

**TOWN OF ESOPUS
PLANNING BOARD MEETING
JULY 10, 2013**

PRESENT: Roxanne Pecora, Chairperson
 Michael Manicone
 Fred Zimmer
 Margaret Yost
 Michael Minor
 Rich Williams
 Darin Dekoskie

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

Chairperson Pecora called the meeting of the Town of Esopus Planning Board to order at 7:05 PM. 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 June 12, 2013 meeting. Margaret stated on page 2, paragraph 3, line 4 change to here; page 4, paragraph 2, second to last sentence should be or the deafening; page 11, paragraph 1, 2 sentence, denude the hill; paragraph 2, last line should end with the word rats; line 3 sentence should say – She is concerned about the campers coming and the way they leave the campground and there will be 20 camp sites. Page 13, last paragraph, line 5 should be eco. On page 14, paragraph 4 sentence 6 should say liquor and a restaurant. On page 19, last paragraph remove extra space in the word no. Fred stated that on page 17, paragraph 1, sentence 5 from the end should be 26 houses not 6.

RICH MADE A MOTION TO APPROVE THE MINUTES OF JUNE 12, 2013 AS AMENDED SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

Fred.....yes
Margaret.....yes
Michael Manicone.....yes
Michael Minor.....yes
Darin.....yes
Richyes
Roxanne.....yes

VOUCHERS:

M.L.Putman Consulting (Month of June, 2013)..... \$2,250.00

Myles Putman Consulting (Esopus Farms).....	\$ 910.00
Clough Harbour (Esopus Farms).....	\$ 198.00
Clough Harbour (Port Ewen Housing).....	\$1,401.11
Eriole Law.....	\$ 714.00
Eriole Law (review of minutes).....	\$ 196.00
April Oneto (secretarial services).....	74 hours

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

PUBLIC HEARINGS:

STONEWALL FARMS (SCHULTZ/PAPLIN): Case #2012-19 – Special Use Permits/Site Plan Review – 219 Hardenburgh Rd., Ulster Park; SBL: 71.001-3-25

RICH MADE A MOTION TO OPEN THE CONTINUATION OF THE HEARING FOR STONEWALL FARMS, CASE #2012-19 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR.

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. Copy of notice was placed in the file. Chairperson Pecora stated that this was a continuation of the Public Hearing from last month. The Board will entertain anything new or that was not said at the last Public Hearing. Those individuals wishing to speak will be given three minutes.

Laraine Goerlick- 230 Hardenburgh Road, Ulster Park - She stated that she had previously spoken before this Board and expressed her objection to the proposed agra tourism business. She wants to express her fears and concerns. From the maps it appears that her property lies directly across what will be a compost station. The compost is to be collected from outlying communities. She fears the attraction of rodents and larger animals. She fears the effects of gray water and animal runoff into her garden, her well and the Swartekill Creek as well as possible destabilization of that ridge. She fears the impact of increased traffic noise, waste and fire danger that could be created by the campers. She fears fire and air pollution from the charcoal production and pellet production. She fears the loss of her property value. This plan is certainly a commercial venture though it may be disguised as a non-profit enterprise. She fears that if the Board approves this project the owners could transfer the land to the non-profit as well as potentially damaging resources they will pay no taxes. She hopes and prays that no one idealizes this project and sees it as some kind of a dream. To her it is a nightmare. Please do not approve this project.

Iris Kimber – 191-193 Hardenburgh Road, Ulster Park – Since the last Public Hearing many neighbors on Hardenburgh Road have gotten together and gone

through the Zoning Laws as they are on the books for our Town and came together with a petition that has been signed by 49 people who live in the area. They are asking that the requested Conditional Use Permit for the Retreat Center and Farm be denied. The requested uses do not meet the requirements established in Chapter 123.13 Paragraph L, M. and O of the Zoning Laws of the Town of Esopus. The requested uses do not meet the criteria established in Section 123.46, Paragraph C of the Zoning Laws of the Town of Esopus. In summary they feel that the change and intensity of use proposed for this property will have a particularly adverse effect on the neighborhood. She handed in the petition. She stated that since that time she has reread his proposal from the last time and she continues to have more concerns. The proposal about the farm animals eating commercial waste and that there are Federal laws that prohibit feeding pigs specifically, waste unless it is properly treated and that is a huge requirement. You have to go through it, boil to temperatures of greater than 180 degrees. There are extreme fire concerns with this because the fire access road does not meet the requirements of the fire codes. The campgrounds do not meet the requirements of the law stated in 2007 of Campgrounds. She only hopes that as a Planning Board that you know the Zoning Laws and you will see that there is no way that the proposal is compatible with any of the laws that exist on the books.

