

**PLANNING BOARD MEETING
SEPTEMBER 12, 2016**

PRESENT: **Roxanne Pecora**
 Mark Anderson
 Margaret Yost
 Darin Dekoskie
 Dan Michaud
 Robert Brakman

EXCUSED: **Fred Zimmer**

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 August 10, 2016 and if there were any changes or corrections. There were no changes.

BOB MADE A MOTION TO APPROVE THE AUGUST 10, 2016 MINUTES SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0.

VOUCHERS:

M.L. Putman Consulting (August, 2016)	\$2,500.00
M.L. Putman Consulting – Marist.....	\$ 450.00
Peter C. Graham, Esq.....	\$ 70.00
Peter C. Graham, Esq.....	\$ 87.50
Daily Freeman (Tapper).....	\$ 13.05
Daily Freeman (APC).....	\$ 14.40
Daily Freeman (Star).....	\$ 13.95
April Oneto (secretarial services).....	104 1/2 hours

DARIN 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.

Chairperson Pecora informed the Board that we need to make a change as a Board so that we do not get into the situation we found ourselves in this month and the reason that the Public Hearings for tonight have had to be cancelled. This is a jurisdictional issue. If the public hearings had proceeded and thankfully the attorneys involved have agreed to cancel the hearings, had they proceeded and we made a decision it is not a timeframe of 30 days for an Article 78. Someone could have looked at the record one year from now, two years from now or 20 years from now and challenged the decision of this Board.

Michael Moriello, Esq. expressed his opinion that this information is not accurate. Chairperson Pecora informed him that the Planning Board Attorney's opinion differs and if he has a problem with that he needs to discuss it with the Board attorney. Roxanne stated that we have a jurisdictional issue which means that anybody could challenge the record of the Planning Board and the decision of this Board could be overturned. The first step that we are going to do as a board, in the future, is that nothing is coming before this Board in terms of an application without going to pre-submission. Myles will have a checklist at the pre-submissions and he will review the checklist with the applicant regarding what is required before coming before this Board. The Building Inspector is going to work with this Board to make sure that when applications come in on cut-off day, as long as he is here, he will do the best he can to assist the Planning Board clerk to make sure everything is in compliance.

The second step that is recommended and highly being told to us by more than one attorney is that when we schedule a public hearing we do not do it contingent upon data coming into this Board. We either have the data, we have the paperwork or we do not schedule a public hearing. There cannot be any more contingencies.

PUBLIC HEARINGS:

Chairperson Pecora stated that all of the Public Hearings for this evening have been cancelled and will be rescheduled for next month.

An issue arose with our zoning code that needs to be changed and the Town Board is working on this issue. When the code was updated in 2009 we changed the subdivision section to allow for five (5) days notification in the paper and letters sent by mail to surrounding property owners. This is in accordance with State Town Law and what the Town Clerk follows. In terms of our site plan code/special use permit, it says ten (10) days and certified mail/return receipt and the cost of the mailing will be incurred by the Town.

OLD BUSINESS:

**STAR ESTATES DEVELOPMENT, LLC: Case #2016-06 – Special Use Permit –
1835 Broadway (US Route 9W), West Park; SBL:
80.001-4-5.2**

Charles Ferri, Paul Seres, applicants, Michael Moriello, attorney, and Allan Dumas, engineer were present for this application.

Waterfront Advisory Board responded to the referral sent to them in a letter dated 9/12/16. They noted concerns about wastewater from the distilling process going into the river, with the draft or solid waste disposal and the septic system being so close to the river. A letter will be sent to the Waterfront Advisory Board informing them that this project will be closely monitored by NYSDEC and the Ulster County Health Department. They will be asked to comment regarding inconsistencies with the LWRP.

We received comments from Ulster County Planning Board dated 9/7/16. This application was referred to Waterfront Advisory Board and response has been received. Ulster County Health Department involved and they are awaiting final approval. NYSDOT has been contacted and will provide final approval.

