

TOWN OF ESOPUS PLANNING BOARD MINUTES
January 16, 2023

PRESENT: Chairperson Roxane Pecora, David Mastny, Sal Morello, Mark Anderson and Darin DeKoskie, Dan Michaud and Alexis Breheny

ALSO PRESENT: Planning Board Consultant Tom Shepstone and Attorney Kyle Barnett.

Chairperson Pecora called the meeting to order at 7:38 p.m. with the Pledge of Allegiance.

New Planning Board Member Alexis Breheny was extended a welcome to the Planning Board.

Chairperson Pecora called for a Motion to approve the December 19, 2022 Minutes. Upon Motion of Member Anderson, seconded by Member Mastny and the affirmative vote of all Members present, the Motion passed.

VOUCHERS:

Administrative Assistant Lisa K. Mance	81.5 hours
New York Planning Federation Membership Dues 2023	\$ 295.00
Shepstone Management Co. Services provided for December 2022	\$2,700.00
Clough Harbour & Associates, LLP – Services of Tony Stellato, P.E. – Lighthouse Village Site Plan	\$3,130.00
Clough Harbour & Associates, LLP – Services of Tony Stellato, P.E. – Port Ewen Fire Department Site Plan	\$2,360.00
Vandewater & Vandewater – services of Kyle Barnett, Esq. – Hardenburgh Subdivision	\$ 3,655.00
Vandewater & Vandewater – services of Kyle Barnett, Esq. – Port Ewen Fire Department Site Plan	\$ 400.00

Chairperson Pecora called for a Motion to approve the submitted vouchers. Upon Motion of Member Morello, seconded by Member Anderson and the affirmative vote of all members present, the Motion passed 7-0.

OLD BUSINESS:

Port Ewen Firehouse Site Plan (Delaware Engineering – Agent) – Case No. 2022-6; 288-290 Broadway; SBL No. 56.75-2-24; R-12 & GC Zoning Districts

Adam Yagelski, Senior Planner with Delaware Engineering and Terry Hannigan, Esq. were present. A submission had been made the week previously which addressed the most recent stormwater comments from Planning Board Engineering Consultant Tony Stellato. Revisions had been made to the Stormwater Report which included technical revisions, revisions to the report to make it consistent with the NOI, a change to the modelling to shorten a drainage path and revisions to the plans to make them clearer (hatching, types of stormwater pipes, etc.) with four sheets being revised.

The Applicant stated due diligence had been conducted through the New York State Historic Parks Preservation Office (SHPPPO) CRIS program and responding to SHPPPO's request for additional information which included providing Archeological Phase I A and B studies.

In November 2022, secondary access to the South had been signed off by the Highway Superintendent. Deviations from standards included the lack of a turn around and the position of the roadway within the proposed alignment was slightly off center. The Applicant felt that it had developed a record sufficient to allow the Planning Board to issue a SEQRA determination and rendering a decision on the Site Plan.

Attorney Barnett referenced letter of December 22, 2022 provided from SHPPPO relative to a structure located on the front portion of the property which had been demolished. SHPPPO had requested that the structure be retained, and a structural analysis be provided. Planner Yagelski responded that a solicitation had been circulated to retain an archeologist with responses being provided January 18, 2023. Attorney Barnett stated that a SEQRA determination could not be made without the SHPPPO responses being provided.

Planner Yagelski stated that the mitigation being proposed boiled down to a documentation exercise with some research involved and receiving SHPPPO's response and the Planning Board could issue a determination conditioned on following the requirements of SHPPPO. Attorney Barnett disagreed stating that a conditioned Negative Declaration could not be granted. Planner Shepstone stated that people had a right to know what the impacts were and in good conscience, it could not be said there was no historic impact without the responses from SHPPPO. Planner Yagelski offered to provide documentation while working with the Building Inspector. Vice-chairman DeKoskie inquired why the information had not been provided to SHPPPO prior to the demolition and that it had appeared in the Full EAF Part I and impacts should have been addressed prior to demolition. Although the building had been condemned, it was the duty of the Planning Board to properly review the EAF.