George Wagner – 221-223 Hardenburgh Road, Ulster Park – It seems to him that this is a commercial operation. Stonewall Farms is going to be making charcoal, bio-char, compost, wood pellets and selling these products. They already are selling them on their Web Site. This seems like an industrial operation in a residential neighborhood. They all live there because they wanted a place that is quiet and peaceful and safe. They don't want an operation such as a campground, a retreat, the making of wood pellets, machinery, smoke from charcoal making machines, animals contaminating their wells and all of this traffic in this residential neighborhood. There are plenty of places in Ulster County that this operation can be and it would be fine but not in the middle of a residential neighborhood. Mr. Schultz bought this property knowing that it was a residential area and knowing that this was his master plan to do this in our neighborhood. They can not see anything good that is going to come out of this. They are all deathly afraid of fires. He submitted a map that shows how wooded the area is and to have eight charcoal retorts burning and according to his information almost continuously. Even though it is a swamp if a fire starts there the whole neighborhood is gone. His point is that if this Board grants this variance who is going to police this once it is done. After it is done and signed off on, five years from now who is going to stop him from having 30 pigs, selling more compost, making more pellets, having 20 charcoal retorts. Who will be here to do that? We have to live with this every day. It is their neighborhood and their backyard.

Lydia Gershey – 15 Suominen Lane, Ulster Park – She submitted a copy of the planned area usage that she received from the Zoning Board Meeting. It is very explicit and it complies with everything that she obtained from the Web Site. She

read from a copy of the letter she submitted to the ZBA Meeting. She was shocked when she read the letter and she quoted" we are planning to build a historic village" on the web site. She stated that according to this Planning Board maybe 5-6 acres are useable for housing. Web Site stated something about it being for the Rainbow Community and their allies. She stated that this is an industrial park. That is what this is shaping up to be. She asked does a secular non-profit, village/community complete with a long house, 4 cabins and camping facilities for an average of 72 people plus parking lots, farm animals, wind turbines, commercial compost collection, commercial and industrial production of bio-mass products, charcoal bio-char and wood pelts comply with residential zoning codes or belong in a residentially zoned area. She feels that the use of animals in this way is unethical. To bring in industrial waste, as it was pointed out, not properly treated and fed to these animals so that they can produce manure so that these char pits can be fed to create an industrial product is unethical and outrageous to her.

Lynda Wagner - 706 Old Post Road, Esopus – She has camped all her life. She knows what campgrounds are like. They are not really conducive to backyards so that she can go home at night, put her head on a pillow and get some sleep. The smoke from campsites makes her sick while sitting at the campsite so to have bio-char or anything continuously smoking for the purpose of an eco friendly environment is beyond her comprehension. To have this huge conglomeration like this on 12 acres not 26 is too much. The land can't handle it. If anyone went by this week they can see the runoff from that property all of the way down to Swartekill. There was an accident there this weekend right around the corner because the road conditions there are not great. It is a beautiful community and she does not believe that 26 houses would ever happen on that land because half of it is wet. The previous owner's son told her that his brother tried to build 4 houses in the back and this Town gave him a hard time. She hopes this is not approved.

Laura Covello – 13 Suominen Lane, Ulster Park – She handed in copies of a letter and copies taken from the Web Site. She shares a lot of her neighbors concerns. She states that she has been involved as both participant and organizer in camps and retreats in New York, Maine, Massachusetts and New Hampshire for over 20 years and she is currently the Director of Customer Relations for the Enneagram Institute in Stone Ridge which runs retreats and educational programs for people all over the world. She feels that the goals of the proposal are laudable but the location to be inappropriate. She said from experience running a retreat center in a residential area is highly problematic in a residential area. A camp for children would severely impact the quality of life in the neighborhood certainly in terms of noise and in other ways. An adult camp, which is the one proposed, has additional objectionable features. Childrens' camps have a lights out and adults don't. Things can go all night. This is an adult oriented camp which you can see from looking at the Rainbow information that it is a haven for that and Allies and a safe space for everybody under the

Rainbow Community. This is a designation that applies to her husband and herself and it is painful for her to be so much in opposition to this being in their neighborhood. Farming and creation of bio fuel which would be loud from everything she understands. Creating pellets is an enormously loud process. There are noise concerns, lighting concerns regarding camps. She stated that there are concerns about human waste. She knows that they are planning to have composting toilets but these toilets can not handle a lot of urine and campers urinate in the woods. Because of the wetlands and runoff to neighboring properties this is a concern in this location. She submitted a letter to be given to the Board members and a copy for the file. She stated that it is very personally painful her to have to be in opposition to this project because of its location.