Myles stated that he prepared Draft Part 2 and Part 3 of the EAF in support of a negative declaration on this project. EIF Draft will be updated to correct surface discharge for the wastewater. He will also close out the discussion on the historic resources. Myles stated that it has been utterly frustrating deal with State Historic Preservation Office (SHPO) and the way they want the information, etc. They finally contacted Myles and requested that he have the consultant get in touch with their office to work out the issues. Joe Diamond contacted them and had issues with their data requirements as well. Myles stated that fortunately Michael Moriello sent an email stating his opinion that SHPO is an interested agency and not an involved agency. Myles stated that as far as his office is concerned the Planning Board has done its due diligence and had taken a hard look at this project. If SHPO has any issues come up in the future, it will be regarding the NYSDEC or NYSDOT permits and those agencies can deal with the questions. He is going to move ahead and update Part 2 and Part 3 in support of negative declaration and finding of no adverse impact and he will make correction on surface wastewater discharge.

Myles informed Michael Moriello that his comments regarding Star Estates Development regarding SHPO are also applicable to the Tapper, Still River LLC project.

Roxanne stated that on the SHPO part this Board has to decide that we have taken a hard look and are satisfied and then we can make a motion stating that we are satisfied with the SHPO response and the date and we input it in their response and then we can move forward. Myles stated that formalizing this in a motion will then give him direction to finish the EAF with the findings of a negative declaration.

Margaret questioned the existing wastewater facility and that they have two tanks. Allan stated that the preliminary draft said that they have 4,000 gallons for the water supply and they have 5,000. Myles' draft stated that it was a surface discharge and not a subsurface discharge and this will need to be corrected.

Myles stated that Phase 1A and Phase 1B have been completed for this project. The consulting archeologist, Joe Diamond, has said that there is no need for any further

testing and he sent the report up to SHPO. They responded saying that they want the architectural report separate from the archeological report and they want interior pictures. Michael Moriello stated that this is not a historical building and there is no need for this information. He does not want this Board to think that you are open to a lawsuit five or ten years from now on something that you have done. Michael stated that in his experience the outside timeframe has generally been within one year with courts not forever. The bigger point with SHPO as an interested agency is they have no permitting jurisdiction and the fact that this project and Tapper's project are not historically designated they really only have a no adverse effect ruling that they can make or letter that they can issue because there is a State permit involved. SEQR does not change the jurisdiction between agencies so if this Board says they have taken a hard look at it and done a coordinated review and it does not affect this Board's ability to make that finding. He further stated that for SHPO to try to hijack the process which is what they are trying to do, they do not have that power or that jurisdiction. It really bothers him that this is what they are trying to do.

MARK MADE A MOTION THAT THE NEW YORK STATE HISTORIC PRESERVATION OFFICE HAS NOT RAISED ANY SUBSTANTIVE CONCERNS THAT NEED TO BE ADDRESSED BY THIS BOARD AND WE SHOULD THEREFORE PROCEED SINCE WE HAVE DONE OUR DUE DILIGENCE FOR STAR ESTATES DEVELOPMENT, CASE #2016-06, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Dan.....yes
Robert.....yes
Mark.....yes
Margaret.....yes
Roxanne.....yes

The Waterfront Advisory Board letter did not declare any inconsistencies with the LWRP and the Board requires clarification. Chairperson Quick will be contacted by Planning Board Clerk for clarification.

Applicant stated that they are in agreement with all of the Required Modification listed in Ulster County Planning Board Report dated 9/7/16.

