

**PLANNING BOARD MINUTES**  
**JUNE 17, 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, and Member Steve Bailer

**Also present:** Bonnie Franson, AICP and Dylan Harris, Esq.

The meeting commenced at 7:40 p.m. with the Pledge of Allegiance.

**Chairperson Pecora called for a motion to approve the May 20, 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 6-0.

**Vouchers:**

Clough Harbor & Assocs. – Lighthouse Village Escrow	\$1,180.00
Whiteman, Osterman & Hanna, LLC – Castlemore Holdings Escrow	\$ 65.00

**Chairperson Pecora called for a motion to approve the Vouchers.** Upon Motion of Member Marta, seconded by Vice-Chairman DeKoskie and all present in favor, the motion passed by a vote of 6-0.

**Chairperson Pecora called for a motion to increase the Castlemore Holdings Site Plan escrow.** Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta and all present in favor, the motion to increase the escrow in the amount of \$7,500.00 passed by a vote of 6-0.

**OLD BUSINESS:**

**Streamside Farms Site Plan (owner Paul Page) – Case No. 2021-16; 263 Mountainview Avenue; SBL No. 56.75-1-56.11; R-12 Zoning District**

Terri Hahn, PLA was present as Agent for the Applicant.

A Planning Board condition of approval of the project included that access to Agnes Street remain open (conditions “6” and “18” of the approval). An appeal to the ZBA had been prepared by the Developer but was considered a non-action given a determination that had been made by the Code Enforcement Officer. Chairperson Pecora stated that the Planning Board had made a Motion to make a referral to the ZBA to confirm that the condition to gate the secondary access was acceptable given new technology. The Administrative Assistant stated that a discussion had been raised at the May ZBA meeting wherein CEO Jaffee addressed the ZBA. A determination had been written to allow the gate to be locked given the presentation of new technology which allowed the gate to be unlocked remotely. Chairman Wick felt the Applicant should revisit the Planning Board to present the information for the new technology and request an amendment to

the conditional approval. No written documentation had been provided from the ZBA to the Planning Board. Ms. Hahn stated she would follow up to be placed on the ZBA Agenda.

A request was made for a 1-year extension of the approval of the Site Plan made in August 2023. **Chairperson Pecora called for a motion to grant a 1-year extension of the approval to August 2025.** Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta and all present in favor, the motion to grant annex extension passed by a vote of 6-0.

**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 James Bacon, Esq. were present. Applicant Cuney stated that they would like to discuss the comments of the Ulster County Planning Board (UCPB) and comments of Planner Franson. Chairperson Pecora read the comments provided by the UCPB which had been corrected to indicate the review took place on June 5, 2024.

Addressing the comments of the UCPB, Engineer Carr noted that EV charging stations were shown on the plans. Weekly site inspections on the stormwater were required by the New York State Department of Environmental Conservation (NYS DEC), were included in the SWPPP and on sheet “5” of the plans. The access from Clay Road had been revised to be full access. Planner Franson stated that the MFZ district being referred to as an overlay actually was also a floating zone and the Applicant would have needed to request the Town Board to designate the property, which was not done. Engineer Carr stated that there originally had been two (2) access roads from Clay Road and that the proposed access across from Lindorf Street. The remaining access from Clay Road indicated that it was full access and may have been an oversight on behalf of the UCPB. A note on the index sheet stated that the access would be gated and would be corrected by the Engineer. The Planning Board was in agreement with the recommendations of the UCPB.

Planner Franson noted that her recommendations were procedural. She inquired what was the status of the New York State Department of Transportation (NYSDOT) approval. Engineer Carr was working on details for construction to satisfy the NYSDOT requirements to the degree that conceptual approval could be given. The Town Board had not adopted an affordable housing policy which therefore could not be requested of any applicant. The size of the buildings had been reduced by approximately ten percent, the heights had been reduced and the buildings had been split. Mr. Cuney stated that the footprint had been minimized by approximately 10,000 square feet. Planner Franson stated that in terms of SEQR, a negative declaration and resolution had been started but was required to be updated. A question remained relative to the lot being divided by two zones.

