

PLANNING BOARD MINUTES
February 17, 2025
Town Hall, 284 Broadway
Port Ewen, New York 12466

Present: Chairperson Roxanne Pecora, Vice-Chairman Darin DeKoskie, Member Christina Hill, Member Sal Morello, Member David Mastny, and Member Steve Bailer

Excused: Member Ephie Trataros

Also present: Planner Bonnie Franson, AICP

The meeting commenced at 7:38 p.m. with the Pledge of Allegiance.

Chairperson Pecora called for a motion to approve the January 20, 2025 Minutes with corrections. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Mastny and all present voting in favor, the Minutes were approved by a vote of 6-0-1.

Vouchers:

Lisa Mance, Administrative Assistant – Notary License Renewal	\$ 60.00
Whiteman, Osterman & Hanna, LLC – Legal Services to Planning Board	\$ 21.30
Whiteman, Osterman & Hanna, LLC – Legal Services to Planning Board	\$ 715.00
CHA – K&Y Escrow	\$ 200.00
Whiteman, Osterman & Hanna, LLC – K&Y Escrow	\$ 703.81

Chairperson Pecora called for a motion to approve the vouchers. Upon Motion of Member Bailer, seconded by Vice-Chairman DeKoskie, and all present voting in favor, the Vouchers were approved by a vote of 6-0-1.

PUBLIC HEARING (CONTINUATION FROM JANUARY 20, 2025):

K&Y Site Plan/SUP – Khattar Elmassalemah, P.E. Agent – Case No. 2024-1; SBL No. 63.2-3-8; 126 Ulster Avenue; LI & Route 9W Overlay District

Chairperson Pecora entertained a motion to open the Public Hearing to continue public comment. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Mastny and all present voting in favor, the motion passed 6-0-1 to open the Public Hearing at 7:43 p.m.

Chairperson Pecora read the Public Hearing Continuation Notice for the record. Khattar Elmassalemah, P.E. and owner Ahmed Magdi were present.

Russell Shultis – 15 Anna Lane – Expressed two concerns. One involved Ulster County Planning Board (UCPB) review dated November 2024 which in part recommended that the....” Applicant identify an alternate site.” He stated that the configuration of Ulster Avenue didn’t

offer viable options for access for the site. The Ulster Department of Public Works had recommended a flagman which Mr. Shultis didn't believe was sufficient. Given the proposed site plan, he felt the Board should not approve the proposal. Secondly, the proposed septic field and fill area in relation to the wetlands and he had calculated a 40' setback of the setback from the wetlands which he felt was not adequate. Without approval from the Ulster County Board of Health, he felt the Planning Board should not move forward.

Patrick O'Brien – 127 Ulster Avenue – Mr. O'Brien had reviewed the UCPB comments and supported the comments made previously by Mr. Shultis. Mr. O'Brien referenced the recommendation by the UCPB that although disturbance was less than an acre, a grading and stormwater management plan was recommended. Killeen's residence was at the low point between Ulster Avenue and 9W and the residence adjoining to the South of the subject property would flow through the subject property. Any water from the from the wetland area would flow into Mr. Killeen's basement or into a culvert under the road and onto a property adjacent to Mr. O'Brien and Mr. VanLoan. All of the runoff from the property would go into yards or basements or sit in a wetland with endangered species. A flagger didn't work as proposed for the "s" turn and poses a danger for both the flagger and the trucks backing in from Ulster Avenue.

Brian Pece – 124 Ulster Avenue – Had provided written comment for the record and read same. Mr. Pece's concerns included the location of the project within the Route 9W Overlay District which was created to protect residential uses, etc. and the "...project goes against all of the purposes that the overlay was established to protect." He had provided a property valuation prepared by Potter Realty noting the valuation shows the negative affect the project will have on property values. Mr. Pece referenced the UCPB recommendations to locate an alternate site and that given the configuration of the road, three flag persons would be needed to adequately address the sight distance issues and safety.

Hearing no other persons wishing to speak, the Chairperson asked the Board if it wished to continue the public hearing, close it or suspend for written comment.