DARIN MADE A MOTION THAT THIS BOARD IS IN AGREEMENT WITH THE THREE REQUIRED MODIFICATIONS LISTED IN THE REPORT FROM THE ULSTER COUNTY PLANNING BOARD REGARDING STAR ESTATES DEVELOPMENT, CASE #2016-06, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes

Margaret.....yes
Robert.....yes
Dan.....yes
Darin.....yes
Roxanne.....yes

Allan offered the following information:

The design flow is 5,200 gallons per day (gpd). The well was tested at 4.7 gpm with a stabilized drawdown that met NYSDOG requirements. The Ulster County Department of Health (UCDOH) was satisfied with the yield of 4.7 gpm. The hydrogeologist, Miller Hydrogeologic Inc., has provided a graph showing the drawdown's asymptotic trend at the end of the pump test. The graph was forwarded to Myles Putman. Brinnier and Larios will review the full hydrogeologic report when completed and will provide to the UCDOH for their review as they are the permitting agency for the facility.

The owners are proposing to install an atmospheric water storage tank to provide one day's worth of water storage. The tank volume will be approximately 5,200 gallons. The tank will be followed by a pump station to provide water to the facility. Water from the well will feed the tank as the tank requires it (e.g. signals for it to feed the tank). Normal and peak instantaneous water demand for the facility will be provided by and satisfied by the atmospheric storage tank and pump station. The facility will utilize a highly efficient variable frequency drive (VFD) ump station (duplex pumps minimum). The VFD pump station will be able to supply the peak demands for the facility which could be 15-20 gpm.

As the regulatory agency for the annual permitting and regulatory approval for the facility, the UCDOH will review and approve the water supply source capacity, water supply design, water quality testing, water treatment, etc. for the facility's public water supply which is regulated via Subpart 5-1 of the New York State Sanitary Code.

Dan was satisfied that their hydrogeologist completed the tests as promised and as long as it complied with the Ulster County Department of Health protocol he is satisfied. He questioned if there were any complaints to the Town about well impacts near the test site and no one is aware of any complaints.

DAN MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR STAR ESTATES DEVELOPMENT, CASE #2016-06, FOR WEDNESDAY, OCTOBER 12, 2016 AT 7:35 PM, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR AND MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes

Robert.....yes
Roxanne.....yes

Michael questioned a vote on a negative declaration. Roxanne told him that this would not happen tonight. She said that the Board wants to hear public input before they make a decision. Charles stated that they came here for a public hearing and they have done everything that they have been asked to do. He stated that they have been working on this project for a year now. They have banks, investors, government officials asking them what is taking so long. He questioned what was wrong with issuing a negative declaration. He stated that they have had nothing but unanimous support for this project. Michael stated that he thought that the public would be allowed to speak tonight even if there was not a public hearing and the Board would see that there would be nobody here for Star and this would remove any type of worry that anybody would have. Michael further stated that there is no requirement under SEQR to have a public hearing before a negative declaration can be issued.

Roxanne stated that from a process standpoint Myles is not ready tonight. Myles stated that he has to update the EAF because we have errors of fact. He has to finished the SHPO. Charles expressed his dissatisfaction with the process and Board. He stated that they have done everything they have been asked to do and impressed upon the Board that they have to get going with this project and feels that there is nothing holding this Board back from granting the negative declaration. Roxanne explained to Charles that this Board will not do this prior to the public hearing. This is the way we operate as a Board and we will continue to operate the same. We have conferred with our attorney and this is the decision that has been made.

TAPPER (Still River LLC): Case #2015-12 – Special Use Permit – 1689 Broadway (US Route 9W), West Park; SBL: 80.001-3-23.1

Seth Tapper, applicant, Michael Moriello, attorney and Allan Dumas, engineer were present.

Roxanne stated that we have a letter from the Waterfront Advisory Board dated 9/12/16. They are concerned about trees being removed and they recommend new plantings. They did not find any inconsistencies with the LWRP.

Ulster County Planning Board reviewed the application on 9/7/16 read to the Board and copy made part of the record. Mark questioned if it would be appropriate to send a letter to the Ulster County Planning Board regarding SHPO and inform them that they do not approve anything. They are simply commenting on the project and we would appreciate it if the Ulster County Planning Board would reword their comments regarding the applicant needing their approval. The Board felt that we will just override that comment.

