

PLANNING BOARD MINUTES

May 20, 2024

Town Hall, 284 Broadway
Port Ewen, New York 12466

Present: Chairperson Roxanne Pecora, Vice-Chairman Darin DeKoskie, Member Chris Marta, Member David Mastny, Member Sal Morello, Member Steve Bailer and Alternate Mark Anderson

Also present: Bonnie Franson, AICP, Dylan Harris, Esq. and Councilperson Jared Geuss

The meeting commenced at 7:45 p.m. with the Pledge of Allegiance.

Chairperson Pecora called for a motion to approve the April 21, 2024 Minutes. Upon Motion of Member Marta, seconded by Vice-Chairman DeKoskie and all present voting in favor, the Minutes were approved by a vote of 7-0.

Vouchers:

Nelson, Pope & Voorhis -Esopus Barns Escrow	\$ 155.00
Whiteman, Osterman & Hanna, LLC – Castlemore Holdings Escrow	\$ 910.00
Clough Harbor & Assocs. – Castlemore Holdings Escrow	\$2,245.00
Clough Harbor & Assocs. – Streamside Farms Escrow	\$ 570.36
Nelson, Pope & Voorhis – March Services of Bonnie Franson, AICP	\$2,700.00
Nelson, Pope & Voorhis – April Services of Bonnie Franson, AICP	\$2,700.00
Clough Harbor & Assocs. – Lighthouse Village Escrow	\$ 540.72
Clough Harbor & Assocs. – Esopus Barns Escrow	\$1,385.00

Chairperson Pecora called for a motion to approve the Vouchers. Upon Motion of Vice-Chairman DeKoskie, seconded by Alternate Mark Anderson and all present in favor, the motion passed by a vote of 7-0.

PUBLIC HEARING:

Hill Site Plan – Case No. 2024-2; 230 Broadway; SBL No. 56.67-5-16; NC/R12 Zoning District

Applicant Christina Hill and Architect Matt Mason were present.

Chairperson Pecora read the corrected Public Hearing Notice into the record.

Upon Motion of Member Marta, seconded by Alternate Member Anderson and all Members in favor, the Public Hearing commenced at 7:49 p.m.

Melissa Brown - Ms. Brown read a prepared comment (submitted for the record). Ms. Brown was not supportive of the proposed site plan and felt that it would negatively impact the neighborhood. If it were to be granted, Ms. Brown asked that consideration be given to move the location of the proposed accessory dwelling unit further from her property line and closer to the Applicant's house.

Janice Peterson – Ms. Peterson expressed support for the proposed ADU.

Kai Farmer – Mr. Farmer was a Senior Planner with the Ulster County Planning Department, focusing on affordable workforce housing and overseeing the RUPCO Accessory Dwelling Unit Grant Program. Mr. Farmer provided statistical data relative to housing costs in the County of Ulster which included the range of rentals in the Town of Esopus and construction costs in the County of Ulster. ADUs were an affordable option to support homeowners. The Grant program provided grants from moderate to low-income homeowners to build ADUs for affordable rentals or relative(s).

Kathryn Schneider – Ms. Schneider had received the revised public hearing notice. Her concern was that the ADU could become a short-term rental in the future and inquired if the ADU was for a relative, why an addition wasn't being attached to the residence.

Mary Warren - Ms. Warren inquired what was the life expectancy of an ADU, could the water and sewer be disconnected in the future, as well as the impact it would have on the Route 9W corridor.

Chairperson Pecora called for a motion to close the Public Hearing. Upon Motion of Member Marta, seconded by Vice-Chairman DeKoskie, and all present in favor, the motion passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Chris Marta	Aye
Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Mark Anderson	Aye

The Public Hearing closed at 8:03 p.m.

Chairperson Pecora called for a motion to enter an attorney-client meeting. Upon Motion of Member Mastny, seconded by Member Marta, and all present in favor, the Planning Board entered into an attorney/client meeting at 8:04 p.m. The regular business of the Planning Board resumed at 8:39 p.m.

OLD BUSINESS:

Hill Site Plan – Case No. 2024-2; 230 Broadway; SBL No. 56.67-5-16; NC/R12 Zoning District

Planner Franson reviewed the content of her recommendations to the Planning Board. The plans needed to be revised to indicate “site plan” and remove the reference to special use permit. There was a general question of the lot area raised by the Attorney.

Attorney Harris noted that the lot involved was a non-conforming lot and the Planning Board desired to refer to the ZBA to make a determination that an ADU could be erected which would make the lot more non-conforming. The Code Enforcement Officer indicated on March 4, 2024 that there were no variances required for density or setbacks but did not address that the lot was non-conforming. Planner Franson stated that the concern of the Planning Board was if the intent was to allow ADUs on any lots, including pre-existing non-conforming lots that did not comply.

The Applicant disagreed, stating that all the requirements for an ADU had been met. Member Marta stated that the plan indicated that the minimum lot area required was 12,500 square feet and the existing property was 11,991 square feet.

Member Mastny stated that utilizing the existing water and sewer through the residence to the ADU was not acceptable and would require separate hookups.