Attorney Harris stated that at the May 2024 meeting, the Planning Board had made a recommendation to the ZBA for an interpretation of §123-8(f) which addressed lots divided by a zoning district line. The request was made two-three weeks prior and did not appear on the ZBA

agenda for the following evening and needed to be on that Agenda. There had been a determination of the CEO from January 26, 2022 which discussed the property in single ownership meeting the criteria to have a lot divided by a split district. The Planning Board had concerns that there were two lots involved and the question was if two lots in the same ownership and if §123-8(f) applied and could have the 200' extension and was different from the determination made by the CEO which referenced a property in the same ownership. The question was how the section of the Code applied to this application.

Attorney James Bacon presented the Lot Line Adjustment map submitted in 2022 to the Planning Board members for review. The lot line to be removed from the plans was in the same location as the Zoning boundary line. The lots had been planned by the owner to be combined but had never been done and Applicant Cuney proposed the removal of the lot line when the proposed site plan had been submitted. A meeting took place in June 2022 in which no question was raised regarding the zoning boundary and the project review continued. In September 2022, the CEO provided a determination that the plan units met the density requirements of the Code. In May 2024, the Planning Board raised the issue which had been resolved. Attorney Bacon referenced a clarification letter sent to the Planning Board on June 17, 2024 stating that a determination had been made that answered the question of the boundary. Attorney Bacon felt there was no ambiguity whatsoever and the issue had been settled two and a half years prior, adding that the time to challenge CEO Jaffee's determination had expired long ago. Attorney Bacon did not feel the ZBA had jurisdiction and the question had been addressed by CEO Jaffee. Planner Franson stated that the oddity of the determination contained the statement that the Planning Board could agree with the Applicant's use of the requirements of the R12 Zoning. Attorney Bacon countered that the Applicant had relied on all comments of the Planning Board and any ambiguity was gone.

The afternoon of June 17, 2024, CEO Jaffee had provided an email to the Administrative Assistant and copied to the Applicant and Attorney Bacon. The email stated that a determination had been made in January 2022 and that the Applicant was permitted to use the R-12 Zoning regulation for the entire lot as allowed by the Determination. Engineer Carr noted that the plans had reflected the use of the R-12 Zoning with the note for a boundary line to be deleted for a long time.

Attorney Harris stated that the zoning boundary question was going to the ZBA for clarification under §123-40. Vice-Chairman DeKoskie stated that the Planning Board didn't have jurisdiction and needed clarification from the ZBA. Vice-Chairman DeKoskie inquired what was the status of the NYSDOT to which Engineer Carr stated that construction details had been provided (with a sidewalk indicated) and was awaiting response. Details of the proposed right-of-way were required prior to the NYSDOT providing conceptual approval.

Discussion ensued regarding a referral made by the Planning Board to the ZBA in May 2024 to request an opinion relative to the application of §123-8(f) to the zoning of the parcels involved in

the Lighthouse Village Site Plan application. The referral had not been presented to the ZBA as requested.

**Chairperson Pecora entertained a Motion to make a referral to the ZBA to provide clarification pursuant to §123-8(f).** Upon Motion of Vice-Chairman DeKoskie, seconded by Member Bailer and all present in favor, the motion passed 6-0 by the following vote:

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

The Planning Board requested that the referral be provided to the ZBA to consider entertaining at its meeting on June 18, 2024. Planner Franson would update the draft Negative Declaration and draft Resolution.

**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 James Horan of J&G Law and Engineer Matt Towne were present.

Engineer Towne addressed the Planning Board, noting that the number of units on the proposed site plan had again been reduced by removing three (3) units from “Drive D” with the proposed number of units now 36. Campfires were now proposed to be solo stoves, no trespassing signs would be placed on sensitive areas, well capacity testing to submit to the UCDOH was being conducted, septic design had been submitted and was awaiting feedback and coordination was being conducted with the CEO and Fire Department for road grading waiver.

The Traffic Assessment by Creighton Manning was based upon peak hourly traffic – 10 trips peak Friday and 16 trips Sunday peak. Mr. Leung stated that there had been no change and that traffic assessment indicated .4 trips per site.

Member Marta noted that requested wayfinding signage from Route 9W had still not been provided as well as scaled drawings of the standard cabins and to determine ADA compliance. Discussion ensued that wayfinding from Route 9W may prove challenging due to rights-of-way not under the Town’s jurisdiction.

