

**PLANNING BOARD MEETING
MARCH 14, 2018**

PRESENT: **Roxanne Pecora
Fred Zimmer
Melanie Marino
Mark Anderson
Dan Michaud
Darin DeKoskie**

ALSO PRESENT: **Myles Putman, Consultant**

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:35 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 Planning Board Meeting held on February 14, 2018 and if there were any changes or corrections.

Mark made a correction to page 1. It should read Dan made the motion to approve the vouchers.

FRED MADE A MOTION TO APPROVE THE FEBRUARY 14, 2018 MINUTES AS CORRECTED, SECONDED BY MELANIE. MOTION PASSED WITH A VOTE OF 6-0.

VOUCHERS:

M.L. Putman Consulting (February, 2018).....\$2,500.00
April Oneto (secretarial services)..... 86 1/2 hours

FRED MADE A MOTION TO APPROVE THE VOUCHERS AS READ, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

PUBLIC HEARINGS:

DAN MADE A MOTION TO OPEN THE PUBLIC HEARING FOR CAFFEINE CAFÉ , CASE #2017-15 – SPECIAL USE PERMIT/SITE PLAN, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

Chairperson Pecora read the public hearing notice and asked if there was anyone present to speak regarding this application.

Steven Haberstroh present representing applicant Steven Morris.

Scott Sammons, Chairman of the Board of Fire Commissioners, Legion Court, Port Ewen - Scott stated that their only concern with this establishment is the parking. He realizes that there is a nice lot in the back being made for parking. They are still a little concerned about cars doing the stop and dash across the street and blocking fire apparatus from exiting the fire houses. He said getting emergency vehicles out when someone is parked there going across the street to get a cup of coffee is a problem.

There was no one else wanting to speak regarding this application.

DAN MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR CAFFEINE CAFÉ, CASE #2017-15, SPECIAL USE PERMIT/SITE PLAN, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

Myles asked if we received comments from the Ulster County Planning Board. Roxanne explained that she spoke to Robert Liebowitz, Ulster County Planning Board, today who explained that they did not meet last month due to the storm. Rob explained that they are meeting tonight. She explained that at the County level Rob stated that there is no County impact and we can proceed. They will follow-up with the paperwork. She stated that there concerns were cut-off lighting and screening in the back. Board members recommended that the Fire Department put up signs on their property. Mr. Sammons acknowledged that they were already planning to do that.

P.Z.R.CONSTRUCTION:

MARK MADE A MOTION TO OPEN THE PUBLIC HEARING FOR P.Z.R. CONSTRUCTION, INC., CASE #2017-16, SUBDIVISION, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

Chairperson Pecora read the Public Hearing Notice and asked if there was anyone present who wishes to speak regarding this application.

Chairperson Pecora read a letter sent to the Board by Karen and Laura Mitchell. Copy of the letter was given to all Board members and a copy was placed in the file.

Jazmine Zaeberer (representing her daughter) – 374 Broadway, Ulster Park - She stated that the land being developed is on the north and west of their property. They are curious about what may be going there. Is it going to be Section 8 residential or commercial property (business)? This greatly affects them. They would like more information. If the information is not available now, how will they be notified as this project moves forward?

Dillion (property owned by Bank of NY) – 354 Broadway, Ulster Park – Concerned about what will be on the other lot. Will it be residential housing, Section 8, business, etc? He is wondering how the remainder property will be subdivided. He would like more information.

Denise Welch – 158 Broadway, Ulster Park – Concerned about the water/sewer, additional traffic on the road and would like additional information regarding further subdivision.

FRED MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR P.Z.R. CONSTRUCTION, INC., CASE #2017-16, SUBDIVISION, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION CLOSED WITH A VOTE OF 6-0.

OLD BUSINESS:

“CAFFEINE CAFÉ” (Steve Morris): 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

Roxanne explained that the comment from the Fire Department has to do with the lot across the street and people parking there and blocking emergency vehicles from exiting. There will be clear signage for the parking area for the Café. Board reiterated suggestion that the Fire Department put up signage as indicated by Mr. Sammons, Fire Commissioner.

FRED MADE A MOTION TO APPROVE THE SPECIAL USE PERMIT/SITE PLAN FOR CAFFEINE CAFÉ, CASE #2017-15, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

P.Z.R. CONSTRUCTION, INC. (Ruggieri): Case #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.

Chairperson Pecora stated that P.Z.R. Construction, Inc. is a registered construction company in Dutchess County. She has material that she printed out and said that if anyone wants a copy of it they can request a copy. It is on the Department of State listing of registered businesses and they are based out of Fishkill, New York. We have checked the owner of the property with the Assessor’s Office and P.Z. R. is the owner of the property.