Chairperson Pecora called for a motion to refer the application to the ZBA to confirm the request for the ADU met the Code requirements pursuant to §123-12 A(3)(c). Upon Motion of Member Marta, seconded by Vice-Chairman DeKoskie, and all present in favor, the motion passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Chris Marta	Aye
Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Mark Anderson	Aye

The Applicant was requested to provide a letter from RUPCO.

Ball & Claw Site Plan (Maria Philippis, Owner) – Case No. 2024-4; 213 Broadway; SBL No. 56.60-5-13; BC Zoning

Owner/applicant Maria Philippis was present. Ms. Philippis addressed the Planning Board to provide an explanation of what was being proposed. Two existing apartments were being converted into additional space to operate the proposed antique shop.

Planner Franson reviewed the content of her written recommendations and comments. Comments included that a referral to the Ulster County Planning Board (UCPB), New York State Department of Transportation (NYSDOT) for access, Ulster County Board of Health (UCBOH),

Port Ewen Fire District, Port Ewen Water and Sewer District and Waterfront Advisory Board may be needed.

The Applicant was requested to provide revised maps with the metes and bounds to ensure the location of parking and buildings was accurate as well as required parking calculations based upon the uses. Planner Franson stated that the Code provided the required calculations for retail space and if the Architect needed guidance, she could contact Planner Franson. Lighting needed to be provided or, if not being added, needed to be indicated on the plan as a map note for existing lighting. Circulation of traffic could be indicated by arrow(s) on the plan and pavement markings needed to be updated.

Tenants with beverage truck serving alcohol were responsible for UCBOH requirements and Applicant was requested to provide written documentation confirming that fencing requirements for that location was acceptable.

The property had been listed as eligible for registry on the National Historic Places and although there was no consent by owner to register at the State level, and with regard to the building, proposed alterations needed to be clearly defined. The Applicant stated that alterations were being made to restore the structure to its 1920s period style. A report from the State Historic Preservation Office needed to be obtained.

The Application would be referred to the UCPB and a determination as to whether a Public Hearing was to be scheduled would be made when revised maps had been provided.

Lighthouse Village (George Cuney) – Case No. 2020-8; 364 Broadway; SBL Nos. 56.83-4-10.123 & 124; R12 & GC 1 Zoning Districts

Applicant George Cuney, Engineer Caleb Carr and Architect Rich Tompkins were present. Responses from NYSDOT and the Planning Board's Engineer had been received but not reviewed given submissions received subsequent to the deadline. The NYSDOT had requested a left-hand turn lane coming from the South into the proposed development from Route 9W. Concerns recently received from Engineer Stellato indicated that concerns were minor.

Conversations had been taking place between Engineer Carr and the NYSDOT. Engineer Carr had sent a rendering of the proposed left-hand turn lane to the NYS DOT and to the Town. Two reviews had taken place addressing the SWPPP but the most recent response of Engineer Stellato had not been reviewed.

Engineer Carr was requested to provide written comment from the Superintendent of the Water & Sewer Department to confirm the status of ownership of the waterline from the existing Town line to the proposed site pursuant to an inquiry from the NYSDOT. The Town did not wish to declare ownership of the approximately 8-foot connection which would pass through the NYS DOT right of way.

Planner Franson indicated that the plans had changed relative to stormwater and building designs and inquired if the Planning Board felt there were any outstanding items that needed to be

addressed that were necessary to conclude SEQRA review. Changes had been made to the elevations and floor plans to match the bedroom count. There had been two sets of comments from the NYSDOT and Planner requested explanation. Engineer Carr explained that the first set of comments addressed the initial request from the NYSDOT for the left-hand turn land and there was right-of-way data necessary from the NYSDOT and the hope had been was to receive conceptual approval which had not been received. All of the detailed data had not been received to formalize the request to NYSDOT. The information for the left-hand turn lane had not been provided to Creighton Manning when the traffic study was previously conducted and Planner Franson noted that an update from Creighton Manning indicated what affect that may have be provided so that it could be addressed in any SEQRA determination. Member Morello requested clarification of the NYSDOT comment received May 6, 2024, stating the driveway from the south side of the entrance be eliminated. A subsequent letter had been submitted by the NYSDOT to correct remark that the sidewalk south of the entrance be removed (not driveway). Further discussion ensued regarding the requirement for the sidewalk to be extended south of the entrance and the preference of the Ulster County Planning Board. The Application had been referred to the Ulster County Planning Board in March 2023. Engineer Carr initially was requested to provide a point-by-point response to the previous comments of the UCPB but it was ultimately determined that since one year had transpired, a referral back to the UCPB was warranted.

Chairperson Pecora called for a motion to refer the application to the UCPB upon submission of plans with the revised left-hand turn lane. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta and all present in favor, the motion passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Chris Marta	Aye
Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Mark Anderson	Aye

The project was proposed on two lots and Attorney Harris questioned compliance with Section 123-8(f) applies to a single lot or two lots. There had been a determination and the Planning Board felt guidance from the ZBA was necessary to confirm the review involving two lots was in compliance with the Code.

