that he was hoping that the Board would schedule a Public Hearing for next month. He can resubmit the map with the metes and bounds and the other information. He stated that he did receive Health Department approval (copies in file). The only issue he sees was the driveway. They had wanted to make it a common driveway and the Board asked them to make it up to road standards which they have done. Barry was asked about rare plant or animals. Barry stated that they do a search on their own and he does not remember if anything came back. If there was anything, they will address it.

Mike stated that it looks like Citivision is doing a major subdivision in minor subdivision pieces. Barry stated that Victoria Lane was a completely separate subdivision, separate property not related to the non-profit camp. The Camp is a non-profit camp and they operate based on donations. Two years ago was when the economy fell apart and they could not get enough donations so they have not opened up for two years. They have had some minor events there but they have not brought all of the children up for the summer like they used to. Tom Maharis is at the point where he does not want to run this anymore. Barry stated that he thinks that someone may be purchasing this. He believes the camp is going to stay but different people will be operating. What is left is land that they have accumulated that they do not use. Mike's concern is that they may subdivide this and sell it off a piece at a time. He is concerned about segmentation. Barry stated what generated this at this time is that there is an individual who wants Lot #1. Myles stated that what we are looking at has been the results of subdivisions currently and subdivision previously.

Fred asked if they are planning on dedicating the road to the Town. Barry stated that they have not had that discussion as this point. He further stated that once they put it on the map and file it this would be an automatic offering. He stated that a plotted road is an offering for the Town to come and take it unless they declare that it is

not. Mike stated that the pre-submission process worked well in this case. Roxanne informed Barry that there is a recreation fee of \$4,000.00 fee that will need to be paid when the subdivision is approved. Barry asked if a Public Hearing can be scheduled for next month.

MIKE MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR CITIVISION, CASE #2011-12, MINOR SUBDIVISION, SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

- Rich.....yes
- Fred.....yes
- Margaret.....yes
- Mike.....yes
- Bill.....yes
- Darin.....yes
- Roxanne.....yes

MIKE MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR CITIVISION, CASE #2011-12, MINOR SUBDIVISION FOR 2/8/12 AT 7:10 PM, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

- Rich.....yes
- Fred.....yes
- Margaret.....yes
- Mike.....yes
- Bill.....yes

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

Barry was informed that there is a \$200.00 Public Hearing fee that needs to be paid by the deadline date of January 25, 2012. Roxanne reminded Barry that we will need a letter regarding rare plants or animals and a letter from the Highway Superintendent.

NEW BUSINESS:

THE OMEGA INSTITUTE: Case #2012-01 - Special Use Permit - Educational/Institutional Use on residential property - 858 Cow Hough Rd (town Hwy 827), Dashville area; SBL: 71.002-6-12 & 13.1

Myles reviewed M.L. Putmann Consulting Report dated 1/6/2012, copy given to applicant and copy placed in file. Barry Meddenbach, surveyor/engineer and Skip Backus, CEO Omega Institute, were present for this application.

Applicant is proposing to convert the use and occupancy of a property to a cultural/educational facility operated by a non-for-profit entity. Phase I will consist of renovations to the existing house and construction of a 25 room dormitory as a 16,000 square foot addition to the existing dwelling. The elevation drawings attached to the report depict 2 ½ story structures. Phase II will consist of construction of a second 25 room dormitory having a total floor area of 13,000 sq. ft. Applicant is proposing 50 guest parking spaces and 10 parking spaces for staff/employees. It is possible that the employee count may include an on site caretaker.

Barry stated that the driveway is not 20%. There is a small section that is 15% but it is predominantly 11%. Barry stated that the section that is 15% is about 200 ft. away from the road and it is a small section. Barry stated that the SPDES that they need from the DEC is for the sewage disposal and stormwater is covered under the existing permit. This is a general permit.