There was no one else wishing to speak on this application.

RICH MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR SCHULTZ/PAPLIN (STONEWALL FARMS) SPECIAL USE PERMIT, CASE #2012-19, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Michael Minor.....yes
Rich.....yes
Darin.....yes
Roxanne.....yes

**HARE: Case #2012-09 – Minor Re-subdivision – 130 Carney Rd., Rifton;
SBL: 63.003-3-4.211**

FRED MADE A MOTION TO OPEN THE PUBLIC HEARING FOR HARE, CASE #2012-09, MINOR RE-SUBDIVISION, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR.

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman. A copy was placed in the file.

Chairperson Pecora asked if there was anyone present who wished to speak regarding this application. There was no one present who wished to speak on this application.

FRED MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR HARE, CASE 2012-09, MINOR RE-SUBDIVISION, SECONDED BY MARAGRET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Rich.....yes
Michael Minor.....yes
Roxanne.....yes

**VANVELSON: Case #2012-27 – Special use Permit/Site Plan – 771 Broad-
Way, Ulster Park – SBL: 64.003-5-19**

**FRED MADE A MOTION TO OPEN THE PUBLIC HEARING FOR
VANVELSON, CASE #2012-27, SPECIAL USE PERMIT/SITE PLAN,
SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR.**

Chairperson Pecora read the Public Hearing Notice placed in the Daily Freeman.
A copy was placed in the file.

Chairperson asked if there was anyone present to speak regarding this
application. There was no one present to speak regarding this application.

**FRED MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR
VANVELSON, CASE 2012-27. SPECIAL USE PERMIT/SITE PLAN,
SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION
PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:**

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Rich.....yes
Michael Minor.....yes
Roxanne.....yes

OLD BUSINESS:

**SCHULTZ/PAPLIN (STONEWALL FARMS): Case #2012-19 – Special Use
Permit/Site Plan, 219 Hardenburgh Rd., Ulster
Park; SBL: 71.001-3-25**

Chairperson Pecora stated that we received Advisory Comments from the Ulster
County Planning Board. The Zoning Board has not yet made a decision.
Chairperson Pecora stated that Trevor submitted a substantial amount of new
information and she stated that it can not be considered because when we went

to Public Hearing we stated that he had a complete file. This meant that this went to the Ulster County Planning Board for review and we cannot submit new material unless it clarifies something within that submission. Chairperson Pecora stated that if Trevor wants the Board to consider the new material submitted we would have to deny his application and he would have to start over again.

Myles stated that it was his understanding that this material was being submitted in order to address concerns being raised by the neighbors at the last public hearing including possible changes to the project. Myles stated that this raises a legal question because we continued the public hearing and now we are receiving new material. This creates a little bit of a legal problem which was referred to the Planning Board Attorney, Joseph Eriole. He stated that if we are going to consider new material we may need to take action on the application that was the subject of the hearing and entertain a new application possibly waiving fees.

Michael Minor stated that he spent several hours on the two Web sites and he is concerned that this is a logical process that he learned about a long time ago called the "straw man argument". You ascribe a position and then beat down the position and then say therefore their position has no validity. They are in both law and logic considered to be not valid. The problem he has with stopping the process is that the public hearing may be about something else other than the initial proposal. If this is not true and it is about the proposal, then we may need to turn it down but having spent a lot of time researching it he does not see this. He is concerned that we may tell Trevor that we can not consider the new materials when in fact the new materials were a clarification of the issues raised at the Public Hearing.