Attorney Barnett requested that the second ingress/egress plan be reviewed. The Administrative Assistant confirmed with Planner Yagelski that although the revised updated plans had been provided digitally, a hard copy with the four pages revised had not been provided for the file. The proposal was now to provide a road that could be dedicated to the Town with first step being to get signoff from Highway Superintendent on the deviations from the Town's standards, and the 50' strip would eventually be deeded to the Town. Planner Yagelski remarked that stub for future secondary access which was not needed for site plan development for the firehouse and was not included in the Town Code. It was proposed for secondary access for future development with the property owner to the South. Planner Shepstone stated that it was typical

for a Planning Board to create conditions to a special use permit that it deemed reasonable and necessary. It was his understanding that from the outset, there was always a discussion regarding a secondary access. Planner Shepstone emphasized that the decision was ultimately the Planning Board's determination and safety was a concern. Planner Yagelski stated that requirements needed to be known so that they could be satisfied.

Attorney Barnett responded that ideas had been previously discussed which included one option to have a gravel road to Bowne Street with a locked access only to be utilized by the Fire Department. Alternatively, a second option was proposed to cross over Paggi's property (which would require owner's approval) to connect to Peters Pass. Discussion had taken place with the Town's representatives who indicated willingness to provide right-of-way/easement to Bowne Street which would be maintained by the Fire Department.

Planner Yagelski stated access to Peters Pass didn't appear to be a possibility. A formal proposal addressing the two options needed to be provided by the Applicant. He indicated that working with the Town Board, Highway Department and Planning Board would be helpful to open the lines of communication. Fire Department Secretary Mike Dauner stated the new firehouse proposal had been approved by voter referendum and the Department didn't have allocations for additional monies to create secondary access. The Applicant was a District and not the Fire Department. Attorney Barnett stated conditions were under the control of the Planning Board and what would be needed by the District would need to be worked out internally. Planner Shepstone stated stub was already shown on the plans and a connection to Bowne Street or to Peters Pass would need to be shown.

Terry Hannigan, Esq. stated that the Paggi property access was not realistic and there was no plan as to how that property would be developed and owners were not receptive. Secondly, the Planning Board relied upon experts for advice and the issue of public safety and the ability of the Fire Department to respond and the Fire Department hadn't been brought into the discussion. Attorney Hannigan stated opinions of experts should be obtained and asked that prior to instituting conditions, the Planning Board talk with the public safety officials. Planner Shepstone stated that a good study may help support the alternatives. Member Michaud asked that a mutual aid plan be included in a narrative. It was agreed that the Applicant develop an analysis, including rough cost estimates, that evaluated a potential secondary access connections to Bowne Street and the land to the south, compared to the Fire District's preferred response plan in the event of an emergency that would block access to Town Hall Way.

Planner Yagelski remarked that he had been informed that trees couldn't simply be cleared since there was an application before the Planning Board. **Upon Motion of Vice-Chairman DeKoskie, seconded by Member Mastny and the affirmative vote of all Members, the Motion to flag trees to be removed and reviewed by the Code Enforcement Officer passed 7-0 by the following vote:**

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye

Alexis Breheny Aye
Dan Michaud Aye

Member Morello also stated that no grubbing should take place as well as not removing any trees during the bat roosting period from March 31st through October 31st.

Chairperson Pecora entertained a motion to supplement escrow in the amount of \$10,000.00. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Michaud and the affirmative vote of all Members, the Motion passed 7-0 by the following vote:

Roxanne Pecora Aye
Darin DeKoskie Aye
Mark Anderson Aye
David Mastny Aye
Sal Morello Aye
Alexis Breheny Aye
Dan Michaud Aye

Attorney Barnett stated that CHA comments to the Planning Board relative to the secondary access would be shared with the Applicant and any time limitations for the Planning Board to make a determination from the date of the Public Hearing were extended indefinitely were adjourned on consent until there was an agreement that the Application was complete. Extension would be revisited in April 2023 if necessary.

NEW BUSINESS:

Seff Lot Line Adjustment (Patricia Brooks, L.S.) – Case No. 2023-1; 110 & 140 Timberline Trail; SBL No. 79.2-2-14 & 15.100; R- 40 Zoning District

Patricia Brooks L.S. was present as agent for the Applicant. Planner Shepstone stated that the application was a simple lot-line adjustment, classified as a Type II action and recommended approval.

