

PLANNING BOARD MEETING
MAY 11, 2016

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

EXCUSED: Robert Brakman

ALSO PRESENT: Myles Putman, Consultant

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:35P.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 13, 2016 meeting and if there were any changes or corrections. There were no changes.

MARGARET MADE A MOTION TO APPROVE THE APRIL 13, 2016 MINUTES SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

VOUCHERS:

M.L. Putman Consulting (April, 2016)\$2,500.00
April Oneto (secretarial services).....66 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 6-0.

OLD BUSINESS:

TAPPER/STILL RIVER LLC: Case #2015-12 - Site Plan/Special Use Permit – 1689 Broadway (U.S. Route 9W; State Hwy 5508), West Park; SBL: 80.001-3-23.1

Applicant represented by Michael Moriello, Esq., and Alan Dumas, Brinnier & Larios.

Myles reviewed M.L. Putman Consulting report dated 5/6/16. Copy given to applicants and copy placed in file.

Myles stated that the new plans submitted this month show the 4 proposed cottages being moved inwards so that the degree of encroachment is significantly eliminated. Myles stated that based on the revised plan they cut the 10 foot high sound attenuating wall back to where it ends will which conform to the setback requirement fo accessory structures.

The Planning Board should refer the revised plan to the Zoning Enforcement Officer for formal determination of compliance on whether the revised cottage locations are in compliance with the required building setbacks as set forth in 123-13.K(3). This determination will then guide the applicant in modifying (or withdrawing) the current request for area variances from the Zoning Board of Appeals.

Michael Moriello stated that the area variance application from what he understands is going to be pulled. Michael said that he felt the ZBA meeting went well but Seth felt that he did not want to ask for something that can be an issue. He asked for them to redo the plans and move the cottages. Michael agrees with Myles interpretation of the in use in a residential district. He will talk to Seth about moving the fence the 10 feet so that he is within the setback. Michael stated that they had a discussion at the ZBA Meeting regarding the parapet wall and agrees with what Myles is saying that it is an accessory use clearly under the zoning. He feels that they will not need any variances. He stated that the plan is to get the additional information that Myles has requested in his review. Joe Diamond's report will be in by the next meeting (Cultural Resource Report). He hopes to get Alan to provide the requested documents and have a Part 2 EAF at least in draft.

Alan Dumas reviewed the diagrams they brought showing the new plans and the relocation of the cottages, showed vegetable gardens, they are at about 0.8 acres of site disturbance. They truncated the wall back for setback. They relocated the pump stations. They modified the pathways to get to the cottages. They submitted a parking summary showing that they have twice the amount of parking required. They have no plans for removing parking. Parking is really an asphalt center with gravel. At some point in time, they may decide that they don't need them. They provided rendering from Scott Dutton's office regarding the fencing. There is an analysis submitted regarding the gross floor area of the restaurant. They have 13,570 feet of gross floor area which is 8,266 in the main house and 5,308 the rest of site. The food establishment is 1,338. He sent Myles PDFs of the maps. Because of the changes he will generate a revised EAF. Myles asked if they were doing some work with the existing septic system. Alan stated that they developed a utilities plan which is not complete yet. The plan will show the locations of the water and sewer lines and the existing system will be slightly expanded. Alan stated that they have generated an erosion and sediment control plan.

Margaret questioned the size of the greenhouse. Alan stated that the greenhouse will be 1,500 sq. feet.

Michael stated that Myles noted the visual assessment that had been done and his client was under the impression that from a visual standpoint they had submitted enough. He wanted to know if this is correct. Following some discussion the Board requested that the

pictures submitted should be labeled as to where they are taken from. They were asked to submit a view from the Vanderbilt Mansion located across the river in Hyde Park.

Roxanne asked if they are planning on repairing the existing stonewall along Route 9W. Alan directed the Board to look at the picture provided with the letter and he feels that it is going to need some repair. Roxanne stated that she thinks putting the fence up destroys the property. Darin and Fred agreed with Roxanne's comment. An in-depth discussion took place regarding the fence and the stone wall. Some Board members expressed their dissatisfaction with the fencing proposed. Discussion also took place regarding where the curb ends and the stonewall ends. Alan will go back and check this detail.

Roxanne stated that she does not agree with the wall and that it does not fit in with the rest of the neighborhood and it is a beautiful entrance into the Town from West Park. She does not agree with the wall behind it. There are two walls there. She feels that it destroys the whole character of the area. She said that she feels that there is a beautiful stone wall in the front and you could build it up higher, repair it and you don't need the fence piece behind it. Michael stated that they need the fence because they do not want to hear the traffic from the road. Michael stated that this is a business decision made by the people who own the property and it is an accessory use according to the Town Code. Michael referred to the sound attenuating wall which is in Section 123.21 of the Town of Esopus Zoning Law, Supplementary Regulations which govern parapet walls which is a sound attenuating wall. The law does not say what it needs to be constructed of. It does state height exceptions. Michael agreed to have his client review wall options.

