

PLANNING BOARD MINUTES

August 19, 2024

Town Hall, 284 Broadway
Port Ewen, New York 12466

Present: Chairperson Roxanne Pecora, Vice-Chairman Darin DeKoskie, Member Chris Marta, Member David Mastny, and Member Sal Morello

Excused: Member Steve Bailer

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

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

Chairperson Pecora called for a motion to approve the July 15, 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 5-0.

Vouchers:

Whiteman, Osterman & Hanna, LLC – Castlemore Holdings Escrow	\$ 1,418.81
Whiteman, Osterman & Hanna, LLC – Castlemore Holdings Escrow	\$ 877.50
Clough Harbor & Assocs – Castlemore Holdings Escrow	\$ 1,000.00
Nelson, Pope & Voorhis – Consultant services for June 2024	\$ 2,700.00
NY Planning Federation – Fall Training Conference	\$ 475.00
Clough Harbor & Assocs – Lighthouse Village Escrow	\$ 1,605.00
Nelson, Pope & Voorhis – Lighthouse Village Escrow	\$ 232.50
Whiteman, Osterman & Hanna, LLC – Lighthouse Village Escrow	\$ 3,640.00
Whiteman, Osterman & Hanna, LLC – Legal Fee to Planning Board	\$ 427.31

Chairperson Pecora called for a motion to approve the Vouchers. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta and all present in favor, the motion passed by a vote of 5-0.

Chairperson Pecora called for a motion to supplement escrow for the Lighthouse Village application in the amount of \$7,500.00. Upon Motion of Member Marta, seconded by Vice-Chairman DeKoskie and all present in favor, the motion passed by a vote of 5-0.

Chairperson Pecora called for a motion to open the Public Hearing pertaining to the Lighthouse Village Lot Line Adjustment application. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta and all present in favor, the motion passed by a vote of 5-0 and the Public Hearing commenced at 7:50 p.m.

PUBLIC HEARING:

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

Chairperson Pecora read the Public Hearing Notice for the record. She noted that comments pertinent to the proposed lot-line adjustment would be the only comments received. A public hearing on the site plan/special use permit had been held previously.

Dennis Suraci – Read prepared statement which was provided for the record. Mr. Suraci provided copies of documents and letters between the various Boards, the CEO and the neighborhood residents which included:

1. Michael Vetere Jr. Survey Map, dated May 1, 1985 signed August 14, 1985 by two (2) members of the Planning Board, filed with the County Clerk’s office on 6 September 1985, when the site existed as one lot.
2. Praetorius & Conrad PC for PZR Construction Inc., Sub-Division Map, dated 27 February 2018, signed 19 March 2018 by two (2) members of the Planning Board and filed with the County 28 March 2018, dividing the one lot into two, SBL-56.83-4-10.123 and SBL-56.83-4-10.124.
3. Copy of the cover sheet to Town of Esopus Zoning Laws, adopted by Town Board on 19 August 2021, and in effective as of 8 September 2021.
4. 2 Pages of Minutes from the August 2020 Planning Board meeting, prepared on 30 August 2020 and approved on 9 September 2020.
5. Letter of Determination dated 1 December 2021 from CEO/ZEO Mark Jaffee.
6. Letter of Determination dated 26 January 2022 from CEO/ZEO Mark Jaffee.
7. Copy of a page from 2010 Zoning Code, Page 123-7.
8. Copy of present zoning effective 8 September 2021, Chapter 123 pages 6 & 7.
9. Letter from CEO/ZEO Mark Jaffee, dated 12 May 2023.
10. Email from CEO/ZEO regarding a ZBA denial of my rebuttal appeal.
11. Zoning Maps from April 2019 showing GC and R-12 Zones for project site and two (2) lots.

12. Zoning Map for 2021 Zoning Regulations, showing the MFZ zone on a part of the project site.

Mr. Suraci's concerns focused on the current existence of two (2) lots that were involved in the proposed development which were located in two zoning districts, GC-1 and R-12, and separated by a zoning district boundary line. It was determined that the zoning boundary line could be adjusted up to 200'. Mr. Suraci recommended that the application be submitted to the ZBA for interpretation and a possible variance.

Ann Suraci – Read written comment provided for the record. Stated that Zoning amendment was effective on September 8, 2021. Ms. Suraci proceeded to reference CEO determinations issued.

Linda Laestadius - Read written comment provided for the record. Ms. Laestadius stated that if the project were to go forward, and the zoning boundary was moved by 200 feet, it would negatively impact her property value by placing the residential line up to her property, requiring that she now provided a buffer where one was not currently required.