Member Bailer and Vice-Chairman DeKoskie stated they felt that everyone had an opportunity to speak, that there would be nothing new and the public hearing should be suspended for written comment. It was determined that the Public Hearing had been held for two months. Member Mastny moved that the Public Hearing be closed but the 62-day decision timeframe would then apply. Chairperson Pecora asked if the members felt that they were prepared to render a decision the next month and Planner Franson confirmed she could draft approval/disapproval resolutions if the Planning Board felt it could make a decision. Member Morello remarked that more review was necessary and the Public Hearing should not be closed.

Chairperson Pecora entertained a motion to suspend the Public Hearing indefinitely and continue to accept written comment. Upon Motion of Member Bailer, seconded by Vice-Chairman DeKoskie and all present voting in favor, the motion passed 6-0-1 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye

Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Christina Hill	Aye
Ephie Trataros	Excused

OLD BUSINESS:

K&Y Site Plan/SUP – Khattar Elmassalemah, P.E. Agent – Case No. 2024-1; SBL No. 63.2-3-8; 126 Ulster Avenue; LI & Route 9W Overlay District

There was currently \$3,933.69 remaining in escrow and the Board needed to consider if escrow needed to be supplemented.

Planner Franson reviewed her Memorandum with amendment that the proposal also qualified as a Special Use permit. The Planning Board needed to review the GML comments provided by the UCPB and determine if any modifications were to be superseded. Chairperson Pecora had requested review by the Town Fire Inspector (also Town CEO) to review and address performance standards pursuant to the Fire Code. CEO Jaffee provided a response listing reasons a special use permit could be denied. Chairperson Pecora read the e-mails for the record. The Planning Board needed to be satisfied that the proposed plans met the performance standards relative to fire and explosion hazards which were proposed to be dealt with through the building permitting process. This issue had triggered an email request to CEO Jaffee as Fire Inspector for emergency plans from his standpoint, if there were issues that he disagreed with relative to the Town Fire Department’s response, collaboration with the Town Fire Department, etc. and the response was not what had been requested.

Planner Franson noted missing items missing relative to the Planning Board’s acceptance of the given performance standards. Engineer Elmassalemah had researched similar businesses for an example of a plan but found none. He stated that all required permits for the business to operate and could be a condition of approval and if the required permits could not be obtained, the development could not move forward. Engineer Elmassalemah expressed his frustration and felt whatever had been requested had been provided. Planner Franson reiterated that confirmation from CEO Jaffee as Fire Inspector should be obtained. Member Bailer remarked that the CEO had brought valid points to the table and asked what benefit did the project offer. Vice-Chairman DeKoskie stated that opinion from CEO should not have been provided and that the Planning Board needed to operate autonomously. It was noted that there currently were propane providers in the vicinity to which the Engineer responded that there was nothing that restricted the number of similar businesses and questioned if there was anything specific in the Code relative to the Light Industrial Zone which stated that approval should not be given if there was no benefit to the Town. Engineer Elmassalemah stated that it was getting to the point where a decision needed to be made.

Planner Franson stated that ultimately, the proposal was a special use permit and site plan and in the Code under “Bulk Fuel Storage,” there was only one criteria that it needed to be 100’ from the nearest line of a residential district and the Building Inspector had made that determination.

Under the SUP, the general criteria for special use permits need to be considered such as all proposed structures, equipment, material shall be readily accessible for fire/police protection, shall be in harmony with the appropriate and orderly development of the district, will not be detrimental to the orderly development of adjacent properties....An issue is that the property was in the LI Zone and there were residences located in that Zone. The Planning Board needed to review the standards relative to site plan approval and the SUP criteria and determine if something needed to be met and required or make a decision be based upon the fact that it was not needed. Currently, the Planning Board had been following SEQRA and had not required an Environmental Impact Statement but at some point, Planner Franson needed direction to write decisions appropriately.