Trevor stated that he is not sure what new material the Board is talking about. He stated that he only submitted material to answer some of the issues raised at the Public Hearing. He stated that they are not changes since the last time. Michael Minor stated that the problem is that we do not allow response to issues raised during the Public Hearing so the only response is to submit something in saying this is not what he is saying. Michael Minor stated that Trevor could have gone and farmed this land in the old way which would not have been very good for the environment. He could have developed it into lots for houses. He does not think that the information submitted by Trevor is new information. He thinks it is clarification of issues raised. Michael Minor stated that the issue is how is the Town of Esopus going to deal with a modern interpretation of an as-of-right usage?

Discussion took place regarding the new material submitted. Trevor stated that the new material was submitted to help clarify some of the issues that were raised at last month's Public Hearing. Fred asked Myles if we are in violation of any Zoning Ordinances. Myles stated that he believes that we have not received anything from the Zoning Enforcement Officer stating that we are in violation.

Fred stated that he would hate to see the setbacks for the pigs or chickens waived. Fred feels that with the concerns expressed by the residents that we should look at what Trevor has produced as mitigation or clarification for some of those concerns. Darin stated that there a number of permits that Trevor needs to obtain. Fred, Darin and Michael Minor feel that we should continue the process.

Roxanne read the County Planning Board Advisory comment from their response dated 6/5/13. Copy has been placed in the file. Chairperson Pecora stated that a letter dated 7/10/13 has been submitted by Mark Anderson and a copy of that letter has been given to all Planning Board members and a copy has been placed in the file.

Following further discussion applicant was asked if he would voluntarily extend the 62 day timeframe for the Planning board to make its decision. Trevor agreed to extend the timeframe to 65 days until our September 11, 2013 meeting. It was suggested that Trevor schedule himself for the next Pre-submission Meeting. He stated that he will call tomorrow and schedule himself for the August meeting.

Darin would like information in terms of the area of disturbance and the total calculation. He would like this looked at and delineated on the plans. He would like information regarding how much wood, etc. will be brought into the site and how much product will leave the site in terms of charcoal, wood pellets, etc. Trevor stated that this was submitted last month. He was told that this information was not reviewed because we were already in the Public Hearing phase of this application.

Fred stated that he read that \$10,000 was required to qualify for the Agrarian Exemption. Fred asked what this was. Trevor stated that it is the amount that a farm has to produce in order to be able to qualify for tax exemption. He will not exceed it but he would like to be able to reach that amount. Michael Minor stated that he needs to have at least \$10,000 to meet the tax exemption but he needs to have less than \$10,000 because this was the maximum he said he would produce. Michael stated that he needs to clarify by making it \$10,001. Margaret questioned that if he exceeds the \$10,000 would he not then be considered commercial. Trevor stated that this figure is for the farm and that the retreat center is the non-profit. Margaret asked if he is including the sale of the charcoal, pellets and compost in this amount. Trevor stated that he is. Margaret asked what the law says about non-profit and commercial. Michael Minor stated what he has is a demonstration project for concepts that relate to how you can be energy efficient using charcoal rather than burning wood. The process of using charcoal for heat produces less greenhouse gases. Margaret stated that then he is using the excess and selling it and selling the compost. Her concern is that this is supposed to be a non-profit organization and once he starts selling the compost, the pellets and compost he is going to be making money. Michael Minor stated that the way he reads the website is that one is a demonstration farm and the other is a community education project. Michael stated that he

could take the full profitability of the farm and roll it into the educational center which is non-profit. Margaret stated that on this one piece of property he is going to have two different ventures. He is going to have the non-profit, education part and then he is going to have the selling part with the compost, charcoal and pellets. Margaret says that when she looks at this all she can see is commercial. Discussion continued regarding these issues. Darin feels that these questions lie in the hands of an attorney.

Trevor was asked to bring some research regarding the charcoal retorts, the size and the smoke that come from the manufacturing process. Trevor stated that he will bring this for the Pre-submission Meeting.

**HARE: Case #2012-09 – Minor Re-subdivision – 130 Carney Rd., Rifton;
SBL: 63.003-5-19**

Rob and Izabella Hare were present to represent this application. Myles reviewed M.L. Putman Consulting Report dated 7/5/13. A copy was given to the applicants and a copy was placed in the file. Myles asked if the Board was happy with the lack of disturbance shown on the map and last month the Board asked for contours to be provided for the driveway profiles.