Margaret asked if they were planning on building any additional buildings on this site besides the dorms. Barry stated that they will not. Margaret stated that she has gone to the Omega Institute in Rhinebeck and when this came up she was a little concerned. There is parking for 64 and she is wondering what happens to the day commuters that come in. Skip stated that they are not planning on any day commuters. This is a deep retreat center totally different than the Rhinebeck Center. This is totally residential. They are looking at this facility as a deep training center. There may be a company to rent it. They might run some of their typical programs there but this is not like the Rhinebeck Center where there is a large commuter population. There will be the staff and the people who rent the rooms. Margaret stated that she lives in that area and she knows about the traffic on Cow Hough and as you come into that driveway the visibility is such that you are almost on top of the entrance way before you know it is the entrance way. Skip stated that this would depend on what the requirements are. Margaret states that in addition to the vehicle traffic there are a lot of walkers in this area. Barry stated that the way this will be used is that people will come and stay for the period of time they are there. They will not be leaving and coming. This will be a totally different type of Omega than the one in Rhinebeck. Skip stated that this is not the same operation. People will come for the weekend, for five days or seven days depending on the event. Large events will be done at the Rhinebeck site. There will be no campers. Margaret stated that they have the wetlands and the lake at the tip of the property. She is wondering if they will ever provide a road going down. Skip stated that he does not anticipate that type of recreation. The type of recreation would be some type of hiking trail on the property. He does not anticipate any type of activity on the water at all. Margaret questioned the wells. Barry stated that they have not put it on the plans yet since they don't have the exact location yet. They will have to develop the well for public water. They will have to do some extensive pumping tests and quality tests. They will have to go to the Health Department and get a permit because of the number of people that will be using that water it will be classified as public water. Margaret stated that they just put a new entrance into the property with a beautiful stone wall and a gate and wondered if they were going to change that. Skip stated that he does not anticipate any changes unless there is some stipulation from the Planning Board to address any issues that might arise. They actually like the entrance. He stated that this is not a high activity facility that they are looking to create. They are looking to create something that is quiet, still, meditative, retreat-like where people can come and take advantage of some of the programs that don't quite fit what they do in Rhinebeck.

Bill asked how many people they anticipate having during their peak occupancy. Skip stated no greater than they have occupancy for which is 50. Presently the house is a single family house but this will change and become an educational facility. Skip stated that the existing house has four bedrooms and there is a couple living in this house that have two small children. When they finish the redesign there will be no bedrooms. They will be changed into classrooms. Margaret asked if there will be a retail store or a café. She was told that there will be no retail store or café. Margaret asked if they are converting part of the existing building into a kitchen. Skip stated that all the facilities go into the existing building. All the space that is being counted as bedrooms now becomes space to fulfill the function of the facility and the additions are the sleeping quarters. Margaret questioned how many caretakers. Skip stated that it would be either one or a couple. They will be part of whatever the 50 rooms are. They will not have their own quarters.

Roxanne stated that we need lighting details on the plan. She said that they need to see the Town Highway Superintendent for the proposed change of use. They will need the SWPPP. They should contact the local Fire Department. Barry stated that they are going to provide circulation so that vehicles and turn around there. Roxanne stated in all the meetings that she has had with the Fire Departments and the Highway Superintendent they Fire Departments have always deferred to the Highway Superintendent on access since that individual should have all the measurements on the trucks so the Highway Superintendent should be able to answer all these questions.

Rich stated that he is concerned about a parcel this large coming off of the tax rolls. Mike stated that the Town looks very favorable on payments in lieu of taxes.

FRED MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR THE OMEGA INSTITUTE, CASE #2012-01, SECONDED BY MARGARET. MOTION PASSED WITH A VOTE OF 6-1. VOTE WAS AS FOLLOWS:

- Rich.....yes
- Fred.....yes
- Margaret.....yes
- Mike.....yes
- Bill.....abstain
- Darin.....yes
- Roxanne.....yes

Rich stated that he is concerned about a parcel this large coming off of the tax rolls. Mike stated that the Town looks favorably on payments in lieu of taxes. Skip stated that the Board should feel free to speak with the Town of Clinton. Omega participates as a full community member. Skip stated that they make a donation to the Town in lieu of taxes.

Barry stated that he spoke with the architect and we would like to meet with the Fire Department regarding sprinklers, etc. Barry questioned this being an unlisted action under SEQOR and Myles stated that this is his opinion. Barry stated that he needs the State permit or approval and he will need a sign-off from the NYS Department of Parks and Recreation and they will not accept any information from him and he was wondering if the Planning Board could request a review from that agency. He is asking that the Planning Board send a letter to them requesting that they review this project and asking if there are any concerns. Barry stated that if the Board authorizes him to send the letter.

MIKE MADE A MOTION AUTHORIZING BARRY MEDDENBACH TO SEND A LETTER TO NYS DEPARTMENT OF PARKS AND RECREATION REGARDING OMEGA INSTITUTE, CASE # 2012-01, REQUESTING A REVIEW OF THIS PROJECT FOR ANY CONCERNS THAT THEY MAY HAVE, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0.

MISCELLANEOUS:

ZBA REFERRALS:

Dawn M. Ellsworth - 161 Hasbrouck Ave., Port Ewen

1. Area Variance to Section 123-21C5(2) for an accessory structure (chicken coop)
2. Area Variance to Section 123.21C7(b) for a fence over 6 1/2 feet on the lot line
3. Use Variance to Section 123.11C(3)a for keeping and raising fowl - minimum 1 acre required

Following discussion the Planning Board Members have no comment.

RICH MADE A MOTION TO ADJOURN AT 9:20 PM, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. VOTE WAS 7-0.

NEXT MONTHLY MEETING: FEBRUARY 8, 2012

DEADLINE: JANUARY 25, 2012

NEXT PRE-SUBMISSION: FEBRUARY 7, 2012

Respectfully submitted:

April Oneto
Planning Board Secretary