Roxanne stated that what is before the Board tonight is a subdivision. It is not a site plan so in terms of what the applicant plans was discussed previously by the Board. Applicant is planning

on doing some houses on the property in the future. When questioned regarding the number of houses they stated that they do not know at this time. Myles stated that at the present time it is just a minor two lot subdivision. The Broadway lot is commercial and the other lot is residential. Fred stated that basically at this point in time there is nothing going on and you will not physically see anything. Darin stated that applicant would have to come back for site plan approval for anything in the commercial zone and subdivision approval for multiple lots for the lower portion.

Jeff pointed out the commercial lot and the residential lot. He stated that at this point they have the right to build one house on the residential lot.

Chairperson Pecora read a letter from New York State Historic Preservation Office dated 3/7/18 stating that they have no concerns regarding SEQR (State Environmental Quality Review) for the project as presented to them.. Copy of letter placed in the file.

Myles gave a brief summary regarding this project. The applicant has gotten materials from New York State Department of Environmental Preservation in terms of Region 3 that he was asked to investigate in the Wildlife Office. SHPPO has signed off on this application and the Planning Board is in a position to take action on this project. Myles stated that both lots could be developed as-of-right with a one family home. Myles stated that there was talk about further subdivision and the Planning Board investigated that to look at possible SEQR baseline and possible issues that would need to be looked at in further detail should more intensive development or re-subdivision of either property be redeveloped at a future date.

Darin questioned the watershed listed on the property to the south. He asked if they were on the property. Jeff stated that he believes that they are owned by the property owner.

MARK MADE A MOTION TO MAKE A DETERMINATION OF NON-SIGNIFICANCE (NEGATIVE DECLARATION) PURSUANT TO SEQR FOR P.Z.R. CONSTRUCTION, INC., CASE #2017-16, SUBDIVISION, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

DAN MADE A MOTION TO GRANT APPROVAL FOR P.Z.R. CONSTRUCTION, INC., MINOR SUBDIVISION APPROVAL SUBJECT TO SUBMISSION OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY THE APPLICANT AND A RECREATION FEE OF \$2,000.00, SECONDED BY MELANIE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

**VALETUTTI: Case #2017-12 – Lot Line Adjustment – 161 Hardenburgh Rd.,
Rifton, NY; SBL: 71.001-3-30, 31, 32**

Vincent Valetutti was present.

Myles reviewed ML Putman Consulting Report dated 3/9/18. Copy was given to applicant and copy was placed in file.

Letter received from Meddenbach & Eggers dated 2/27/18 indicating that they have examined the site and find both lots buildable and can support an on-site septic system for a single family home in accordance with New York State Health Department requirements.

Dan questioned the parcel in the back and if it was the same owner. He was told that it was the same owner. Dan stated that it looks like a sizeable parcel and it does not look like it has road frontage. He questioned if there was an easement to the back lot. Applicant stated that one of the other owners of the small lots claims there is an easement. Myles stated that the lots in question are pre-existing lots. Applicant was asked to put a “Z” on the map connecting the lots in question to indicate access.

Applicant requested in writing a waiver of a full boundary survey for tax lot 32 (SBL: 71.01-3-32) where it is combined with proposed lot 2 (SBL: 71.1-3-30/31).

Fred stated that he would like to see a 25 foot easement from the center line of the road. Darin agrees with Fred on this request.

FRED MADE A MOTION TO RESCIND THE REQUEST MADE ON 10/11/17 FOR VALETUTTI, CASE #2017-12, LOT LINE ADJUSTMENT FOR FURTHER TESTING OF THE PROPOSED LOTS FOR SEPTIC DESIGN, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

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

FRED MADE A MOTION TO GRANT THE WAIVER FOR THE FULL BOUNDARY

SURVEY WHEN IT IS COMBINED WITH PROPOSED LOT 2 FOR VALETUTTI, CASE #2017-12, LOT LINE ADJUSTMENT, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

MELANIE MADE A MOTION TO CLASSIFY VALETUTTI, CASE #2017-12, LOT LINE ADJUSTMENT AS AN UNLISTED ACTION AND MAKE A DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO SEQR, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

