

TOWN OF ESOPUS PLANNING BOARD MINUTES
August 21, 2023

PRESENT: Chairperson Roxanne Pecora, Vice-Chairman Darin DeKoskie, Dan Michaud, Sal Morello, Alexis Breheny and Chris Marta

EXCUSED: David Mastny

ALSO PRESENT: Town Board Liaison Jared Geuss, Bonnie Franson, AICP, CEP, Partner of Nelson, Pope & Voorhis, LLC and Dominique Albano, Esq. of Whiteman, Osterman & Hanna, LLP

Chairperson Pecora called the meeting to order at 7:40 p.m. with the Pledge of Allegiance.

Chairperson Pecora called for a Motion to approve the July 17, 2023 Minutes. Upon Motion of Vice Chairman DeKoskie, seconded by Member Marta, and the affirmative vote of 6 Members, the Motion passed 6-0.

VOUCHERS:

VanDewater & VanDewater Voucher – Yan Site Plan/SUP	\$ 275.00
Clough Harbour & Associates Voucher – Yan Site Plan/SUP	\$ 1,695.00
VanDewater & VanDewater Voucher – Streamside Farms Site Plan/SUP	\$ 275.00
Clough Harbour & Associates Voucher – Wood N Wheels Amended Site Plan	\$ 1,000.00
Clough Harbour & Associates – Esopus Barns Site Plan/SUP	\$ 2,575.00
VanDewater & VanDewater Voucher – Lighthouse Village Site Plan/SUP	\$ 439.73

Chairperson Pecora called for a Motion to approve the submitted vouchers. Upon Motion of Vice Chairman DeKoskie, seconded by Member Michaud and the affirmative vote of all members present, the Motion passed 6-0.

PUBLIC HEARING:

Black Creek Preserve Amended Site Plan – Case No. 2023-11; Winding Brook Road, SBL Nos. 72.3-1-1.310 & 1.399; RF-1 Zoning

Heather Blaikie, Senior Park Planner and Yanan Wu, Design & Planning Associate of Scenic Hudson and Aaron J. Vera, P.E. of Verity Engineering, D.P.C. were present.

Chairperson Pecora entertained a Motion to open the Public Hearing. Upon Motion of Member Michaud, seconded by Member Marta and the affirmative vote of all Members, the Public Hearing opened at 7:42 p.m.

Chairperson Pecora read the Public Hearing into the record.

Joan Burroughs (John Burroughs Assn.) – The Burroughs Association enthusiastically supported the proposal for the site upgrades. She spoke to the beauty of the Preserve and that the proposed upgrades will make the Preserve more lovely and significantly improve public access.

Tom Barron – adjoining neighbor who supported the Preserve enhancements.

Margaret Phelan – Chairperson of the Esopus Waterfront Advisory Board who had the pleasure to tour the site with Scenic Hudson. Excited about the proposed parking improvements and walkway path to the meadow area and pavilion. Scenic Hudson had been before the Waterfront Advisory Board which had provided a letter of support to the Planning Board.

Hearing no further persons wishing to speak, **Chairperson Pecora entertained a Motion to close the Public Hearing.** Upon Motion of Member Michaud, seconded by Vice-Chairman DeKoskie and all Members voting affirmatively, the Motion to close the Public Hearing at 7:50pm. passed 6-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
David Mastny	Excused
Sal Morello	Aye
Alexis Breheny	Aye
Dan Michaud	Aye
Chris Marta	Aye

Litts Subdivision (Cross Point Assocs. Agent) – Case No. 2023-12; 44 Hussey Hill Road; SBL No. 63.4-1-42.100; R-40 Zoning

Patricia Brooks, Surveyor and Michael Pitt were present for the application review.

Chairperson Pecora entertained a Motion to open the Public Hearing. Upon Motion of Member Breheny, seconded by Member Michaud, and all Members voting in favor, the Public Hearing commenced at 7:51 p.m.

The Public Hearing notice was read into the record by Chairperson Pecora.

Michael Pitt – Stated that his stepfather Michael Litts owned the property and was willing to subdivide and transfer a 3-acre parcel to him to allow construction of a residence.

