

File

**PLANNING BOARD MEETING
MAY 13, 2015**

PRESENT: Roxanne Pecora, Chairperson
 Michael Minor
 Fred Zimmer
 Darin Dekoskie
 Mark Anderson

EXCUSED: Dan Michaud
 Margaret Yost

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

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 April 8, 2015 meeting and if there were any changes or corrections.

MICHAEL MADE A MOTION TO APPROVE THE APRIL 8, 2015 MINUTES SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MINUTES PASSED WITH A VOTE OF 5-0.

VOUCHERS:

M.L. Putman Consulting (April, 2015).....\$2,300.00
April Oneto (secretarial services).....46 ½ hours

MICHAEL MADE A MOTION TO APPROVE THE VOUCHERS AS READ, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

OLD BUSINESS:

CROSS: Case #2014-18 – Lot Line Adjustment (Time Extension) – 164-166 New Salem Rd., Kingston; SBL: 56.018-1-11.11 & 12.1

Myles explained that the maps were signed but the owners did not file within the timeframe allowed so they are seeking a Time Extension.

Bert Winne was present to represent applicant. Myles reviewed M.L. Putman

Consulting report dated 5/13/15. Copy given to applicant and copy placed in file.

MICHAEL MADE A MOTION TO GRANT A TIME EXTENSION FOR CROSS, CASE #2014-19, LOT LINE ADJUSTMENT SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Darin.....yes
Michael.....yes
Roxanne.....yes

CHURCH COMMUNITIES FOUNDATION INC. ("The Mount Community Expansion"): Case #2013-19 - Special Use Permit/ Site Plan Review – 825-1001 Broadway (US Route 9W) Ulster Park; SBL: 72.001-2-13.1

Chairperson Pecora explained that Peter Lilholt, Planning Board Engineer from Clough Harbour, contacted this board because he received an updated Stormwater Report from Peak Engineering and I informed him that he is to wait to review until the Board decides what they want to do. The Escrow has a balance of \$1,277.52. Chairperson Pecora asked if the Board wants to send this to Pete to have him review or we could do an amendment to the application since the application has already been approved or we could just not do anything.

Fred stated that we need an engineer stamp on the report. Myles stated that general practice is that if this results in physical changes to site layout then it opens the door to a Site Plan Amendment. Roxanne stated that there was discussion if you go back into prior meeting minutes about the Site Plan but when we did the actual approval we did not make any conditions. Now if we want Pete to review this it would be an amendment to the plan since it was not a condition of approval. We do not even have a copy of the updated report. It may have gone directly up to Pete Lilholt. Roxanne stated that when she spoke with Pete Lilholt the applicant did not address all of the questions. Roxanne read an e-mail from Pete Lilholt stating that he received an e-mail dated 5/5/15 and a response letter from Nadine Carney, Peak Engineer, regarding Church Communities project. The email states that apparently a resubmission of plans and a SWPPP addressing Pete's 8/7/14 review letter is forthcoming. Pete is asking for confirmation that the Planning Board wants CHA to review this submission. Roxanne asked Pete to hold off until the Board has an opportunity to discuss this. (Copy of email has been placed in the file.) Darin reviewed the material. Application tabled while Darin reviews material.

After review of the material submitted Darin recommended that we contact Church Communities Foundation and request that they amend their application

and updated the SWPPP and that this Board refer it to Pete Liholt, Clough Harbour for review.

DARIN MADE A MOTION THAT WE INCREASE THE ESCROW ACOCUNT FOR CHURCH COMMUNITES FOUNDATION, INC., CASE # 2013-19 SPECIAL USE PERMIT/SITE PLAN REVIEW BY\$4,000.00 SECONDED BY FRED. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Darin.....yes
Michael.....yes
Roxanne.....yes

Roxanne will contact Hans Boller to discuss this with him. The Site Plan Amendment will just be needed for the SWPPP.

CAFALDO: Case #2015-04 – Minor re-subdivision – 311 River Road (Co. Rd. 81), Ulster Park; SBL: 64.003-3-3

Applicant Bryan Cafaldo was present along with Chris Zell, Brinnier & Larios.

Myles reviewed M.L. Putman Consulting Report dated 3/30/15. Copy of report was given to applicant and copy placed in file.

Fred stated that he has a problem with the shared driveways. Fred stated that he would like to see the driveway run down the property line half on each side. He would like to see it drawn that way and how they build it is entirely up to them.

DARIN MADE A MOTION TO WAIVE THE LENGTH OF THE ACCESS STRIP FOR PARCEL 2 AS PER SECTION 123-21.D(5) FOR CAFALDO, CASE #2015-04, MINOR RESUBDIVISION SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Darin.....yes
Mike.....yes
Roxanne.....yes

It was agreed by the Board that the Road Maintenance Agreement was submitted for information purposes and not for the Planning Board to act upon. Roxanne mentioned that there was a Schedule D noted in this agreement that was not located. Myles stated that this is probably going to be the surveyor's description of the full extent of where it begins and where it ends.