Planner Franson reviewed content of her recommendations stating that a public hearing needed to be determined, the Planning Board Attorney should provide an update relative to the ZBA determinations being requested and a package which was scalable (Imperial) with all of the units submitted as a complete set. Signs needed to be detailed shown on the site plans. Planner Franson’s question to the Planning Board was if it felt wetland flagging by Nowicki was sufficient. The Army Corp of Engineers (ACOE) would not review the boundaries of a wetland of this size and a third-party review could be requested if the Planning Board felt it was necessary.

Planner Franson stated that CHA had looked at some elements but inquired if the Planning Board wished to have grading and utility plans reviewed.

The Applicant had completed a Long EAF Part II and Planner inquired if that was acceptable or if the Planning Board prefer she complete the form at the appropriate time. Planner had provided numerous comments relative to the noise study and recommended a noise consultant complete the study if the Planning Board felt it was warranted. Status of the ZBA referrals was needed and the Planning Board could discuss an appropriate date to schedule a public hearing.

Attorney Harris stated that a request by the CEO and Attorney Stenger for determination regarding structures/setbacks was on the ZBA Agenda for informational purposes. Also on was an Appeal by Attorney Stenger of the CEO's April 1, 2024 determination letter for seasonal. The Planning Board had requested the ZBA review the definition of ridgeline and how to apply to the topography on the site and clarification regarding "seasonal" but the referrals were not forwarded to the ZBA.

Mr. Leung inquired if there was a timeline that could be visualized to indicate when the Full EAF Part 2 could be completed. Planner Franson stated that the Full EAF Part 2 could be provided at the next meeting if it was acceptable to the Planning Board and that a major issue would be noise and study needed to be conducted under standard protocol. The limits of disturbance on the plans needed to be updated (on the grading and utility sheet).

Attorney Harris recommended that a request again be made to refer "seasonal" and "ridgeline" to the ZBA for the meeting the following evening and how the definitions specifically apply to the project. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta and all present in favor, the motion to make referrals to the ZBA Chairman passed 6-0 by the following vote:

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

Vice-Chairman DeKoskie and Member Marta indicated they would attend the ZBA meeting the following evening.

**Chairperson Pecora entertained a Motion to request the Town Board to create a ridgeline map for the Town of Esopus.** Upon Motion of Member Marta, seconded by Vice-Chairman DeKoskie and all present in favor, the motion passed 6-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Chris Marta	Aye
Sal Morello	Aye

David Mastny  
Steve Bailer

Aye  
Aye

Attorney Horan encouraged the scheduling of a public hearing and was an advocate for public comment sooner rather than later. Member Bailer and Vice-Chairman DeKoskie agreed but the majority of the Planning Board felt that more variables needed to be addressed prior to a public hearing. Vice-Chairman DeKoskie requested that rooftop deck and cabin designs needed to be submitted as a complete package. Member Morello requested Planner Franson to provide a list of all items that needed to be addressed by the Applicant prior to the scheduling of a public hearing. Attorney Harris recommended with the special use permit, a condition could be placed if the project was approved, that the solo stoves could be inspected to determine if there were any issues. Planner Franson stated that the emissions from the stoves would be a SEQRA matter relative to air quality and would need to be regulated by the Planning Board.

**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 deferred to Attorney Harris to explain the referral to the ZBA and asked the Planning Board to consider if it would like to revoke the referral and make a decision or pursue the ZBA referral. Attorney Harris stated that at the last meeting, the Planning Board desired clarification if an ADU could be built on a pre-existing non-conforming lot and how the Code applied to the application. Part of the request for the interpretation was to review as a dwelling unit rather than an accessory use and an ADU would be more akin to a garage or a shed. The Code for ADUs without acreage could be reviewed by the Planning Board. The Planning Board could either vote or wait for clarification from the ZBA. The Members agreed that it would like to get clarification from the ZBA. The ZBA process was discussed noting that it was typically up to a three (3) meeting process. Attorney Harris stated that the Code did not require public hearings for determinations but the ZBA in practice has been holding public hearings and a request waive a public hearing could be considered.

Upon Motion of Member Mastny, seconded by Member Marta and all in favor, the meeting was adjourned by a vote of 6-0 at 9:24 p.m.

Respectfully submitted,

Lisa K. Mance

Dated: July 2, 2024

Approved: July 15, 2024