Hearing no further persons wishing to speak, **Chairperson Pecora entertained a Motion to close the Public Hearing.** Upon Motion of Member Marta, seconded by Member Breheny the Motion to close the Public Hearing at 7:49 pm. passed 6-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
David Mastny	Excused
Sal Morello	Aye
Alexis Breheny	Aye
Dan Michaud	Aye
Chris Marta	Aye

OLD BUSINESS:

Black Creek Preserve Amended Site Plan – Case No. 2023-11; Winding Brook Road, SBL Nos. 72.3-1-1.310 & 1.399; RF-1 Zoning

Senior Park Planner Blaikie stated that the existing parking area was being increased to 19 spaces with two (2) ADA spaces, improvements to the drainage along Winding Brook Road and vertical markings on the paved road for ADA compliance.

Chairperson Pecora entertained a Motion to issue a SEQRA Negative Declaration. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Michaud, and the affirmative vote of all Members, the Motion passed 6-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
David Mastny	Excused
Sal Morello	Aye
Alexis Breheny	Aye
Dan Michaud	Aye
Chris Marta	Aye

Chairperson Pecora entertained a Motion to grant amended Site Plan approval. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Michaud, and the affirmative vote of all Members, the Motion passed 6-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
David Mastny	Excused
Sal Morello	Aye
Alexis Breheny	Aye
Dan Michaud	Aye
Chris Marta	Aye

The Applicant was directed to submit six (6) copies for signatures of the Planning Board.

Litts Subdivision (Cross Point Assocs. Agent) – Case No. 2023-12; 44 Hussey Hill Road; SBL No. 63.4-1-42.100; R-40 Zoning

Chairperson Pecora noted the Building Department had requested that the property be cleaned up and there could be or were violations against the Owner. Surveyor Brooks stated that delaying the subdivision approval would exacerbate the existing issues. The Owner would submit a written plan to the Building Department. Planner Franson read the determination that had been issued by the Building Department which stated “It is recommended by this department that if final approval is granted by the Planning Board for the subdivision, it should be conditional until the property violations have been remedied.”

Surveyor Brooks stated that the goal was to move Mr. Litts out of the camping trailer and into a residence which would remedy the situation. Planner Franson noted that the DEC bat protocol applied to the site and that no tree clearing should take place until after November 30. Ulster County Board of Health and Town Highway driveway applications had been submitted. Member Morello stated that living in the camper while a house was being constructed was acceptable. Surveyor Brooks suggested that a certificate of compliance/occupancy on Lot 2 may not be issued until the Code Enforcement Officer confirmed the issues on Lot 1 had been addressed.

Chairperson Pecora entertained a Motion to grant subdivision approval conditioned upon Building Department approval of the site issues, payment of a \$2,000.00 recreation fee and submission of 6 paper and 1 mylar of the revised map. Upon Motion of Member Michaud, seconded by Vice-Chairman DeKoskie, and the affirmative vote of all Members, the Motion passed 6-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
David Mastny	Excused
Sal Morello	Aye
Alexis Breheny	Aye
Dan Michaud	Aye
Chris Marta	Aye

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

Owner Paul Page and Terri Hahn of LADA Engineering were present.

Revised plans had been provided to the Planning Board with corrected calculations of disturbance for the secondary access to Agnes Street. Draft resolutions had been prepared for the vote and SEQRA determination as well as cost estimate with comments from Clough Harbour & Associates. Pursuant to CEO Jaffee’s May 2023 determination which referenced §123-12E(3)(c); §123-61 and §280-a of NYS Town Law requiring two ingress/egresses, the resolution included a condition that the required secondary access could not be gated and the Applicant could request a variance from the ZBA. The time to appeal the determination of the CEO had expired.

Vice-Chairman DeKoskie reviewed the comments provided by the CHA Senior Cost Estimator Bruce Jensen relative to the Improvement Cost Estimate Form. The Planning Board discussed bonding for erosion and sediment control. Ms. Hahn agreed that new numbers for the costs estimate would be finalized and approved by the Planning Board.

Planner Franson noted a required modification of the Ulster County Planning Board stated "...reduce the carbon footprint of the development by looking into include passive solar on the proposed rooflines and elsewhere on the property" The Planning Board had overridden the requirement relative to the geothermal, but Planner asked what was the intention regarding solar. Paul Page stated that there was the intent to install solar panels at some point but it wouldn't necessarily be "passive solar." Planner Franson stated the GML review stated that it "shall be considered" not that it "must" be.

Planner Franson noted that a stormwater management agreement also needed to be prepared and submitted as required by New York State DEC.