Fred stated that the southern entrance should be taken out. Alan will have this removed. Roxanne wanted to know if the Board wants a sound study. The Board does not think a sound study is necessary.

Refer to Tim Keefe, Building Inspector, to review comment #34 of ML Putman Review.

OLD STOCKADE DEVELOPMENT: Case #2016-02 – Special Use Permit/ Site Plan - 546 Broadway (U.S. Route Route 9W; State Hwy 310) @ 110-114 Ulster Ave & Cross St., Ulster Park; SBL: 63.002-3-10

Applicant represented by Charles Wesley, Jim Lamb. Jim Lamb handed out documents to all Board members and a copy for the file.

Myles reviewed ML Putman Consulting Report dated 5/5/16. Myles stated that he reviewed the material submitted two weeks ago and he has no comments on what was submitted this evening. Copy of the 5/5/16 report was given to applicant and copy placed in file.

Note: Applicants were before the Zoning Board of Appeals and revised their plans to require only one variance for an undersized lot which was granted. New revised plans submitted to the Planning Board and this was what was reviewed by Myles.

Charlie brought the Boards attention to #18 and #23 of ML Putman Report. He said that if all that is required is 4 parking spaces and they are supplying 10 they can reduce that to 4 spaces then they are below the required number for screening which is 5 and they can eliminate this issue. Charlie stated that all the screening along Ulster Avenue is going to remain. They are existing trees. He stated that the sign will measure 24 inches by 20 feet. He was hoping to put the sign between the tops of the garage door and the eave of the roof but he is not sure if he will be able to accomplish this. He mentioned that they have contacted Brinnier and Larios but they are not sure if they will be able to do this project. They are waiting to hear. At some point, they will engage the services of a licensed engineer to do the site work. They were planning on a 5 foot buffer all the way around but they can certainly increase the width of this strip to 10 feet along the Broadway frontage. If they reduce this, it will reduce the amount of paving. They are proposing Item #4 instead of paving. Now that they are reducing the area, paving could be an option. Fred recommended moving the entrance could be moved 5 feet to the north. Charlie mentioned that there is a turn in that area and he does not want to get too close because of the site distance. They are considering forcing traffic to leave to the north. Discussion took place regarding traffic coming out on that end of Ulster Avenue. The Board would rather see it coming to the south. Site distance is better. Jim stated that they are only projecting about 65 units so visitation per day on the average will be 2-3 vehicles. They are talking about extending the existing fence to the end of the building to close an 8 foot gap. Charlie stated that 31a, b, c, and d will be handled by the engineer. He stated that he will revise the Short EAF.

Myles stated that the applicant will have to write a letter to NYSDEC in Albany for specific information on the endangered or threatened species and/or its associated habitat. Myles stated that he did the files with State Historic Preservation Office (SHPO) and is awaiting their response. The pre and post-development runoff will be dealt with by the engineer.

Jim stated that they are considering a 5-6 feet high ground sign with a couple of lights shining on it and they might be able to eliminate signs on the building. Fred asked if they could investigate the doors that are available and make it look better. Jim stated that one of the main issues with the doors is keeping the elements out. They agreed to investigate what is available.

**STAR ESTATE DEVELOPMENT GROUP LLC: Case #2016-06 – Site Plan/
Special Use Permit – 1835
Broadway (U.S. Route 9W; State Hwy 5508), West Park;
SBL: 80.001-4-5.2**

Michael Moriello, Esq., Alan Dumas, Brinnier & Larios, Charles Ferri, owner and Paul Seres, owner present.

Myles stated that he received the engineers letter 4/27/16 with a number of traffic generation figures. The EAF was updated. There is a response on water quality testing.

Traffic information gave some numbers on the site generated traffic figures and wonders if they are hourly or daily. This is not a capacity study and if someone requests this he would let NYSDOT respond to this. Myles asked Mike Moriello to clarify the need for some of the variances. Need clarification on the rooftop fixtures on the building. Myles stated that the Planning Board is in the middle of Lead Agency Coordination. We have received one response from NYSDEC. The deadline date for responses is May 27th.

Alan stated that Route 9W is busy during the day during the workweek and their main business will take place in the evenings and on the weekends. Alan stated for parking they have 72 spots. Dan questioned the traffic number of 117 cars max on the site per day. Paul stated that this is assuming that people will be coming for dinner and may not be coming in for an event. The cars will not be coming in all at once and employees will be working different shifts. They have a satellite parking component for large events. They are assuming for events there will be 2 ½ people per car and for hotel guests they are allowing one space per hotel room.