Roxanne questioned slope stabilization measure. Myles recommended that the applicant consider this since there are some steep slopes. It was mentioned that the forms need to be submitted to State Historic Preservation Office (SHPO) and we will need the DEC response regarding threatened and endangered species or habitat. Applicant is responsible for the DEC letter and they will submit a copy to the Board. The Planning Board will contact SHPO with respect to project's location within an area sensitive for cultural resources and to issues that may need to be addressed. Myles and Roxanne will complete this.

Applicant will submit revised drawings showing the driveways.

DARIN MADE A MOTION TO REFER CAFALDO, CASE #2015-04, MINOR RESUBDIVISION TO THE WATERFRONT ADVISORY BOARD SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Fred.....yes
Darin.....yes
Michael.....yes
Roxanne.....yes

ZBA REFERRALS:

None.

PLANNING BOARD LIAISON TO BUILDING DEPARTMENT:

Fred reported that there have been more Certificates of Occupancy (CO's) issued at Tucker Pond. One whole building has CO's.

Michael questioned if Tim Keefe, Building Inspector, spoke with Fred prior to issuance of the CO's? Fred said that he is not required to and he did not. Michael stated that he would like to move that we inform the Town Board that the Liaison Program established between the Planning Board and the Building Department is not working. Roxanne stated that they did not establish it that she did. Fred stated that he does not agree with Michael. Fred and Roxanne feel that it is working and that it is going through due process. Discussion continued regarding this issue. Roxanne stated that this is an issue between the Town Board and the Building Inspector. According to the Town Supervisor the Building Inspector was fully aware that this case was sitting with the attorney for an opinion. This is between the Town Board and the Building Inspector.

Darin asked since the CO's have been granted do we have an actual address to

contact the owners of the property. Fred stated that there is a new address on the reorganization plan. Fred stated that there have been a lot of CO's issued and they are going to continue to be issued prior to everything being done on a plan. Michael stated that prior implies that something will eventually happen. He stated that they had this discussion 15 months ago and you told me that within 60 days you thought that the lighting would be fixed. Michael stated that the issue is that we are supposed to be an independent board. The Building Inspector is required by law to take our comments and implement that before he grants permission. Discussion continued regarding Tucker Pond. Michael read a section of the law and stated that the only board who can grant a waiver of the requirements is the Planning Board and only if the Town Board gives us jurisdiction. Darin asked if the Town Board gave us the jurisdiction and the answer is no. Darin stated that all we can do is make them aware of it. Michael stated that only the Board that makes the decision can be given jurisdiction to waive a requirement. Michael stated that if the identity changes then we are the only Board who can make such changes and we can only do that if the Town Board gives us jurisdiction.

Darin stated that he thinks the difference is substantial changes and non-substantial changes. Darin stated that what Fred is talking about are non-substantial changes as they occur in the field all of the time. Fred stated that a CO can be issued as long as the building is in compliance. The lighting is not a requirement of issuance of a CO for the building. Michael feels that there are issues of health and safety at that site.

Michael stated that he thinks that if we do not enforce our purview as an independent board we might as well go home and stay home. Darin asked why we don't get a short concise letter drafted of the issues that we have; only the major issues and this can be presented to this Board and we can vote on whether to send it to the Town Board for a response. At that point, it will be their job to go to the Building Inspector and ask why these issues were not addressed. Fred stated that the Town Board is well aware of this. Gloria VanVliet stated she had a conversation today with Supervisor Coutant who said that all of the conditions within the building were up to code and Tim was allowed to issue CO's. The landscaping, lighting, etc. outside of the building not being completed could not stop them from receiving CO's for occupancy of the building. Roxanne stated that the Building Inspector has a right because a CO is based on the Building Codes so that if it meets the Building Code then he has a right to issue a CO. We are talking about the overall Site Plan and that it is why Peter Graham is coming back with an opinion and doing research to give us all the options that are available. Fred stated that this is due process. Darin felt that we need to let Peter work on this and see what he comes back with. Roxanne stated that Peter is aware that the landscaping and lighting are an issue. Michael questioned the Homeowners Association and the maintenance of the pond. Fred stated that this is part of the new reorganization plan. Roxanne stated that Peter did say that that document needs to be responded to and he is working on this. We need to

let him do what he is doing. Mark stated that it is very difficult for the Code Enforcement Officer because under Title 19 NYCRR we are required to issue CO's if the project meets the Building Codes and Fire Codes. Requirements established separate by the Town by the Zoning Code do not trump that. He is in a very difficult position because under State Regulations he is required to issue certain documents. Local requirements are not the same. Darin felt that we are doing our job and should wait to see what Peter comes back with.

Mark stated that in one case you issue a Certificate of Occupancy under the Building and Fire Code and then if our local requirements are not met under our Zoning Code and Planning requirements then the Town official would need to issue an Order to Remedy and then eventually an Appearance Ticket and then this would go to Justice Court. This is the avenue you can follow in order to enforce this. Michael asked how long this might take. This could take years.

MARK MADE A MOTION TO ADJOURN AT 8:23 PM SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0.

NEXT PLANNING BOARD MEETING: JUNE 10, 2015

DEADLINE DATE: MAY 27, 2015

NEXT PRE-SUBMISSION MEETING: JUNE 17, 2015

Respectfully submitted by:

April Oneto
Planning Board Secretary