

**TOWN OF ESOPUS PLANNING BOARD MINUTES**  
**May 17, 2021**

**PRESENT:** Chairperson Roxanne Pecora, Vice- Chairperson Darin DeKoskie, Mark Anderson, David Mastny, Greg McCord, Dan Michaud and Sal Morello

**ALSO PRESENT:** Planning Board Consultant Tom Shepstone, Kyle Barnett, Esq. and Councilman Chris Farrell (7:37 p.m.)

Chairperson Pecora called the meeting to order at 7:30 p.m.

Chairperson Pecora commenced the meeting with the Pledge of Allegiance and the emergency exit advisory.

**MINUTES:** Chairperson Pecora asked if the Board had read the minutes of the April 19, 2019 meeting and **called for a Motion to approve the Minutes as presented.** Upon Motion of Member Mark Anderson, seconded by Member Greg McCord and the affirmative vote of 6 members and the abstention of 1 member (Dan Michaud), the motion passed 6-1-0.

**VOUCHERS:**

Shepstone Management Co. Services provided for April 2021	\$2,700.00
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CHA – Services re: Britt & Graff Site Plan	\$2,032.50
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**Chairperson Pecora called for a Motion to approve the submitted vouchers.** Upon Motion of Member Greg McCord, seconded by Member Mark Anderson and the affirmative vote of all members, the Motion passed 7-0.

**NEW BUSINESS:**

**New Hamlet Site Plan/Special Use Permit (MFZ) – Case No. 2021-10; 289 Broadway; SBL No. 56-76-1.16; GC Zoning (Proposed MFZ)**

Chairperson Pecora provided an overview of the Mix-Use Floating Zone (MFZ) pursuant to the process cited in §123-18 (I) (5), stating that it was her understanding that the proposed New Hamlet Site Plan was currently before the Planning Board for it to determine if it was a viable project and to make a recommendation to the Town Board as to whether the MFZ should or should not be created. Attorney Barnett confirmed the Chairperson was correct.

Planner Shepstone provided his overview, noting prior comments made by Planner Matt Rogers to the Esopus Town Board. Planner Shepstone stated that stormwater was going to be an issue

given the grading of the property. He also noted that tree cutting had already taken place on the site which was not a good idea at the time. His major recommendation to the Planning Board was to refer the plans to the Town Designated Engineer to assist in making the determination that the proposal was feasible.

Vice-Chairman DeKoskie stated that actions to mitigate stormwater runoff on the site would be a major concern given the existing runoff issues on River Road. Sonia and Andrew Wright were present and stated that they were working with Brinnier & Larios to develop a stormwater plan. Vice-Chairman DeKoskie stated that over design may be beneficial given the site and that full engineering plans should be provided but weren't currently required for the sketch plan. Member Anderson remarked that the requested variance for heights and setbacks were typical items that were referred to the ZBA but during this process, may be addressed if the Town created the MFZ.

Chairperson Pecora stated that there was more information on the current sketch plan than had been presented on prior sketch plans and was sufficient for the purpose of making a recommendation from the Planning Board to the Town Board. Planner Shepstone wanted the record to reflect that a stormwater plan would be required if the application is returned to the Planning Board and would require review by the TDE at that time.

**Chairperson Pecora called for a Motion to recommend the creation of a Mixed-use Floating Zone as designed pursuant to §123-18 (I) 1-5 .** Upon Motion of Member Dan Michaud, seconded by Vice-Chairman Darin DeKoskie and the affirmative vote of all members, the Motion passed 7-0. .

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Greg McCord	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Dan Michaud	Aye

**BQ Energy Site Plan – 70 West Shore Road (Landfill); SBL 71.4-4-28.200; R-40 Zoning**

Kaitlin Vigars and Paul Curran were present.