Member Mastny's main concern was the limited sight distance and referenced item "4" of the February 6, 2025 letter issued by Clough Harbour Assocs. which stated "The Delivery ruck Maneuver Plan shows the turning path of the delivery truck crossing the centerline of Ulster Avenue into the path of oncoming traffic. The driveway radii should be redesigned to allow the delivery truck to maneuver without this encroachment." Although it was noted that the comment had been addressed, in the October 7, 2024 plans and only shows the turning radii of smaller trucks making a right hand turn. Discussion ensued relative to the size of trucks and Engineer Elmassalemah indicated he wanted to depict size of a firetruck and turning radii. Regarding sight distance, the Engineer referenced Creighton Manning February 3, 2025 Traffic Assessment and February 13, 2025 response comments. Planner Franson noted that traffic engineer would look at prevailing speed and asked if that had been considered as well as the actual limit of the right-of-way and was it entirely within the County ROW. Although the ROW belonged to the County, the Applicant was willing to maintain control of the vegetation to maintain the sight distance. Engineer Elmassalemah stated conditional site plan approval was needed to enable him to request County approval, UCDOH approval and all other permits. The Applicant was now looking for a request that he could not make which then would trigger a denial or, enough information had been provided to make a decision.

Additional Planner comments included reference to Creighton Manning that a flagger would be placed "if" necessary and whether a flagger was wanted as well as a flagger present when the large tanks were filled and trucks would be leaving the site. Member Hill noted that she had conducted a site visit and felt three (3) flaggers would be needed due to the configuration of the road. She felt the road bends were located in such a way that mirrors would not be effective. Member Hill stated she appreciated the Applicant's frustration and a decision "yea" or "nay" was needed. +

Planner Franson stated because disturbance was under one acre, a Stormwater Pollution Plan was not required.

Chairperson Pecora requested direction from the Members indicating their stance and if drafting resolution was desired. Planner Franson recommended polling the Board.

Member Morello asked if input from the UCDPW had been received with regard to the latest plans and comments Tony Stellato, P.E. and requested an updated response. Planner Franson agreed the information would be beneficial in making a decision. He confirmed the maximum

number of tanks to be stored on the property as well as no cleaning of vehicles or painting was to take place on the site. Planner Franson noted those restrictions could be conditions.

Planner Franson read the June 17, 2024 UCDPW letter and Chairperson Pecora referenced CHA February 6, 2025 response email which read “.....engineering shows that the standard care for sight distance is not met.”

Members Bailer and Morello continued with concerns regarding operations relative to hours, flaggers, etc. and requested clarification of hours and number of vehicles arriving and leaving the site.

Additionally, Member Morello wanted confirmation that the drainage was not an issue. The Planning Board reviewed the grading plan. Engineer Elmassalemah stated that all runoff would flow to the eastern wetlands and neither resident would be impacted. Member Morello inquired if the inside southeast corner of the flag located by the eye pipe would ever create an issue.

Chairperson Pecora requested input to provide regarding position on voting which would provide direction for Planner Franson. Vice-Chairman DeKoskie stated he was not sure if a vote could be taken without final input from the UCDPW, as well as Member Morello. Planner Franson stated that information regarding the trips generated to fill the tanks, storage capacity, site parking and anticipated growth were considerations needed to draft a resolution.

Engineer Elmassalemah stated for the record that they would not offer a guarantee as to how the business would run presently as compared to a operation in the future. The definition for operation related to the present bulk storage site. Planner Franson requested confirmation that any expansion that would be proposed in the future would be only relative to the cylinders and no expansion was planned. The requested approval would be pertinent to the current site as proposed. Chairperson Pecora stated that a timeframe could be placed on the approval to review the operation under the special use permit. She requested that Members move on and polled the Board who all indicated they had issues that needed to be addressed further. Planner Franson couldn't draft resolution given the position of the Members and many wanted to hear from the County. Planner Franson asked, if the County came back that the concerns had been adequately addressed, was the Planning Board comfortable to make a decision; in order to make clear for the Applicant. Member Morello stated that all conditions could be built into the resolution, but he chose not to respond at the moment. The DPW response needed to be provided to Engineer Stellato.

No other members wished to provide a vote with the exception of Member Hill who was presently inclined toward “no.” Member Bailer preferred additional time to review responses.

River Heights Development (Medenbach, Eggers & Carr) – Case No. 2024-6; SBL No. 56.52-1-37.3; R-12 Zoning District

Caleb Carr, P.E. and Architect James Reynolds were present. The proposed plan had been revised to increase the number of units to ten (10).