Michael Moriello stated that it is their role to review and comment not to review and approve. He feels that they are overstepping their bounds.

MARGARET MADE A MOTION TO OVERRIDE THE REQUIRED MODIFICATION NOTED BY THE ULSTER COUNTY PLANNING BOARD CONCERNING SHPO. THIS BOARD IS SATISFIED THAT THEY HAVE TAKEN A HARD LOOK AT THE SHPO REQUIREMENT AND HAVE DONE OUR DUE DILLIGENCE. MOTION SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Dan.....yes
Robert.....yes
Mark.....yes
Margaret.....yes
Roxanne.....yes

MARGARET MADE A MOTION REGARDING THE REQUIRED MODIFICATION FOR A CROSS ACCESS EASEMENT AND EXISTING VEGETATION AND THE BOARD FEELS THAT THIS IS NOT APPLICABLE TO THE APPLICATION, SECONDED BY ROBERT. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Dan.....yes
Robert.....yes
Mark.....yes
Margaret.....yes
Roxanne.....yes

Advisory Comment – We thank you for the comment regarding the overall lighting levels.

Required Modification – Project has been referred to the Waterfront Advisory Board and their comments have been received.

Required Modification – Outdoor Events – This is not applicable to this project and the applicant is aware that if in the future he considers doing outdoor events he will need to return to the Planning Board for review and approval.

Health Department – Required Modification - This is in the process of being reviewed by the Health Department and applicant is awaiting approval.

Seth questioned the Board about whether there is anything else that is required before he receives the negative declaration for this project. He was told that there is nothing missing and he should receive this after the public hearing in October.

ROBERT MADE A MOTION THAT THE BOARD HAS TAKEN A HARD LOOK AND DONE ITS DUE DILIGENCE REGARDING SHPO FOR SETH TAPPER/STILL RIVER LLC, CASE #2015-12 AND THE BOARD IS SATISFIED, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Dan.....yes
Robert.....yes
Mark.....yes
Margaret.....yes
Roxanne.....yes

DAN MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR SETH TAPPER/STILL RIVER LLC, CASE #2015-12, FOR WEDNESDAY, OCTOBER 12, 2016 AT 7:40 PM, SECONDED BY DARIN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Robert.....yes
Roxanne.....yes

**APC TOWERS, LLC & CELLCO PARTNERSHIP d/b/a Verizon Wireless:
Special Use Permit – Case #2016-07 – 1142 Broadway (US Route
9W), Esopus; SBL: 72.009-2-24.22**

Matthew Kerwin, Esq. was present to represent this application.

Roxanne read the Waterfront Advisory Board letter dated 9/12/16 and they did not find any inconsistencies with the LWRP. Copy given to applicant and copy placed in the file.

Roxanne read the Ulster County Planning Board review dated 9/7/16. A copy was given to the applicant.

Roxanne stated that what the Ulster County Planning Board (UCPB) was saying is that perhaps the applicant should look at moving the tower 20 feet closer to the nearby property owner. The other concern is the possibility of tower coming down and possibly hitting one of the two residences. Previously Vice Chairman of the Planning Board Fred Zimmer (excused tonight) feels that the Board should consider that once the tower will not be needed there should be a way to dismantle it and that money should be set aside for this by the applicant.

Matthew stated that the moving of the tower 20 feet was not in the write-up. Roxanne explained that she is a member of this Board but is not allowed to speak on applications that concern the Town of Esopus. However, this is what the Board did discuss.

Roxanne stated that the GAPS Analysis and the visual impacts were discussed and the 20 foot was discussed but does not appear in this report. She feels that it is something to think about.