Steve Britton – Mr. Britton provided written comment for the record. He stated that he had previously served on the ZBA and was familiar with its process. Mr. Britton stated that the proposed LLA didn't meet the Code and would require a variance pursuant to §123-8.

Arlene Post, Karen Mitchell, James and Kathy Langan, Matthew and Paula VanAken, Paul Rubeo, Elise Morse, Stephanie Lettieri, Derick and Lorine Karabec, Melissa Paradies and Kristi and Robbie Nelson had all signed up for public comment but indicated they had nothing new to add and supported the comments of the individuals that had spoken and/or provided written comments.

Dylan LaComb – Owner of 354 Broadway property located in the GC Zoning abutting the subject property and supported comments previously provided. Mr. LaComb made reference to the previously proposed subdivision of the PZR properties under review in 2018 and 2019 which was a contributing factor when he purchased his property. His concern was that his property would be negatively impacted by the lot-line adjustment combining the PZR lots and the resulting setbacks. Changing the zoning boundary line would place the residential zone close to his property where it now did not adjoin a residential zone.

Upon advice of counsel, **Chairman Pecora entertained a motion to keep the Public Hearing open.** Upon Motion of Member Mastny, seconded by Member Marta and the affirmative vote of all Members, a Motion to continue the Public Hearing until September passed 5-0 by the following vote:

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

Steve Bailer

Absent

OLD BUSINESS:

Hill ADU Site Plan – Case No. 2024-2; 230 Broadway; SBL No. 56.67-5-16; NC Zoning Districts

Christina Hill and Architect Michael Mason were present.

Chairperson Pecora referenced the May 19, 2024, Memorandum of Planner Franson, a SEQRA Type II classification was needed, with recommendation for a determination of whether the Planning Board wanted additional landscaping. Vice-Chairman DeKoskie requested mitigation of drainage for stormwater runoff that would be created by the ADU. A drywell or rain garden in the gutter was recommended to dissipate water. Member Marta requested a condition of approval be that a 6’ fence be built along the northern edge with coniferous plantings on the applicant’s side along the full length that didn’t shed during the winter to create a proper visual and sound buffer.

Chairman Pecora entertained a motion to classify as a Type II action under SEQRA. Upon Motion of Vice Chairman DeKoskie, seconded by Member Marta and the affirmative vote of all Members, the Motion passed 5-0 by the following vote:

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

Chairman Pecora entertained a motion to grant conditional approval subject to final design review of the plans indicating the SUP notation be removed, coniferous plantings (such as arborvitae), 6’ fence along the northern property line, and stormwater drainage be shown and submission of 6 sets of plans. Upon Motion of Member Marta, seconded by Member Morello and the affirmative vote of all Members, the Motion to grant approval passed 5-0 by the following vote:

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

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 and Engineer Barry Medenbach were present.

Member Mastny inquired if there was any time during the review that a zoning change had ever been requested and referenced a determination from Code Enforcement Officer Jaffee from May of 2023. Engineer Medenbach responded that there had been some changes in the use requested but he would need to research and didn't recall a request to move the zoning boundary and combining the lots had always been proposed.

Attorney Harris stated that there had been an Appeal filed with the ZBA and it was unclear as to whether the appeal had been withdrawn, whether there had been a decision and whether it was still active. Attorney Harris recommended that the Applicant determine what the status of Mr. Suraci's Appeal was before the Planning Board could take action.

Ball & Claw Site Plan – Case No. 2024-4; 213 Broadway; SBL No. 56.60-5-13; BC Zoning District

Owner Maria Philippis was present. She addressed the Planning Board stating that she had opened an antique center with an attached café and would like signage approved.

Planner Franson reviewed her comments with the Planning Board stating that a public hearing was optional, and referrals needed to be addressed relative to parking, signage, fire district, water and sewer district and LWRP referrals. The Bulk Table needed to be clear as to what was existing and provided with a plan note that no new lighting was proposed. Movies and a food truck had been previously proposed. The Planning Board needed to review the proposed sign plan and an updated EAF Part I was needed as well as a GML review to the Ulster County Planning Board was necessary. The Applicant was proposing a seasonal liquor license. The Applicant was directed to provide requested documentation to the Administrative Assistant to refer to the UCPB. Referral to the County could take place if revisions to the plans were provided within a week. Temporary event tents had been proposed and would need to be removed from the plans. Planner Franson noted that the Applicant had proposed events that the Applicant stated she would not be pursuing in the current year. Planner Franson stated that the previous proposed uses qualified the proposal as an Unlisted Action but if the current uses limited to the reuse of the building were all that was proposed, it would be a Type II action under SEQRA. The sign plan could be considered as a separate application. The Planning Board suggested that all proposals for the site plan be included for consideration and referral to the UCPB. Planner Franson recommended that the plans as presented could be classified as a Type II action and the EAF didn't require an update.