DARIN MADE A MOTION FOR CONDITIONAL FINAL PLAT APPROVAL FOR VALETUTTI, CASE #2017-12, LOT LINE ADJUSTMENT, CONDITIONED UPON APPLICANT COMBINING TAX LOT 71.001-3-31 AS SHOWN ON THE MAP WHICH WILL BE PROPOSED LOT #2 WITH THE TAX LOT 71.001-3-31, AS WELL AS PROVIDE THE TOWN WITH A 25 FOOT EASEMENT FROM THE CENTER LINE OF HARDENBURGH ROAD ON BOTH LOT 1 AND LOT 2, RECEIPT OF 6 PAPER COPIES AND 1 MYLAR SIGNED BY PROPERTY OWNERS, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

NEW BUSINESS:

FREER: Case #2018-02 – Lot Line Adjustment – 202 & 216 Union Center Rd., Ulster Park; SBL: 63.003-4-9.1 & 9.2

Applicant was represented by Patti Brooks of Brooks & Brooks, PC.

Myles reviewed ML Putman Consulting Report dated 3/7/18. Copy given to applicant and copy placed in file. Myles stated that because of limited frontage for tax lot 9.1 the Board should request a notation on the plat prohibiting further subdivision of tax lot 9.1.

Applicant submitted written request of Waiver of the Public Hearing per Section 107.16A and Waiver of a full boundary survey as a previous survey was completed in 1988.

Myles stated that the Board may want to ask if there was a full boundary survey done. Patti stated that they submitted a copy of the subdivision map that was based on the full survey done in 1988. They did not feel that it was necessary to survey the entire property so they did survey in full the 1.6 acres that is going to be conveyed today but they did not request a full survey of the remaining lands because there is a full survey on file at the Ulster County Clerk's Office and that the property is bounded substantially by stone walls.

DAN MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16A FOR FREER, CASE #2018-02 LOT LINE, ADJUSTMENT, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

DAN MADE A MOTION TO WAIVE A FULL BOUNDARY SURVEY FOR FREER, CASE #2018-02, LOT LINE ADJUSTMENT, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

FRED MADE A MOTION TO DECLARE A NEGATIVE DECLARATION PURSUANT TO SEQR AND CLASSIFY THIS AS AN UNLISTED ACTION, CASE #2018-02, LOT LINE ADJUSTMENT, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

MELANIE MADE A MOTION TO GRANT CONDITIONAL FINAL PLAT APPROVAL FOR FREER, CASE #2018-02, LOT LINE ADJUSTMENT, CONDITIONED UPON A NOTATION ON THE PLAT THAT THERE WILL BE NO FURTEHR RE-SUBDIVISION FOR LOT 9.1, TWO SIGNATURE LINES ON THE MAP FOR PLANNING BOARD MEMBERS, 6 PAPER MAPS SIGNED BY PROPERTY OWNERS AND ONE MYLAR SIGNED BY PROPERTY OWNERS, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

ZBA REFERRALS: None

MISCELLANEOUS:

CARFORA: **50 CHAMBERS ROAD, WEST PARK**
SBL: 80.1-3-27

Chairperson Pecora read Peter C. Graham, Esq e-mail dated 2/26/18 to Salvatore Morello, Building Inspector regarding this property.

“As building inspector, you may only grant a building permit per Esopus Code Section 107-8. Since the owner of the lot on the survey did not obtain Subdivision Approval, he must go to the Planning Board for it now. The Board will address all aspects of the road including width, grade and physical improvements. Waivers or variances may be needed before the planning review and approval is complete.”

Discussion took place regarding this property. Myles stated that there was an ice house on this property in the latter half of the 19th century. He does not know if there was a dwelling on that property. The Town of Esopus did not start regulating subdivision until at least the 1960’s.

Fred questioned the “Open Development Area”. Fred stated that there are about three lots down

there. Myles stated that the effect of an Open Development Area is that you are allowing landowners to get building permits for lots that have no street frontage but access by easement. It does nothing to address the slope, the grade and the width of that road within the easement which throws you right back to Chapter 88.

Roxanne stated that Peter Graham, Esq. says that since this was not an approved subdivision property it needs to go before the Planning Board for a waiver to Section 107-8 for the Town of Esopus for a 30 foot easement and prove practical hardship. Waiver will be slope of grade, turn around for fire apparatus and suitable conditions of the road. He also recommends that a Maintenance Agreement be in effect for the road.

Planning Board is in agreement with the attorney that Christopher Carfora needs to apply to the Planning Board.

MELANIE MADE A MOTION TO ADJOURN SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MEETING ADJOURNED AT 9:00 PM.

NEXT MONTHLY MEETING: APRIL 11, 2018

DEADLINE DATE: MARCH 28, 2018

NEXT PRE-SUBMISSION: APRIL 18, 2018

Respectfully submitted:

April Oneto
Planning Board Secretary