Matthew stated that with respect to the alternative analysis they did provide alternative analysis. He stated that it started with Verizon identifying a capacity issue to be exacerbated in the future but a slight coverage issue along Route 9W. In evaluating that and identifying the issues, they did a search ring which is the area in which a facility should be located at an appropriate height to provide sufficient coverage. They have a coverage issue with capacity but the greater issue was capacity. Unless Verizon does something soon to address the capacity issue more customers will be affected. As an FCC licensed provider, Verizon is obligated to address these issues. Looking at the search ring they looked at five sites. Existing towers are all occupied so they were left with a new tower proposal. He stated that Verizon and APC together are considered a public utility for zoning purposes. This means that they are held to the public utility standard in New York State. The standard is that once they establish a need to provide their essential services they need to do that and they have met that standard.

The County suggested that they set up two towers or alternative heights. Matthew stated that this is not practical or reasonable. Roxanne stated that two towers did not come up. She stated that they were talking about GAPS Analysis and alternative heights. The report mentions multiple towers but she does remember that being discussed. Matthew stated that they could examine alternative heights if the Board would like them to provide propagation maps. Roxanne stated that it really stands out going down Route 9W and she understands that Scenic Hudson has been to the county office looking at this application. They don't have a concern looking at it from Shaupaneak Ridge but rather a concern looking at it from Route 9W.

Margaret asked if there was anyway to block the tower. She feels that it is going to look ugly. Roxanne stated that if it could be a smaller height or moved it would look better. Matthew stated that the height is the most important factor to them to address the coverage capacity that they have. Matthew stated that if they drop the height, this issue will be compromised. Darin stated that originally we asked for a flag pole but the flag would be at half mass and you cannot fly a flag at half mast. Discussion took place about changing the color of the green to make it blend in.

Matthew stated that we can take a look at the branching plan which came in after this month's submission. He did not print out larger pictures because the public hearing was cancelled. Mark asked if we have finished with the concept of multiple towers at multiple heights and Matthew stated that we have. Matthew stated we are a public utility for zoning purposes but they are not regulated by the Public Service Commission which means that they do not have the power of eminent domain. They have to go out and find

property owners who are willing to have towers on their property. To suggest that they can find properties along Route 9W and build towers there at a height of 50 feet, this is not going to happen. Roxanne stated that maybe we would be better without the mono pine and go with the pole. Robert agrees with this he does not like the mono pine. Dan does not want to see just a pole he suggested more branching. Matthew stated that the more branches you put on it the more the structural integrity of the tower is compromised. Margaret feels that the green is too harsh and they need to tone it down and look at what the greenery really is like in that area. He stated that if color is the issue he can work on that. Matthew will bring samples of the green section of what the branching will be. We are trying to get it to blend in a little better.

Roxanne stated that this Board can override the Ulster County Planning Board's disapproval with a majority plus one. Margaret stated that we have discussed different locations, the height of the tower which is what they need to get the service in our area. We have to remember that the top of that tower is going to be for the fire house.

Robert would like to see a couple of pages from Verizon on the GAPS Analysis on different alternative heights. Matthew stated that he can provide it but it will not provide the coverage that they need. Matthew will be writing a response to the county's comments.

Roxanne stated that there was some concern about how close it was to the property owners. Matthew stated that when they get approval they would order the tower and design the break point at a certain height so that if there was a significant storm event and the tower was stressed beyond what it could withstand the top of the tower would essentially fold over itself so the fall zone would be sufficient to keep the tower away from the surrounding properties. It would likely collapse and then drop.

Myles needs Matthew's response for SEQR and the Planning Board needs the response to decide if we are going to go back to the Ulster County Planning Board with another referral. Myles stated that he is looking for the tower design that is this Board's preference. This Board likes the tree design with a different color green.

Matthew stated for clarification purposes that this Board wants a response letter to the Ulster County Planning Board's response addressed to this Board. The Board wants simulations revised to reflect the change in color to this Board and for him to bring back the sample.

Margaret asked what happens when it comes to the point where the tower is no longer needed. We need a removal plan because we don't want it to stay there when it is no longer of use. Roxanne asked Will Freer, Esopus Fire Chief, if there would be any point in time when the Fire Department apparatus which is going to be on top of the tower would essentially go away. He cannot answer because they really don't know. Matthew stated that they can commit to removing the tower if it becomes necessary.