An application to remove a lot line had been submitted with the request for the site plan.

Chairperson Pecora called for a motion to refer to the ZBA for a determination pursuant to Section 123-8(f). Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta and all present in favor, the motion passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye

Chris Marta	Aye
Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Mark Anderson	Aye

The Administrative Assistant was directed to work with Attorney Harris to examine the file history to enable him to draft a letter requesting a specific determination. Engineer Carr would follow up with a letter from Tony Stellato, P.E. and Water and Sewer Superintendent Butler.

Castlemore Site Plan/SUP – Case No. 2023-19; 38 Hudson Lane, Ulster Park; SBL No. 64.3-5-2.320; R40 Zoning District

Agent Derek Leung, Attorney John Cappello and Engineer Matt Towne were present.

Engineer Towne updated the Planning Board with revisions that had been made which included wayfinding, paving steeper portions of the driveway and was requesting that a 12A variance for grading of Drive “A” be confirmed. The Applicant had addressed comments provided by the Planning Engineer and was awaiting confirmation that all items were acceptable. A habitat study had been conducted and basic noise mitigation measures had been provided.

Planner Franson provided key remarks provided in her recommendations and comments. The largest issue was a determination of the ZBA relative to “seasonal” eight-month term. Attorney Harris stated that there needed to be clarification as to what the definition meant in relation to this project and clarification was necessary as to how the definition applied to the project.

Chairperson Pecora called for a motion to refer to the ZBA for a determination to clarify application of the seasonal definition to the Castlemore project. Upon Motion of Member Marta, seconded by Vice-Chairman DeKoskie, and all present in favor, the motion passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Chris Marta	Aye
Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Mark Anderson	Aye

Attorney Cappello requested that the ZBA review continue simultaneously with the Planning Board. Attorney Harris confirmed that was his recommendation.

The Applicant was requested to provide a complete package of the scaled floor plans, elevations and colors of the units.

The Planning Board felt clarification of how the ZBA definition of “ridgeline” applied to the site.

Planner Franson would draft a SEQRA EAF Part II to review with the Planning Board to determine impacts of noise, traffic, etc. and whether additional studies or mitigation was necessary.

Chairperson Pecora called for a motion to refer to the ZBA for a determination to clarify how the ridgeline definition fit Castlemore project. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta, and all present in favor, the motion passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Chris Marta	Aye
Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Mark Anderson	Aye

Planner Franson would draft a SEQRA EAF Part II to review with the Planning Board to determine impacts of noise, traffic, etc. and whether additional studies or mitigation was necessary.

Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta, a motion to refer a traffic study to Clough Harbor for review when the information was received was passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Chris Marta	Aye
Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Mark Anderson	Aye

Vice-Chairman DeKoskie requested a copy of the study be provided to him when it had been prepared.

Member Marta requested wayfinding from Route 9W be provided.

Bridgeview Site Plan/SUP (Mike Jacobschang, Architect as Agent) – Case 2023-13; 160, 166 & 168 First Street, Connelly; SBL Nos. 56.50-1-3.100, 3.200 & 3.300; W Zoning

Hugo Li, Architect Mike Jacobs and Juan Yu were present.

Architect Jacobs provided an update with changes to the plans that had occurred. The plans had been revised to move the location of septic and services to 1st Street for connection to existing

Town sewer and the system was currently being reviewed to be brought into compliance with Code. Four (4) cabin sites were still proposed. There had been discoveries unknown to the Applicant on the site including an unofficial septic field for the restaurant, a desire to connect the RVs sites to the septic system and services to the property. Superintendent Butler had been contacted to work with the Applicant make the appropriate connections.

The recommendations and review notes of Planner Franson had been provided to the Applicant which involved items that needed to be addressed. Given the extent of comments, the Applicant was advised to attend a workshop. Planner Franson noted that there was a lot of work to be done and questioned if the Board was working with one lot and not the others. The proposed parking for the cabins was located on the marina property. The property was purchased with campers on one of the parcels as well as a single-family residence and the purchasers were advised that those situations needed to be addressed as well. There were details involving all three properties which needed to be addressed and the Applicant was directed to coordinate a workshop meeting.

Streamside Farms Site Plan – Item “6” of the approval Resolution indicated that the secondary access was required to be full access. The Code Enforcement Officer had now provided an opinion that the access could be gated given new technology now available to emergency service vehicles. Chairperson Pecora read the opinion of CEO Jaffee dated May 7, 2024.

Chairperson Pecora called for a motion to refer the opinion of the CEO to the ZBA to confirm that the condition to gate the secondary access was acceptable given the new technology available. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta, and all present in favor, the motion passed 7-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Chris Marta	Aye
Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Aye
Mark Anderson	Aye

Upon Motion of Member Marta, seconded by Member Mastny and all in favor, the meeting was adjourned by a vote of 7-0 at 11:45 p.m.

Respectfully submitted,

Lisa K. Mance

Dated: June 3, 2024

Approved: June 17, 2024