Michael stated that they will be submitting a ZBA application for needed variance. Alan said that he will be sending a revised EAF with changes.

Myles stated that he is looking for the visual and cultural studies. Alan stated that Joe Diamond has done a cultural report and Charles presented visuals that are labeled. Charles stated that they own over the railroad tracks right out to the river. There is a pass that goes underneath. They feel that you could get a golf cart down there.

ESCAPES REALTY LLC: Minor Re-subdivision, Case #2016-08 – 183 – 192
Martin Sweedish Rd. (Town Hwy 830), Esopus;
SBL: 71.003-5-26.114

Applicant Abram Lewis-Rosenblum was present.

Myles reviewed ML Putman Consulting Report dated 5/6/16. Copy was given to the applicant and a copy placed in the file.

Myles stated that the application in front of the Board supersedes application Case #2015-13 previously approved by the Planning Board in January of this year. The final plat was never filed and the applicant is modifying the project to create a few additional building lots. Myles pointed out that it looks like Lot #4 will be on both sides of the road. Abram stated that this was a mistake and the second Lot #4 should have a different number. Myles looked at the layout of Lot #4 and Lot #5 given the Federal and State wetlands and as this property is getting further and further subdivided the Board has the right to ask how buildable are these properties and how accessible are the building locations. The Board should start discussing things such as site disturbance and wetland

disturbance. Myles stated that after looking at the map for a long time he feels that if the applicant wants to further subdivide this property he may want to stay with the land on the West side of Martin Sweedish because there is less wetlands. Myles said that the layout in front of the Board this evening is problematic because of the wetlands and how will we get into Lots 4 and 5 to a building area. The EAF has a number of corrections that need to be made.

Abram stated that it looks like he is trying to keep the land that goes underneath the road with the two Lot #4s and this is not his intention at all. Abram stated that Lot #7 will be on the left (second Lot #4). Fred mentioned Lot #3 and a problem getting into that Lot. Abram stated that Lot #3 is an old subdivision and has been filed for a long time. Abram stated that the new plan is essentially exactly what was previously approved but he is adding a lot over the pre-existing house and splitting the big lot into two. Abram stated that the Federal wetlands are mapped and from his understanding he is allowed to fill in 1/4 of an acre and not get a permit. He has to send the Army Corp of Engineers a letter and he does not need to get anything back from them. Abram stated that it will definitely be less than 1/4 of an acre. Darin stated that NYS is anything including the buffer. Abram stated that it is not State wetlands it is Federal wetlands. Abram presented a map for the Federal wetlands that is signed and states that it is valid until 2010. This map is certified and a copy is in the file from the first subdivision.

Applicant asked for a waiver of the maximum plat scale limit.

DAN MADE A MOTION TO WAIVE THE MAXIMUM PLAT SCALE LIMIT TO 100 FEET TO ONE INCH FOR ESCAPES REALTY, CASE #2016-06, MINOR RE-SUBDIVISION, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

Applicant was instructed to submit new maps with lots numbered, show proposed location of house, septic and well and 100% reserve. We need driveways shown, area of disturbance, elevations and 10' contour lines.

Margaret recused herself from the Board.

PITTNER: Case #2016-09 – Lot Line Adjustment – 58 Pokonie Rd, (Town Hwy 870), St. Remy; SBL: 63.006-4-9

Jeff Hogan, Praetorius and Conrad, was present for this application.

Myles reviewed ML Putman Consulting Report dated 5/5/16. Copy given to applicant and copy placed in file.

MARK MADE A MOTION TO CLASSIFY THIS AS AN UNLISTED ACTION PURSUANT TO SEQR AND RENDER A DETERMINATION OF NON-SIGNIFICANCE FOR PITTNER, CASE #2016-09, 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
Dan.....yes
Mark.....yes
Fred.....yes
Roxanne.....yes

FRED MADE A MOTION TO DECLARE THE APPLICATION IN CONFORMANCE WITH STANDARDS OF 107-16.A OF THE SUBDIVISION LOCAL LAW AND GRANT THE REQUESTED WAIVER OF THE PUBLIC HEARING FOR PITTNER, CASE #2016-09, LOT LINE ADJUSTMENT, SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

MARK MADE A MOTION TO GRANT CONDITIONAL FINAL APPROVAL FOR PITTNER, CASE #2016-09, LOT LINE ADJUSTMENT CONDITIONED UPON RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY PROPERTY OWNERS, SECONDED BY ROXANNE. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

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

Margaret returned to the Board.

CUTHELL: Case #2016-10 – Lot Line Adjustment – 152 & 154 River Rd. (Co.Rd.81), Ulster Park; SBL: 64.001-2-12.1 & 13.1

Chris Zell, Brinnier & Larios was present for this application.