DAN MADE A MOTION TO SCHEDULE THE PUBLIC HEARING FOR APC

TOWERS, CASE #2016-07, SPECIAL USE PERMIT FOR WEDNESDAY, OCTOBER 12, 2016 AT 7:45 PM, SECONDED BY ROBERT. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Robert.....yes
Roxanne.....yes

DARIN MADE A MOTION TO INCREASE THE ESCROW ACCOUNT FOR APC TOWERS, CASE #2016-07, SPECIAL USE PERMIT, BY \$1,000, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Robert.....yes
Roxanne.....yes

Dan recused himself from the Board.

MARIST COLLEGE: Case #2016-12 – Special Use Permit/Site Plan – 1455 Broadway (US Rt. 9W; St Hwy 5508), Esopus; SBL: 72.003-1-2.1

Justin Butwell, Director of Physical Plant, was present for this application.

Waterfront Advisory Board letter from 8/4/16 raised some questions regarding water use and wastewater/septic system. They asked if there were limits regarding the number of overnight guests. They will be contacted regarding any inconsistencies with the LWRP since they did not note this in their letter. A letter will be written to Waterfront Advisory Board to answer their questions.

Justin said that the Board asked him to go to the Ulster County Department of Health but they reviewed it themselves and found that it was inadequate and they are designing and installing a new septic system. The Board will need something in writing about the design, etc. Myles needs a copy of a plan showing the new sewer location and the limit of disturbance.

MARK MADE A MOTION THAT THE PLANNING BOARD HAS DONE ITS DUE DILIGENCE AND TAKEN A HARD LOOK AT THE SHPO CONCERNS

REGARDING MARIST COLLEGE, CASE #2016-12 AND WE ARE SATISFIED, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Robert.....yes
Mark.....yes
Margaret.....yes
Roxanne.....yes

Justin will not be able to be at the October meeting and will send a letter with someone to represent this application.

Dan returned to the Board.

BRITT & GRAFF: Case #2016-15 – Site Plan Amendment – 9 Liese Lane, Ulster Park; SBL: 63.002-2-2.1

Raymond Navarra and Phil Schaeffer were present for this application.

Applicant submitted a letter from the Port Ewen Fire Department that will need to be redone since it states building to be used for propane storage and the building when it is constructed will be used for oil storage. Applicant will contact fire department and have the letter corrected.

A letter was received from Timothy Keefe, Building Inspector, dated 9/14/16 stating that he is aware of the new construction and it will comply with the current Building and Fire codes for safety and fire suppression. Copy placed in the file.

Ulster County Planning Board review dated 9/7/16 was read by the Chairperson. Copy placed in file and copy given to applicant.

Landscaping:

This is in the Light Industrial District and it was never landscaped. It is totally enclosed with a stockade fence and in order to get into the area you have to go through a gate that is locked. There are three levels of security. Nothing is changing from what was pre-existing.

DAN MADE A MOTION TO OVERRIDE ULSTER COUNTY PLANNING BOARDS' COMMENT FOR BRITT & GRAFF, CASE #2016-15, REGARDING THE LANDSCAPING. THERE HAS NEVER BEEN LANDSCAPING AND THIS BOARD IS SATISFIED, SECONDED BY ROBERT. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Robert.....yes
Roxanne.....yes

Lighting:

Their hours of operation are from 7:00 a.m. to 4:00 p.m. and there are three levels of security gating and motion sensor lights.