Fred stated that he does not see proposed septic fields on there. There was a separate map that was received from Peak Engineering. The copy of the map was in the Planning Board file. Fred stated that his question is that at some point you are outside of your building envelope. Rob stated that he discussed this with Paul Kellar, Esq. and it was his recommendation that the septic systems and the wells can all be drilled outside of the building envelope. Fred asked if they need permission from the Wallkill Valley Land Trust for this. Rob stated that the only permission he needed from Wallkill Valley Land Trust was to move the restricted building envelope for proposed Lot RS and they gave that. Rob was told that we will need a letter stating this and that they can place the wells and septic systems outside of the building envelope. Fred stated that there are two places on the driveway that the grades are really steep. Rob stated that he spoke with Chazen Companies but they could not get it done prior to this meeting. Rob stated that the idea of the driveway is that it goes north as shown but then it follows the contour of the hill. It will take a turn at the north in order to reduce the grade. Chazen will work on this and that it can be done.

MICHAEL MINOR MADE A MOTION TO MAKE A DETERMINATION OF NON SIGNIFICANCE NEGATIVE DECLARATION PURSUANT TO SEQR FOR HARE MINOR RE-SUBDIVISION, CASE #2012-09, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0 VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes

Margaret.....yes
Darin.....yes
Rich.....yes
Michael Minor.....yes
Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO GRANT CONDITIONAL FINAL PLAT APPROVAL FOR HARE MINOR RE-SUBDIVISION, CASE #2012-09, CONDITIONED UPON:

1. DRIVEWAY GRADES BE PROVIDED FOR DRIVEWAY ON LOT RW,
2. SURVEYOR STAMP ON THE MAPS
3. LETTER FROM WALLKILL VALLEY LAND TRUST FOR LOT RS TO ALLOW MOVEMENT OF THE RESTRICTED BUILDING ENVELOPE
4. SIGNATURE BLOCK FOR PLANNING BOARD MEMBERS
5. RECEIPT OF 6 PAPER MAPS AND 1 REPRODUCIBLE MASTER SIGNED BY THE OWNERS
6. RECEIPT OF \$2,000.00 RECREATION FEE.

MOTION SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. THE VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Rich.....yes
Michael Minor.....yes
Roxanne.....yes

VANVELSON: Case #2012-27 – Special Use Permit/Site Plan – 771 Broadway, Ulster Park; SBL: 64.003-5-19

Gary and Susan VanVelson were present to represent this application.

Roxanne stated that we received a response from the Waterfront Advisory Board dated 6/26/13 and they have no issues with this application. Letter was placed in the file. The Board received response from Ulster County Planning Board dated 6/18/13 stating that there are no county impacts. Copy of response forms placed in the file.

Applicants were told that this Board can not make a decision until we receive a decision from the Zoning Board of Appeals even though we requested that they make a decision ASAP.

ESOPUS FARMS: Case #2012-27 – Special Use Permit/Site Plan – 1398 &

1466, Ulster Park; SBL: 71.004-4-26 & 31.11

Joseph Pisani, Esq., and James Connors, Chazen Companies, were present to represent this application.

Chairperson Pecora stated that the Board has received correspondence from Anne and Lawrence Hiller dated 7/2/13, Ascension Holy Trinity Parish dated 7/2/13 and another letter from Ascension Holy Trinity Parish dated 7/10/13. We received a FOIL Request from Bond, Schoeneck, and King for every document in the file dated 7/3/13.

Joe Pisani pointed out correction for SEAF Part III, Page 7 line, 4 should be incorporates. On page 7, under C, line 4 should say this is "a" potentially large impact. In the same paragraph, it should say Esopus Farms project is deemed to not be adversely significant. Resolution page 3, line 4 should say amount of retail space.

Joe stated that with respect to the Ascension Holy Trinity Parish letters he intends to answer the letters dated 7/2/13 fully and in detail. He met with the representatives from the church between this meeting and the last meeting and they talked about concerns. They agreed to do what is already a part of the site development plan and they are talking about items 1, 7, 8, (screening and the stone wall on the south side). They want to re-emphasize to the Board and what he has told to the church that they intend to be good neighbors. They intend to respect the sanctity of the cemetery. If there is anything that is going on in the way of a service, with proper notice, they will abate any activity that they possibly can that will in any way interfere with their services. There are things that they have not yet discussed that they may be able to do for them. They will continue discussions with them into the future. The construction process will take at least 2 years and he will remain in contact with them throughout the process. He will share any correspondence that he has with them with this Board.