Planner Franson reviewed the content of her recommendations to the Planning Board. There was a question relative to the use and needed confirmation from the Code Enforcement Officer. Mixed use occupancy had been discussed but required two or more principle uses and currently, the proposal was two-family. Engineer Carr considered the units as townhouses rather than two-family.

Architect James Reynolds introduced himself and continued addressing the Board stating from his prospective, the units were a hybrid between a duplex and townhouses. From a building code standpoint, they were townhouses but the architectural had not been changed and each duplex unit currently was proposed with open space. Planner Franson stated that the Planning Board was dictated by the Zoning Code and, as per the Zoning definitions, two units in each building would be defined as two-family. A question to present to the Code Officer would be if the townhouses were on individual lots, would they be allowed. Engineer Carr stated that he would have to revise plans and return to confirm the definition of "townhouse" was met. Planner Franson stated a determination from the Building Inspector would be needed. The building height on sheet A100 indicated a 35' maximum building height and would need to be confirmed. Architect Reynolds stated that the maximum building height of 35' had been met and explained his calculations. The ground floor was proposed to be a service area with the primary living space on the second floor. The vision was to create high-end units with the possibility of residential class elevators and would be sprinklered.

Planner Franson noted the confusion may exist was the first page refers to the units as "two-family dwellings" whereas the sheets refer to them as "townhouses." Planner Franson noted that the review was early in the process but noted that a stormwater basin existed. Chairperson Pecora provided history regarding the upper parcel which was originally part of the River Planned Unit Development and that a restaurant had originally been proposed with height restrictions. The property had been taken out of a PUD and conditions/restrictions may have been placed that may still apply and the stormwater bason may have been part of the original development. Planner Franson inquired if the site was improved to handle the drainage from the proposed project, was there an easement to allow drainage between the properties. Chairperson Pecora stated the stormwater review didn't exist when the Riverview Condominiums were developed. Member Morello recommended a title search should be conducted to determine potential easement and restrictions that may exist from the previous development proposal. The Members indicated that a site plan may take place in March.

Planner Franson noted the existence of a ridgeline and the development should consider maintaining the green character of the neighborhood so that the structures don't visibly "pop out." Cross-sections and landscaping indicating vegetation should be provided.

Planner Franson noted that since the plans had been revised, the submission currently should be considered a presubmission review.

Hendrick LLA – Case No. 2025-1; SBL Nos. 56.60-1-4 & 42; 137-143 Broadway; BC Zoning District

Surveyor Donald Brewer was present and explained necessity for the requested lot-line adjustment which was a result of Ulster County Real Property currently showing two separate parcels. A related pending Site Plan Application didn't match the setbacks and information stated on the proposed Lot-line Adjustment. Planner Franson stated that both application would be classified as a SEQRA Type II action and decisions rendered separately by the Planning Board would not create segmentation.

Chairperson Pecora entertained a motion to waive a public hearing pursuant to §107-16A . Upon Motion of Vice-Chairman DeKoskie, seconded by Member Mastny and all present voting in favor, the motion passed 6-0-1 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Christina Hill	Aye
Ephie Trataros	Excused

Chairperson Pecora entertained a motion to classify the SEQRA Type II action. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Hill and all present voting in favor, the motion passed 6-0-1 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Christina Hill	Aye
Ephie Trataros	Excused

Chairperson Pecora entertained a motion to grant lot-line deletion approval. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Mastny and all present voting in favor, the motion passed 6-0-1 by the following vote:

Roxanne Pecora	Aye
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Darin DeKoskie	Aye
Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Christina Hill	Aye
Ephie Trataros	Excused

The review of the proposed Site Plan was tabled so that the Applicant could revise the Site Plan to confirm with the data shown on the Lot-Line Deletion.

ZBA referrals – None

Miscellaneous Discussion - Workshop meetings – Member Mastny stated that the scheduling presently was designed to review three applications per month for half-hour allotted time. Currently, there was a backlog of proposed lot-line adjustments. Planner Franson stated that the time to review lot-line adjustments could be reduced so that more may be considered at a workshop.

Upon Motion of Vice-Chairman DeKoskie, seconded by Member Bailer and all Members in favor, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Lisa K. Mance

Dated: March 4, 2025

Approved: March 17, 2025