MARK MADE A MOTION TO OVERRIDE THE ULSTER COUNTY PLANNING BOARDS' COMMENTS REGARDING THE LIGHTING FOR BRITT & GRAFF, CASE #2016-15, SECONDED BY ROXANNE. THIS BOARD IS SATISFIED WITH HOURS OF OPERATION AND THE LIGHTING PROVIDED. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Darin.....yes
Dan.....yes
Robert.....yes
Mark.....yes
Margaret.....yes
Roxanne.....yes

ROBERT MADE A MOTION TO APPROVE BRITT & GRAFF, CASE #2016-15, SITE PLAN AMENDMENT CONTINGENT UPON RECEIPT OF A NEW LETTER FROM THE FIRE DEPARTMENT AND 6 COPIES OF THE PLANS SIGNED BY APPLICANT, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Robert.....yes
Roxanne.....yes

**PANGER: Case #2016-11 – Lot Line Adjustment – 147-153 Parsell St., Sleightburg;
SBL: 56.004-2-13.1 & 13.2**

John Heidecker was present to represent this application.

Roxanne read a letter from the Waterfront Advisory Board dated 9/12/16 stating that they

had no issues and find no inconsistencies with the LWRP.

Myles stated that the Town Board met and in the meeting minutes they have decided to convey a strip of land off of Parsell Street parcel to the applicant so that it can be merged into one of the lots to get rid of a Building encroachment on a Town street. That modification modifies the application in front of this Board. He prepared a revised Part 2 and Negative Declaration SEQR Form to reflect the change He thinks that the Board should vote on the revised SEQR paperwork to reflect that change and confirm the negative declaration. He recommended granting approval upon receipt of 6 paper copies and 1 reproducible master and suggests that the applicant provide a deed for the lands being transferred and a merged deed and he thinks we will need to see some language like this in the deed to make sure that the strip of land id duly merged into Lot #1.

MARK MADE A MOTION TO REAFFIRM OUR DECISION TO WAIVE THE PUBLIC HEARING FOR PANGER, CASE #2016-11, PER SECTION 107.16.A BASED ON THE FINDING THAT THE REVISED APPLICATION IS IN COMPLIANCE WITH SECTION 107.16.A – 1,2, 3 AND 4 OF THE SUBDIVISION LAW, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

MARGARET MADE A MOTION TO REAFFIRM THE NEGATIVE DECLARATION PURSUANT TO SEQR FOR PANGER, CASE #2016-11, SECONDED BY ROBERT. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

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

Myles questioned if the Board felt that they needed something in writing from the Town Board or will the minutes of their meeting be sufficient. Board felt that the Town Board Minutes of 8/16/16 should be made a part of the file and two Town Board members should sign off on the maps.

MARGARET MADE A MOTION TO APPROVE PANGER, CASE# 2016-11, LOT

LINE ADJUSTMENT CONTINGENT UPON RECEIPT OF DEED DESCRIPTIONS. TOWN BOARD MINUTES (8/16/16) BE MADE A PART OF THE FILE, RECEIPT OF 6 PAPER MAPS AND 1 MYLAR SIGNED BY PROPERTY OWNERS AND TWO TOWN BOARD MEMBERS, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Robert.....yes
Roxanne.....yes

NEW BUSINESS:

Darin recused himself.

**SCENIC HUDSON LAND TRUST: Case #2016-16, Lot Line Adjustment –
Winding Brook Lane, Esopus; SBL:
73.002-1-1.3 & 72.009-3-5.25**

Michael Knutson, Scenic Hudson and Chris Zell, Brinnier & Larios were present for this application.

Myles stated that this involves 2,600 sq. ft. in which 0.059 acres are being conveyed by a lot owned by Thomas and Patricia Barron to the lands of Scenic Hudson. This little piece of land is part of the Barron property but it is really not accessible and it would make sense to connect this to the 130 acres owned by Scenic Hudson. There is no new development or disturbance for this property. It will be available for use as part of the Black Creek Forest Preserve.