Fred raised his concern regarding 4D on the Final Resolution. Discussion took place regarding this. Fred felt that this is between the applicant and the Ascension Church but it should not be part of the Planning Board Final Resolution. After some discussion, the majority of the Board members agreed and this was removed from the Final Resolution. E will become the new D in the Resolution. Joe stated that whether it is part of the resolution or not they intend to restore that. Fred stated that this is between the applicant and the church.

Chairperson Pecora read the Resolution for the Determination of Environmental Significance Pursuant to SEQR. Copy placed in the file. Case numbers were changed to 2012-17 & 2012-22.

MICHAEL MINOR MADE A MOTION TO APPROVE THE RESOLUTION OF NON-SIGNIFICANCE (NEGATIVE DECLARATION) PURSUANT TO SEQR

FOR ESOPUS FARMS, LLC, CASE #2012-17 & 2012-22, SECONDED BY FRED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

- Michael Manicone.....yes
- Fred.....yes
- Margaret.....yes
- Darin.....yes
- Rich.....yes
- Michael Minor.....yes
- Roxanne.....yes

Myles stated that he will take care of the ENB Filing of this notice since it has to be done electronically. Myles will work with Planning Board secretary regarding the mailing of this notice to interested parties. Copies of this Resolution will be signed, dated and time submitted placed on resolution and will be filed with the Town of Esopus Town Clerk.

Chairperson Pecora read the Resolution Decision for the Special Use Permit dated 7/10/13. Copy placed in the file.

MICHAEL MINOR MADE A MOTION TO APPROVE THE SPECIAL USE PERMIT FOR ESOPUS FARMS, LLC, CASE #2012-22, AS READ. MOTION SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

- Michael Manicone.....yes
- Fred.....yes
- Margaret.....yes
- Darin.....yes
- Rich.....yes
- Michael Minor.....yes
- Roxanne.....yes

Joseph Pisani extended his thanks to the Board for all their hard work during the process of gaining approval for this project. Michael Minor stated that this is a very large project for this Town and stated that it will change this Town. He encourages them to continue to work with their neighbors in the most positive way possible.

NEW BUSINESS:

BOYLAN & MAUCERI: Case #2013-06 – Lot Line Adjustment – 127 & 129 New Salem Rd. (County Rd. 57); SBL: 56.018-2-35 & 36

Applicant was represented by Walter Eckert, Brinnier & Larios.

Myles reviewed M.L. Putman Consulting Report dated 7/3/13. Copy was given to applicant’s representative and copy was placed in the file.

Myles stated that they are taking an undersized lot and making it even smaller. Walter stated that these lots existed before the zoning. Walter stated that they surveyed both lots and found an encroachment and they are trying to solve that problem. Walter asked if it would be in their best interest to keep the lot the same size and make a minor adjustment in the lot line to deal with the encroachment.

Discussion took place regarding the best way to deal with this issue. He will need to adjust the application so that there is no net loss in the change in lot areas and resubmit. Darin would like them to put setbacks on the map. They need existing and change setbacks.

DARIN MADE A MOTION TO REFER BOYLAN & MAUCERI LOT LINE ADJUSTMENT CASE #2013-06 TO THE WATERFRONT ADVISORY BOARD SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

- Michael Manicone.....yes
- Fred.....yes
- Margaret.....yes
- Darin.....yes
- Rich.....yes
- Michael Minor.....yes
- Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR BOYLAN & MAURCERI LOT LINE ADJUSTMENT CASE #2013-06 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

- Michael Manicone.....yes
- Fred.....yes
- Margaret.....yes
- Michael Minor.....yes
- Rich.....yes
- Darin.....yes
- Roxanne.....yes

BERRY: Case #2013-07 – Lot Line Adjustment – 56 & 60 Maple Street, Rifton; SBL: 71.030-1-1 & 2

John Berry was present to represent this application.

Myles read M.L. Putman Consulting Report dated 7/5/13. A copy of this report was given to applicant and a copy was placed in the file.

Applicant needs to identify the line to be deleted on the map.

