

**TOWN OF ESOPUS PLANNING BOARD MINUTES
MEETING CONDUCTED VIA ZOOM
May 11, 2020**

PRESENT: Roxanne Pecora, Chairperson Darin DeKoskie, Vice Chairperson Greg McCord
Mark Anderson Brian Cournoyer David Mastny Dan Michaud Fred Zimmer, Alternate

ALSO PRESENT: Town Board Liaison, Councilman Chris Farrell and Planning Board
Consultant, Alan Sorensen.

The meeting of the Town of Esopus Planning Board was called to order at 7:37 P.M.
Chairperson Pecora commenced the meeting with the Pledge of Allegiance.

PUBLIC HEARING:

**SCP Metal Fabrication Site Plan/Special Use Permit – Case No. 2019-19; SBL No. 63.4-4-
12, LI Zoning District**

**Chairperson Pecora called for a Motion to open the Public Hearing for the SCP Metal
Fabrication Site Plan.** Upon Motion of Member Brian Cournoyer, seconded by Member Mark
Anderson and the affirmative vote of all Members, the Public Hearing was opened at 7:41 p.m.

Chairperson Pecora read the Public Hearing Notice into the record.

Applicant Steven Pasqua and Architect Robert Dupont were present for the application review.
For the purpose of the meeting, Administrative Assistant unmuted members of the public – John
Pompay and Roger Brandt. The written comment of Mr. Pompay had been provided by email to
the Planning Board. The concerns of Mr. Pompay are annexed hereto and made a part hereof and
include the name of Alan Siefert.

Thereafter, Chairperson Pecora called for members of the public to the Zoom meeting and asked
for them to join. Mr. Pompay was present at the Zoom meeting and indicated that his written
comment on behalf of his father-in-law and neighbors was sufficient and he did not wish to add
any further comment.

**Hearing no further public comment, Chairperson Pecora entertained a motion to close the
Public Hearing.** Upon Motion of Member Dan Michaud, seconded by Member Greg McCord,
and the affirmative vote of all Members, the Public Hearing was closed at 7:47 p.m.

In the interim to address the next scheduled Public Hearing, **Chairperson Pecora called for a
Motion to approve the March 11, 2020 Minutes.** Upon Motion of Member Darin DeKoskie,
seconded by Member Dan Michaud and the affirmative vote of all Members, the Minutes were
approved by vote of 7-0.

Chairperson Pecora called for a Motion to approve the March 2020 Voucher of Planit Main Street in the amount of \$2,180.00. Upon Motion of Member Darin DeKoskie, seconded by Member Mark Anderson and the affirmative vote of all Members, the Minutes were approved by vote of 7-0.

Hasbrouck Hills (Edward Aleo) Site Plan/Special Use Permit – Case No. 2019-17; SBL No. 56.59-4-4.110 and 5.210; R12 Zoning District

Chairperson Pecora called for a Motion to open the Public Hearing for the Hasbrouck Hills Site Plan/Special Use Permit. Upon Motion of Member Dan Michaud, seconded by Member Brian Cournoyer and the affirmative vote of all Members, the Public Hearing was opened at 7:51 p.m.

Chairperson Pecora read the Public Hearing Notice into the record.

John Stinemire, P.E was present via Zoom with property owner Edward Aleo.

Adjoining neighbor Roger Brandt was present and had provided his written comment to the Planning Board with his email requesting information to join Zoom meeting. He requested courtesy that had been afforded neighbors during the prior development and asked for some type of screening to the North side of the property to provide his residence privacy.

All members were in agreement to hold the Public Hearing open for the June 8, 2020 meeting. **Chairperson called for a Motion to hold the Public Hearing open.** Upon Motion of Member Dan Michaud, seconded by Member Darin DeKoskie and the affirmative vote of all Members, the Public Hearing was held open until the June meeting.

Betar Site Plan/Special Use Permit – Case No. 2019-9; SBL No. 56.51-4-1; 77-79 Connelly Road; R12 Zoning District

Chairperson Pecora called for a Motion to open the Public Hearing for the Betar Site Plan/Special Use Permit. Upon Motion of Member Dan Michaud, seconded by Member Mark Anderson and the affirmative vote of all Members, the Public Hearing was opened at 8:00 p.m.

Chairperson Pecora read the Public Hearing Notice into the record.

Khattar Melammud, P.E. of Praetorius & Conrad, was present.

William Freda of 95 Connelly Road was present. His comments on the proposal included his concerns relative to additional traffic and pedestrians on Connelly Road, that the proposal wasn't in line with the character of the neighborhood (no sidewalks) and garbage being thrown along Connelly Road.

Hearing no further public comment, Chairperson Pecora entertained a motion to close the Public Hearing. Upon Motion of Member Dan Michaud, seconded by Member Brian Cournoyer and the affirmative vote of all Members, the Public Hearing was closed at 8:06 p.m.