ROBERT MADE A MOTION TO GRANT SKETCH PLAN APPROVAL FOR SCENIC HUDSON LAND TRUST, CASE #2016-16, LOT LINE ADJUSTMENT, SECONDED BY DAN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Dan.....yes
Robert.....yes
Mark.....yes
Margaret.....yes
Roxanne.....yes

MARK MADE A MOTION TO GRANT A WAIVER TO THE FOLLOWING REQUIREMENTS OF 107-29.C FOR SCENIC HUDSON LAND TRUST:

(1) SUBSECTION (2) AS IT PERTAINS TO THE FULL SURVEY OF

- THE TWO EXISTING LOTS;**
- (2) SUBSECTION (4), (5), (6), (7), (8), (13) AND (15);**
- (3) SUBSECTION (9) IN REFERENCE TO LOT NUMBERING;**
- (4) SUBSECTION (11) AS THE TOWN'S ENGINEER IS NOT INVOLVED WITH THIS PROPOSAL;**
- (5) SUBSECTION (14)(A) AND (14)(B)**

MOTION SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Dan.....yes
 Robert.....yes
 Mark.....yes
 Margaret.....yes
 Roxanne.....yes

MARGARET MADE A MOTION TO WAIVE THE PUBIC HEARING AS PER 107.16.A FOR SCENIC HUDSON LAND TRUST, CASE #2016-16, LOT LINE ADJUSTMENT SECONDED BY ROBERT. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Dan.....yes
 Robert.....yes
 Mark.....yes
 Margaret.....yes
 Roxanne.....yes

DAN MADE A MOTION TO CLASSIFY SCENIC HUDSON LAND TRUST, CASE #2016-16 AS A TYPE 1 ACTION PURSUANT TO SEQR AND DECLARE ITSELF THE ONLY INVOLVED AGENCY, LEAD AGENCY, PURSUANT TO SEQR, SECONDED BY ROBERT. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Mark.....yes
 Margaret.....yes
 Dan.....yes
 Robert.....yes
 Roxanne.....yes

MARGARET MADE A MOTION TO MAKE A DETERMINATION OF ENVIRONMENTAL NON-SIGNIFIGANCE (NEGATIVE DECLARATION), TYPE 1 ACTION PURSUANT TO SEQR FOR SCENIC HUDSON LAND TRUST, CASE #2016-16, SECONDED BY ROBERT. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. VOTE WAS AS FOLLOWS:

Robert.....yes
 Dan.....yes

Mark.....yes
Margaret.....yes
Roxanne.....yes

Myles has prepared Parts 2 & 3 of the EAF along with a negative declaration.

MARGARET MADE A MOTION TO REFER SCENIC HUDSON LAND TRUST, CASE 2016-16, LOT LINE ADJUSTMENT TO THE WATERFRONT ADVISORY BOARD FOR THEIR COMMENTS, SECONDED BY MARK. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 5-0. THE FOLLOWING MEMBERS WERE IN FAVOR:

Dan.....yes
Robert.....yes
Mark.....yes
Margaret.....yes
Roxanne.....yes

MISCELLANEOUS:

BRISBOIS, Susan:

DARIN MADE A MOTION FOR THE PLANNING BOARD CLERK TO SEND A LETTER TO SUSAN BRISBOI, SPECIAL USE PERMIT, TO COME TO THE NEXT PLANNING BOARD MEETING AND REVIEW THE PERMIT, SECONDED BY MARGARET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 6-0. VOTE WAS AS FOLLOWS:

Mark.....yes
Margaret.....yes
Darin.....yes
Dan.....yes
Robert.....yes
Roxanne.....yes

NOTE: Robert will not be present at the October Planning Board Meeting.

ZBA REFERRALS: None

DARIN MADE A MOTION TO ADJOURN SECONDED BY DAN. MEETING ADJOURNED AT 10:07 PM.

NEXT MONTHLY MEETING: OCTOBER 12, 2016

DEADLINE DATE:

SEPTEMBER 28, 2016

NEXT PRE-SUBMISSION:

OCTOBER 19, 2016

Respectfully submitted by:

April Oneto,
Planning Board Secretary