MICHAEL MINOR MADE A MOTION TO CLASSIFY THIS AS AN UNLISTED ACTION UNDER SEQR FOR BERRY CASE #2013-07 LOT LINE ADJUSTMENT SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Michael Minor.....yes
Rich.....yes
Darin..... yes
Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO WAIVE THE PUBLIC HEARING AS PER SECTION 107.16.A FOR BERRY LOT LINE ADJUSTMENT CASE #2013-07 SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Rich.....yes
Michael Minor.....yes
Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO MAKE A DETERMINATION OF NON-SIGNIFICANCE (NEGATIVE DECLARATION) PURSUANT TO SEQR FOR BERRY LOT LINE ADJUSTMENT CASE #2013-07 SECONDED BY ROXANNE. ALL MEMBERS WERE IN FAVOR. VOTE PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Rich.....yes

Michael Minor.....yes
Roxanne.....yes

MICHAEL MINOR MADE A MOTION TO GRANT CONDITIONAL FINAL PLAT APPROVAL FOR BERRY LOT LINE ADJUSTMENT CASE #2013-07 CONDITIONED UPON MAPS SHOWING LOT LINE TO BE DELETED, SIGNATURE BLOCK FOR TWO PLANNING BOARD MEMBERS, CONSENT TO FILE BLOCK AND RECEIPT OF 6 PAPER MAPS AND ONE REPRODUCIBLE MASTER SECONDED BY RICH. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....yes
Margaret.....yes
Darin.....yes
Rich.....yes
Michael Minor.....yes
Roxanne.....yes

Roxanne informed the applicant that the maps were good for 180 days under conditional final plat approval. Maps must be returned to the Planning Board for signatures and then must be filed with the Ulster County Clerk 62 days after signing by the Board.

FERGUSON: Case #2012-08 – Special Use Permit/Site Plan – 1723 Broadway, West Park; SBL: 80.001-3-23.1

Maria Ferguson was present for this application. Applicant was given a copy of M.L. Putman Review dated 7/5/13 and a copy of it was placed in the file.

Chairperson Pecora informed the applicant that the only thing that the Board can do this evening on this application is establish an Escrow Account for legal fees. The Planning Board attorney will be present at all meetings concerning this application.

RICH MADE A MOTION TO ESTABLISH AN ESCROW ACCOUNT FOR FERGUSON, CASE #2013-08, SPECIAL USE PERMIT/SITE PLAN REVIEW IN THE AMOUNT OF \$3,000 SECONDED BY DARIN. VOTE FOR THIS MOTION WAS 6-1. VOTE WAS AS FOLLOWS:

Michael Manicone.....yes
Fred.....no
Margaret.....yes
Darin.....yes

Rich.....yes
Michael Minor.....yes
Roxanne.....yes

Fred feels that we should be able to deal with an application for a Bed and Breakfast without an attorney.

ZBA REFERRALS:

None

MISCELLANEOUS:

Planning Board discussed with Councilperson Gloria VanVliet the issue with VanVelson who was very upset because they did not understand the procedure requiring the variance. They were before the ZBA at their last meeting and they were not able to make a decision which meant that this Board could not make a decision. It is felt that the ZBA should be able to act in less than a 3 month period of time on occasion for simple variances.

We have been told that the ZBA has stated that they will not make a decision until the Planning Board makes its decision. This Board cannot make a decision without a decision from the ZBA. There is some confusion and Gloria was asked to check into this.

Gloria asked if it was possible that Myles sit with the ZBA and review some of the issues that have arisen. Roxanne stated that she has spoken with Joe Guido Acting Chairman for the Zoning Board of Appeals and told him that Myles is under contract and has the authority to work with the ZBA. A copy of Myles' contract has been given to the ZBA. They will need to establish Escrow Accounts to pay for this assistance.

Port Ewen Housing “The Meadows” – Drainage District

Discussion took place regarding the creation of a drainage district for this project. Following some discussion it was agreed that Fred will be present at the next Town Board Workshop Meeting and Darin will submit a letter since he will not be able to attend.

Planning Board Attendance:

Margaret and Rich will not be present at the August Planning Board Meeting. Margaret informed the Board that she is not sure what is going to happen come September since her work schedule has changed. She will let the Board know when this is decided.

Michael Minor will not be present at the August and September Pre-submission Meeting and will not be present for the September Planning Board Meeting.

RICH MADE A MOTION TO CLOSE THE MEETING AT 10:00 PM SECONDED BY DARIN. ALL MEMBERS WERE IN AGREEMENT.

NEXT MONTHLY MEETING: AUGUST 14, 2013

DEADLINE DATE: JULY 31, 2013

NEXT PRE-SUBMISSION: AUGUST 7, 2013

Respectfully submitted:

April Oneto
Planning Board Secretary