Planner Shepstone reviewed his comments, stating that he had discussed the plan with Attorney Kyle Barnett, no subdivision was required, would qualify as a Type II action under SEQRA and would not require referral to the Ulster County Planning Board. Attorney Barnett stated that the plan requires a Special Use Permit since it was for public use and that a public hearing would need to be scheduled. No formal application had been submitted but Attorney Barnett suggested that a public hearing could be scheduled conditioned upon submission of a complete application

and the Planning Board could make a determination that the application was complete prior to opening the public hearing.

Vice-Chairman DeKoskie stated that a Stormwater Pollution Prevention Plan (SWPPP) would need to be submitted as part of the application for it to be considered complete. A third-party inspector from Sterling Environmental will monitor SWPPP and DEP work plans to confirm compliance with guidelines. The solar installation will be 4 times larger than what currently exists.

**Chairperson Pecora called for a Motion to schedule a public hearing conditioned upon submission of a complete application.** Upon Motion of Vice-Chairman DeKoskie, seconded by Member Dan Michaud and the affirmative vote of all members, the Motion passed 7-0.

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Greg McCord	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Dan Michaud	Aye

**Chairperson Pecora called for a Motion to set escrow in the amount of \$6,000.00.** Upon Motion of Vice-Chairman DeKoskie, seconded by Member Dan Michaud and the affirmative vote of all members, the Motion passed 7-0.

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Greg McCord	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Dan Michaud	Aye

**WP Holdings, LLC Special Use Permit – Case No. 2019- 12; 9 Chambers Road, West Park; SBL No. 80.1-3-25; R-40 Zoning**

Jillian Wiermer and John Kalin, P.E. were present. Planner Shepstone provided a review of his notes. The original 2019 approved Site Plan had been amended by the addition of an in-ground pool.

**Chairperson Pecora called for a Motion to classify as a Type II action under SEQRA.**

Upon Motion of Vice-Chairman DeKoskie, seconded by Member David Mastny and the affirmative vote of all members, the Motion passed 7-0.

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Greg McCord	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Dan Michaud	Aye

Member Sal Morello inquired if a sign was being proposed to be placed on the property or on a building. The Board informed the Applicant that the sign details were required to be on the plans and should be included as part of the current review rather than having to reapply for another amended Site Plan.

**Chairperson Pecora called for a Motion to grant amended site plan/special use permit approval conditioned upon submission of plans documenting sign details (no proposed lighting, 2x3 dimensions, site location and monumental style).** Upon Motion of Vice-Chairman DeKoskie, seconded by Member Mark Anderson and the affirmative vote of all members, the Motion passed 7-0.

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Greg McCord	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Dan Michaud	Aye

**160 First Street Site Plan/Special Use Permit (Friedlander) – Case No. 2021-11; 160 First Street; SBL No. 56.50-1-3.3; WF Zoning**

David Friedlander was present.

Planner Shepstone provided a review of his recommendations to the Planning Board. Mr. Shepstone noted discrepancies between the EAF ((12-15 units), site plan (18 units) and narrative (15 units) which each had a different number of proposed camping units. The current Zoning did not allow for camping units in the Waterfront Zone and the plans do not qualify as site plans. Technically speaking, Mr. Shepstone did not believe it was a permitted use in the Town but may

fit in an existing category if the SIC was retired. From his prospective, the project should not currently be before the Planning Board and much more detail was needed. Attorney Barnett confirmed that under the current Zoning, the proposed use was not allowed. Chairman Pecora stated that the Planning Board or ZBA could not take action under the current Code and there should be a “cease and desist.” The use had always been a marina and the camping units were a new development that had not existed previously. Chairman Pecora stated that the matter should be addressed by the Building Department and the campers should be removed since they are not an allowed use under the current Zoning. The Waterfront Advisory Board was working on revising the guidelines and relative input to the Code but there was currently nothing in effect. It was also noted that the site was located within a floodplain and which also had no been addressed on the Plan. The Applicant was advised to consult with a professional (Engineer) that may assist on addressing the issues raised to approach the proposal. Member Michaud stated that it would be best not to be utilizing campers while putting the application to the Planning Board for review to allow same. Attorney Barnett stated that the Planning Board did not have the authority to enforce operations on other properties and that it had to review only the current application before it. Planner Shepstone recommended a letter be sent to the Applicant stating that the operation of the camping units presently was not currently allowed under the Zoning for the Town of Esopus.