OLD BUSINESS:

SCP Metal Fabrication Site Plan/Special Use Permit – Case No. 2019-19; SBL No. 63.4-4-12, LI Zoning District

Planner Alan Sorensen reviewed the required modifications provided by the Ulster County Planning Board (UCPB). In its May 6, 2020 recommendations, the UCPB requested that final approval of the access permit approval be provided from the New York State Department of Transportation (NYS DOT); waiver from the Town Code Enforcement Officer relative to the grading requirements (in excess of 12%) of the access be provided, Ulster County Department of Health permit, lighting levels be calculated for the Plan not levels not exceeding the Dark Sky Illuminance levels, and as a condition of approval, a note should appear on the plan that a 25 foot buffer of vegetation is to remain and finally, given the slope and use, a minimum sediment and erosion control plan should be provided and whether it was a potential hot spot (which had been addressed by the Planning Board previously).

E-mail from Code Enforcement Officer Mark Jaffee, Fire Inspector Richard Valentine, Code Enforcement Officer Salvatore Morello and response from the Port Ewen Fire Chief was read.

Architect Robert Dupont had received the referral response of the UCPB and proceeded to address the required modifications suggested. He indicated that NYS DOT approval and septic approval from the UCDOH had been obtained. It did not appear that the approvals had been provided to the Planning Board for its file.

Chairperson Pecora called for a Motion to concur with the required modifications recommended by the UCPB for written approval from the NYS DOT and the UCBOH. Upon Motion of Vice Chairman Darin DeKoskie, seconded by Member Dan Michaud, and the affirmative vote of all Members, the Motion to require written confirmation from both agencies for the Planning Board's records passed by a vote of 7-0.

Chairperson Pecora called for a Motion to confirm agreement with UCPB required modification for a waiver of the access grading requirement (greater than 12%) and written approval be submitted by the Building Inspector confirming said waiver. Upon Motion of Member Greg McCord, seconded by Vice Chairman Darin DeKoskie and the affirmative vote of all Members, the Motion passed by a vote of 7-0.

Chairperson Pecora called for a Motion to confirm agreement with the UCPB required modification requesting UCBOH permit approval of the septic. Upon Motion of Member

Dan Michaud, seconded by Vice Chairman Darin DeKoskie and the affirmative vote of all Members, the Motion passed by a vote of 7-0.

Chairperson Pecora called for a Motion to overrule the UCPB required modification that the lighting levels be calculated for the plan with the illumination not to exceed the IES recommended illuminance levels and that the requirement has been met by the Applicant.

Upon Motion of Member Greg McCord, seconded by Member Mark Anderson and the affirmative vote of all Members, the Motion passed by a vote of 7-0.

Chairperson Pecora called for a Motion to confirm that the UCPB required modification that the 25 foot vegetative buffer zone remain and be indicated on the site plan. Upon Motion of Member Dan Michaud, seconded by Member Brian Cournoyer and the affirmative vote of all Members, the Motion passed by a vote of 7-0.

Chairperson Pecora called for a Motion to address the UCPB required modification that a Stormwater Prevention Plan was needed and a determination had been made that there is no potential “hot spot.” Upon Motion of Member Mark Anderson, seconded by Vice Chairman Darin DeKoskie and the affirmative vote of all Members, the Motion to request stormwater prevention be added to the plans be provided and that it had been confirmed by the Planning Board that the site/use was not a potential “hot spot.” passed by a vote of 7-0.

Chairperson Pecora called for a Motion to classify the action as a Type II action under SEQRA. Upon Motion of Member Dan Michaud, seconded by Vice Chairman Darin Dekoskie and the affirmative vote of all Members, the Motion passed by a vote of 7-0.

Chairperson Pecora called for a Motion to grant approval, conditioned upon the submission of a written waiver from the Town of Esopus Code Enforcement Officer regarding the access, submission of 6 copies of the Site Plan, written approval from the NYS DOT and the UCDOH, note relative to the 25’ vegetative buffer to remain and basic sediment and erosion control measures noted on plans. Upon Motion of Member Mark Anderson, seconded by Member Greg McCord and the affirmative vote of all Members, the Motion passed by a vote of 7-0.

Hasbrouck Hills (Edward Aleo) Site Plan/Special Use Permit – Case No. 2019-17; SBL No. 56.59-4-4.110 and 5.210; R12 Zoning District

Planner Sorensen did not have any updated notes and that Peter Lilholt, P.E. had provided comment. It was noted that the Building Inspectors had concerns with parking and members of the Planning Board had concerns with blasting issues. Member Dan Michaud addressed the issues that may be need to be addressed with disturbance and that the Public Hearing had been held open to address concerns of neighbors, the Town and possible need for blasting to accommodate the proposed site. Vice-Chairman DeKoskie concurred that it was a very restricted site for development and that the Public Hearing was justified in being held open for concerns

relative to what may need to take place on the site to accommodate the layout and concerns with possible need for blasting. All members concurred that blasting was a concern that needed to be investigated. John Stinemire, P.E. stated that there would be no blasting and the applicant was willing to certify to that matter, adding that hammering was what was being proposed.