Ms. Phillipis requested that the sign application be considered.

Chairman Pecora entertained a motion to classify as a Type II action under SEQRA. Upon Motion of Member Mastny, seconded by Vice-Chairman DeKoskie and the affirmative vote of all Members, the Motion passed 5-0 by the following vote:

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

Chairman Pecora entertained a motion to approve the sign application. Upon Motion of Member Mastny, seconded by Member Marta and the affirmative vote of all Members, the Motion passed 5-0 by the following vote:

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

Castlemore Holdings, LLC Site Plan/SUP – Matt Towne, P.E. as Agent – Case No. 2023-19; 38 Hudson Lane, Ulster Park, SBL No. 64.3-5-2.320; R40 Zoning District

Matt Towne, P.E., James Moran, Esq. and Agent Derek Leung were present. Engineer Towne addressed the Planning Board stating that a noise study of the site had been conducted, density had been reduced to all cabins being one-bedroom, air quality had been reviewed with the Department of Environmental Conservation, and sign details and elevations had been provided.

Discussion ensued relative to lighting on the proposed entrance sign. Concern was expressed with rope lighting – lights were not to be visible or be dark sky compliant. Engineer Towne indicated that there had been minor changes that would not significantly affect the Stormwater Pollution Prevention Plan. Planner Franson suggested that if the Planning Board was amenable to the wayfinding signage, it should be confirmed for the Applicant to add to the plans.

Planner Franson stated that the bulk of the Planning Board’s comments involved SEQRA and an EAF Part II had been prepared and some impacts may have been addressed but needed to be included in the comprehensive review. She indicated to check the APE for the archaeological survey to make sure the new disturbance areas had been surveyed. It was noted that the Esopus Town Board was considering a ridgeline map. Vice-Chairman DeKoskie requested drill testing results and suggested neighboring well monitoring and protocol could be confirmed with the Town Designated Engineer.

Chairperson Pecora entertained a Motion for a third-party wetland delineation. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta, the request for third-party wetland delineation was approved 5-0 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
Chris Marta	Aye

Sal Morello	Aye
David Mastny	Aye
Steve Bailer	Absent

Chairperson Pecora entertained a Motion to amend the referral for a third-party wetland delineation to CHA. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta, the request for third-party wetland delineation was approved 5-0 by the following vote:

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

Planner Franson noted that there was a professional with Clough Harbour & Associates that could assist with the wetland delineation confirmation.

Chairperson Pecora entertained a Motion to schedule a public hearing for 7:40 p.m. at the September Planning Board meeting. Upon Motion of Member Marta, seconded by Vice-Chairman DeKoskie, the Motion passed by the following vote:

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

Gnobby Gnome, LLC Site Plan/SUP – Matt Towne, Agent – Case No. 2024-3; SBL No. 71.3-5-26.131; R40 Zoning District

Matt Towne, P.E. James Horan, Esq. and owner Dave Swift were present.

Mr. Swift addressed the Board stating that the proposed project was a fantasy themed site. The proposal was to remove as few trees as possible as well as utilizing exiting roads and trails for minimal disturbance to the site.

The Planning Board determined that a field site was warranted with dates coordinated with the Administrative Assistant.

Chairperson Pecora entertained a Motion to classify as an Unlisted Action under SEQRA. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta, the Motion passed by the following vote:

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

Chairperson Pecora entertained a Motion to circulate notice of intent for the Planning Board to service as lead agent on the SEQRA review. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Marta, the Motion passed by the following vote:

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

It was suggested that the Applicant could prepare an EAF Part II for the Planning Board and Consultant review and a business plan.

Chairperson Pecora entertained a Motion to establish escrow in the amount of \$10,000.00. Upon Motion of Member Marta, seconded by Vice-Chairman DeKoskie, the Motion passed by the following vote:

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

ZBA Referral – Sickler Area Variance – Planning Board recommended that the Applicant provide a survey.

Upon Motion of Member Marta, seconded by Member Mastny and all in favor, the meeting was adjourned by a vote of 5-0 at 10:36 p.m.

Respectfully submitted,

Lisa K. Mance

Dated: September 2, 2024
Approved: September 16, 2024