Chairperson Pecora read the Resolution of Determination of Environmental Nonsignificance (Negative Declaration). **Chairperson Pecora entertained a Motion to adopt the Resolution for a SEQR Negative Declaration.** Upon Motion of Vice Chairman DeKoskie, seconded by Member Marta, and the affirmative vote of all Members, the Motion passed 6-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
David Mastny	Excused
Sal Morello	Aye
Alexis Breheny	Aye
Dan Michaud	Aye
Chris Marta	Aye

Chairperson Pecora read the Resolution for Site Plan and Special Use Permit approval. Planner Franson recommended revising condition "10" to include "building materials shall be specified prior to site plan signing." "16" revised to include "no more than 5 acres of disturbance shall occur as per the SWPPP, unless reviewed and approved by the Planning Board." Ms. Hahn stated that the clubhouse architecture would not be ready prior to site plan signing and asked that "11" be revised to reflect verbiage that it would be constructed prior to issuance of a building permit.

Chairperson Pecora entertained a Motion to grant site plan and special use permit approval. Upon Motion of Member Marta, seconded by Vice-Chairman DeKoskie and the affirmative vote of all Members, the Motion passed 6-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
David Mastny	Excused
Sal Morello	Aye

Alexis Breheny Aye
Dan Michaud Aye
Chris Marta Aye

355 Broadway Site Plan/SUP (Matt Gray) – Case No. 2023-9; 355 Broadway, SBL No. 56.76-2-27; GC-1 Zoning

Matt Gray and Tiel Reardon were present for the application review. The Applicants addressed the Planning Board and provided an update regarding revisions and progress made to date. Planner Franson reviewed her comments and recommendations. Chairperson Pecora requested that the site plan needed to reference the prior variances that had been granted. Planner Franson directed the Applicant to have a discussion with the Code Enforcement Officer relative to the front yard encroachments. The Applicants were requested to provide an updated landscaping plan, lighting, fencing materials and business operating plan. The Applicants requested to allow the sign and the Planning Board agreed that the sign wasn't inconsistent with what currently existed in that vicinity.

Chairperson Pecora entertained a Motion to schedule a Public Hearing and refer the application to the Ulster County Planning Board conditioned upon receipt of revised plans. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta and the affirmative vote of all Members, a Public Hearing was to be scheduled for September 18, 2023 at 7:35 p.m. and the application was to be referred to the UCPB by the following vote:

Roxanne Pecora Aye
Darin DeKoskie Aye
David Mastny Excused
Sal Morello Aye
Alexis Breheny Aye
Dan Michaud Aye
Chris Marta Aye

NEW BUSINESS:

Hendrick Site Plan/SUP – Case No. 2023-14; 137 Broadway, Port Ewen; SBL No. 56.60-1-4; BC Zoning

Applicant Chris Hendrick was present and stated she was requesting a Special Use Permit.

The property allowed for mixed use of the existing building and three apartments with office space existed but required Site Plan approval to obtain a Certificate of Occupancy. Member Morello felt that there was adequate parking. Planner Franson noted that there two separate parcels, one with a 2-family apartment and one with the restaurant that had been renovated. Vice-Chairman DeKoskie suggested that a survey was necessary to determine if adequate parking existed. Planner Franson suggested that Ms. Hendrick review the deeds and the Applicant was directed to attend a future workshop. The Planning Board needed assurance that there was adequate parking for each rental.

River Heights Development (Dawn Gregg-Scarpulla) – 56.52-1-37.3; R-12 Zoning District – Proposed 9 Units

Dawn Gregg-Scarpella was present for the review. The Planning Board wanted to confirm that the property was no longer in the Planned Unit Development and was now in the R12 Zoning District. The Administrative Assistant was requested to pull the old file.

Pickleball Center Site Plan (Friedlander) – 63.4-5-16.221; LI Zoning District; proposed indoor recreational court with 2 commercial rental units

David Friedlander and Shawn William were present. A 20,000-sf steel structure was proposed with 13,000 sf planned for pickleball court and remaining 7,000 sf to be used for mixed-commercial space. Planner Franson inquired as to the status with the wetland remediation. Mr. Friedlander responded that materials had been removed, the wetlands needed to be flagged and he was working with Brooks & Brooks. The Planning Board requested that the wetlands be delineated on the plans when the application was submitted.

Upon Motion of Member Michaud, seconded by Member Marta, the meeting was adjourned at 10:45 p.m.

Respectfully submitted:

Lisa K. Mance, Administrative Assistant
Date prepared: September 7, 2023
Date Approved: September 18, 2023