Chairperson Pecora entertained a motion waive the requirement of a Public Hearing pursuant to Section 107-16A. Upon Motion of Member Mastny, seconded by Member Anderson and the affirmative vote of all Members, the Motion passed 7-0 by the following vote:

Roxanne Pecora Aye
Darin DeKoskie Aye
Mark Anderson Aye
David Mastny Aye
Sal Morello Aye
Alexis Breheny Aye
Dan Michaud Aye

Chairperson Pecora entertained a motion to grant approval with submission of a mylar and five paper copies. Upon Motion of Member Mastny, seconded by Member Anderson and the affirmative vote of all Members, the Motion passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Alexis Breheny	Aye
Dan Michaud	Aye

Paola Gagliardi Dasilva 2-lot Subdivision (Patricia Brooks, L.S.) – Case No. 2023-2; 568 Lakeview Terrace; SBL No. 56.18-2-24.100; R-40 Zoning District

Patricia Brooks, L.S. was present as agent for the Applicant. Planner Shepstone reviewed the content of his notes and recommendations to the Planning Board for the proposed 2-lot subdivision. Ms. Brooks noted that a map note had been added relative to the grading of the driveway. Planner Shepstone stated the percentage of grading be corrected from 15% to 12% s

Chairperson Pecora entertained a motion to classify as an Unlisted Action under SEQRA and issue a negative declaration. Upon Motion of Member Mastny, seconded by Member Michaud and the affirmative vote of all Members, the Motion passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Alexis Breheny	Aye
Dan Michaud	Aye

Chairperson Pecora entertained a motion to schedule a Public Hearing to be held on February 13, 2023 at 7:35 p.m.. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Michaud and the affirmative vote of all Members, the Motion to schedule a public hearing for Case No. 2023-2 at 7:35 p.m. passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Alexis Breheny	Aye
Dan Michaud	Aye

Wood N Wheels Amended Site Plan (Scott Ouimet, P.E.) – Case No. 2023-3; 365 Route 9W, SBL Nos. 56.76-2-25 & 24; GC-1 & MFZ Zoning Districts

Scott Ouimet of Kaaterskill Associates and owner Albert Sorbello were present. Planner Shepstone stated that the application was to improve the layout of an existing site which wouldn't come close to the maximum capacity, was an Unlisted action under SEQRA, would require referral UCPB referral, was in the 9W Overlay District and a lot line adjustment would be involved. The Applicant had provided a simple SWPPP and archeological study as well as an Engineers Report on the water and sewer had been provided. Planner Shepstone recommended additional landscaping and lighting plans be provided and that the Applicant draft a Full EAF Part II & III that Planner Shepstone would review.

Engineer Ouimet addressed the Planning Board to provide information relative to the changes and additions being made to the facility, parking, landscaping and installation of a pool and splash pad. Chairperson Pecora stated that any amendments to the site should be included so that the Applicant had flexibility and not be required to keep returning to the Planning Board. The Applicant was requested to provided revised plans and the Administrative Assistant would refer the application to the Ulster County Planning Board (UCPB).

Chairperson Pecora entertained a motion to refer to the UCPB upon receipt of revised plans. Upon Motion of Member Mastny, seconded by Member Anderson and the affirmative vote of all Members, the Motion to schedule a public hearing for Case No. 2023-2 at 7:35 p.m. passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Alexis Breheny	Aye
Dan Michaud	Aye

Chairperson Pecora entertained a motion establish escrow in the amount of \$6,000.00 and refer to TDE Antony Stellato for a cursory review of the stormwater and septic plan. Upon Motion of Vice-Chairman DeKoskie seconded by Member Michaud and the affirmative vote of all Members, the Motion to schedule a public hearing for Case No. 2023-2 at 7:35 p.m. passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Mark Anderson	Aye
David Mastny	Aye
Sal Morello	Aye
Alexis Breheny	Aye
Dan Michaud	Aye

There were no ZBA referrals.

Upon Motion of Vice-Chairman DeKoskie, seconded by Member Anderson, the meeting was adjourned at 9:10 p.m.

Respectfully submitted:

Lisa K. Mance, Administrative Assistant

Date prepared: January 30, 2023

Date Approved: February 13, 2023