Member Dan Michaud asked that the amount of rock being proposed to be removed needed to be provided and a more detailed description should be provided. The Town Building Inspectors had expressed issues with the constrictions of the site and Chairperson Pecora noted that the Inspectors were not on the Zoom meeting and their concerns needed to be considered. P.E. Stinemire indicated that the amount of rock being removed would be difficult to provide. The suggestion was made that monitoring could be provided to determine if incompetent rock was struck and what would be involved. Member Greg McCord indicated that he was willing to look into the thresholds and seismic monitoring (vibration monitoring). P.E. Stinemire asked for clarification as to what was being requested by the Planning Board. "No Blasting" note was an item that would be requested. Further discussion ensued with Engineer and Planning Board relative to test pits and rock cuts and what the possible overburden could be. It was noted that the next closest structures to the site were Dr. Aleo's existing buildings. A distance trigger for ripping was suggested, with a set limit and a vibration monitor was noted to be sufficient as noted by Member Dan Michaud; being conservative was a better alternative and should be evaluated but there was the possibility that limited hammering would suffice but that it was a restricted site and that vibration monitoring should be considered. In the absence of data and protecting the neighbors, Member Michaud suggested monitoring measures be taken. P.E. Stinemire indicated that the costs to accomplish same needed to be investigated but that the Applicant had previously developed on an adjacent lot and no issues had been experienced.

CEO Sal Morello joined meeting via telephone at 9:00 p.m. and he was given an update as to the discussion). The estimation of how much rock was needed to be removed and the rock elevation was questionable. P.E. Stinemire was asked to provide the test pits to the plans. Member Michaud and Member McCord discussed codes relative to vibration monitoring and it was determined that it would be investigated. A note on the plan addressing the issue was recommended by Member Dan Michaud. P.E. Stinemire suggested a meeting with Code Enforcement Officer to investigate the rock disturbance, once the basic excavation had been conducted, and the results coming from that excavation, would be acceptable.

CEO Morello inquired as to restrictions on noise. The Applicant agreed that rock hammering could be restricted to a range of time and was willing to propose on the plan. Synopsis of P.E. Stinemire was to monitor times of hammering and noise monitoring. It was agreed that a Public Notice to neighbors with regard to noise could take place if project was to progress. The question was raised as to what the Town Code called for regarding noise and the Applicants and hammering on Saturdays was discussed. Member Dan Michaud indicated that having the Applicant hiring a machine restricting to not operating on Saturday should be subject to public comment. P.E. Stinemire requested confirmation of the requirements pertinent to holding the

Public Hearing open. Written comment submitted by neighbor Roger Brandt inserted: Just for the record, the rock ledge runs thru my property to the north of your site. What liability is handled if the tree falls on the house during this excavation/ripping of the ledge, The Planning Board chose to address Mr. Brandt's concerns indicating that the concern was a civil matter.

Betar Site Plan/Special Use Permit – Case No. 2019-9; SBL No. 56.51-4-1; 77-79 Connelly Road; R12 Zoning District

Khattar Elmassalemah, P.E. had provided letters from the Esopus Highway Department, Connelly Fire Department and response from Don Kiernan of the Esopus Water and Sewer Department.

Planner Sorensen reviewed his recommendations to the Planning Board.

Stormwater had been submitted to PB Administrative Assistant and shared with Member Darin DeKoskie who concurred that it was sufficient. Concerns previously expressed by the Planning Board were discussed and had been addressed with regard to the lighting, apparatus maneuverability, bat map note, sewer, bat remediation note and limits of disturbance.

Chairperson Pecora called for a Motion to declare a Negative Declaration under SEQRA. Upon Motion of Member Mark Anderson, seconded by Chairperson Roxanne Pecora and the affirmative vote of all Members, the Motion passed by a vote of 7-0.

Chairperson Pecora called for a Motion to approve the application conditioned upon submittal of 6 site plan copies, recreational fee, and map note relative to Town Sewer and Water connection. Upon Motion of Vice Chairman Darin DeKoskie, seconded by Member Mark Anderson and the affirmative vote of all Members, the Motion passed by a vote of 7-0.

The meeting of the Planning Board was adjourned at 9:58 p.m.

NEXT MONTHLY MEETING: June 8, 2020
DEADLINE DATE: May 27, 2020
NEXT PRE-SUBMISSION: TBD

Respectfully submitted: Lisa K. Mance, Administrative Assistant

Date prepared: May 30, 2020

Date approved: June 8, 2020