#### **Coutant/Leonard LLA -**

Khattar Elmassalemah, P.E. was present to represent the Applicants. Planner Shepstone provided an overview of his recommendations noting that the only factor of concern was the proposed future subdivision and that a Long EAF Part I be provided to avoid segmentation. After discussion, it was determined that a Long EAF Part I would not be necessary for the proposed Lot-line Adjustmen. The Applicant had provided a Short EAF Part I (which was not required for SEQRA Type II actions) but the Planning Board was aware that a future subdivision may be proposed. The Planning Board expressed displeasure relative to extending roadway, culvert installation and tree clearing that had taken place on the Leonard property. Member Morello expressed displeasure with the extension of the existing driveway without any permitting and that Federal Wetlands had been disturbed. Engineer Elmassalemah would convey issues relative to future subdivision and extension of the driveway without a permit to Mr. Leonard but the Planning Board determined that those matters did not involve the application for a lot-line adjustment currently before them.

**Chairperson Pecora called for a Motion to grant lot line adjustment approval conditioned upon submission of six (6) copies and mylar of the final maps.** Upon Motion of Member Mastny, seconded by Member Greg McCord and the affirmative vote of all members, the Motion passed 7-0.

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Greg McCord	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Dan Michaud	Aye

**Scrub-A-Dub Car Wash -**

Owner Doug Kleeschulte and his son were present.

Planner Shepstone reviewed content of his planning recommendations and had no issues. No additional disturbance was taking place on the site. Vice-chairman DeKoskie raised concern relative to traffic on the site and turning radiuses in relation to the proposed drying bays and vacuum area. Mr. Kleeschulte believed the proposal would alleviate wait time and traffic buildup on the site. The Applicant was asked to delineate parking areas on the site for traffic control.

**Chairperson Pecora called for a Motion to refer the application to the Ulster County Planning Board conditioned upon receipt of revised plans delineating turning radiuses, any existing lighting and vacuum area parking re-striping.** Upon Motion of Member Dan Michaud, seconded by Vice-Chairman Darin DeKoskie and the affirmative vote of all members, the Motion passed 7-0.

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Greg McCord	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Dan Michaud	Aye

**Chairperson Pecora called for a Motion to waive the Public Hearing.** Upon Motion of Member Michaud, seconded by Member McCord and the affirmative vote of all members, the Motion passed 7-0.

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Greg McCord	Aye

Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Dan Michaud	Aye

**Cuney Ranch Holdings Subdivision – New Salem Road**

George Cuney and Kieran Pierce of Medenbach & Eggers P.C. were present. Planner Shepstone noted that it was a difficult site to develop and reviewed the content of his recommendations to the Planning Board. Chairperson Pecora requested comments from the Members. The private shared drive was of major concern and the Planning Board had not historically supported shared drives. Mr. Cuney was consulting with his legal counsel with regard to the requirements of a shared-drive agreement and the future protection to the Town relative to liability. Vice-Chairman DeKoskie asked that a legend be placed on the map, specifically in relation to the Federal Wetlands and setbacks. Member Morello requested that legal descriptions relative to the liability of the shared driveway be provided and Planning Board members discussed past precedent and what should be under the purview of the Planning Board. Member Michaud noted that the applicant providing the requested shared-driveway agreement could be prohibitive but it was noted that Mr. Cuney's legal counsel was currently drafting an agreement that could be referred to the Planning Board for review.

**ZBA Referral** – Bloom variance for an accessory apartment - no Comment

The meeting was adjourned at 9:35 p.m.

Respectfully submitted:

Lisa K. Mance, Administrative Assistant

Date prepared: June 3, 2021

Date approved: June 21, 2021