Myles reviewed ML Putman Consulting Report dated 5/5/16. Copy given to applicant and copy placed in file.

Chris Zell stated that there were two dwellings on this property to begin with. They are ending up with the same situation that they started with. He is not sure about the house to the south whether it is seasonal or not. He is not sure of the use of that whether it is seasonal or not. It does not look at this time whether it is inhabited at all. He does not know what their plans are. There is no interconnection between the water and sewer. The house on Lot #2 is being renovated. It has a new well and the septic system has been upgraded. The driveway that is shown to the house on the south probably should not have been shown. It is more of a wood road. That house accesses off of River Road and off of the other driveway that bends off to the south to service the Hemlock Point Road. He will provide pictures of this. There are no plans for any construction or connection of the road that is shown off of the loop around the larger house. That road is not going to be used nor is a new road going to be built. Addressing the fact that the lot is only 300 feet in one specific spot and the reason for this is to basically follow the slope there and they did want to include the barn and this is why you have the jutting out. If this became an issue, he is sure that they could hold 300 feet throughout the entire length. The 20 foot wide right-of-way has existed for quite sometime. The easement going to the Nelson property is very general in nature and it appears that it did go from the barn that is now Hemlock Point LLC across to the other barn and out to River Road. This will have to stay and the 20 foot wide right-of-way will stay even though the 3 acre lot will have frontage on River Road. He does not think anybody will build a driveway there.

Chris said that the Board may want to refer this to the Zoning Enforcement Officer but the biggest issue is whether the Board wants the 300 feet throughout the entirety of the lot and if the Board does they can do it. He will provide something that shows access to the Sullivan house off of River Road. They can remove the connecting road in between because it is not going to be used.

Chris said that they will correct the acreage from Mary Bohan that two strips have already been taken out of that parcel but never deducted. They will do their best to put the Central Hudson easement on the larger piece of property. Chris stated that the property lines are going to extend across River Road so that each house has their own river frontage.

******* Refer Cuthill to Tim Keefe .**

ZBA REFERRALS:

Quetzal Saunders

Requesting a variance from Article V Section 123-21C(7) to approve a 7 foot fence within 5 feet of the property line – already built in 2015. After reviewing the

referral material the Planning Board has no comments on this application..

PLANNING BOARD LIAISON TO BUILDING DEPARTMENT:

Fred wrote a Bargain and Sale Deed to be used for taking Highway properties where all we have to do is attach the description. Board members were given copies to review and make comments. When this is completed he will take this before the Town Board.

MISCELLANEOUS:

Edward Aleo – Hasbrouck Hills – Case #2014-06

Mr. Aleo requested a return of part of his Letter of Credit. John Stinemire, Engineer, submitted a letter and certified the work completed. He listed the percentage of work done in each area. Follow some discussion the Planning Board agreed to retain \$10,000 of the Letter of Credit and return the balance. Mr. Aleo will be contacted by Planning Board Clerk.

DAN MADE A MOTION TO RETURN TO EDWARD ALEO , HASBROUCK HILLS, A TOTAL OF \$86,000 BACK FROM HIS ORIGINAL LETTER OF CREDIT FOR \$96,085 (THIS WOULD BE 5% FOR RETAINAGE PLUS 5% EQUALLING \$10,000 UNTIL THE ROAD IS ACCEPTED AND HIS ENGINEER CERTIFIES THAT THIS IS 100% COMPLETED.) MOTION SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

Lipschitz (River Heights)

This file has been opened since 2014 with no activity. Letter received from Michael Moriello, 2015, requesting that the file remain open since they are working on it. It has been another year and letter was sent to close the file. Applicant left a message on voice mail stating that he wants the file left open.

Following a brief discussion it was the decision of the Planning Board to **close** this file. If the applicant chooses to proceed with this project in the future, he will need to file a new application and pay the fees required. Applicant will be notified via mail.

IPA – Forest Park

Inactivity letter sent regarding this project. Nan Potter is no longer involved in this application and the new person representing this applicant is Jess Walker, and Walker Architecture, sent a letter requesting that this application be kept open.

Following a discussion the Planning Board made a decision to **close** this file. If the applicant chooses to proceed with this project, they will have to complete a new application and pay the fees required. Applicant will be notified via mail.

Darin and Margaret will not be present at the Planning Board Meeting in June.

Mark will not be able to do Pre-submission May 18, 2016. Fred will cover for Mark.

DARIN MADE A MOTION TO ADJOURN, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MEETING CLOSED AT 10:05 PM.

NEXT MEETING DATE: JUNE 8, 2016

SUBMISSION DEADLINE DATE: MAY 25, 2016

NEXT PRE-SUBMISSION DATE: JUNE 15, 2016

Respectfully submitted by:

April Oneto,
Planning Board Clerk