PLANNING BOARD MINUTES
August 18, 2025
Town Hall, 284 Broadway
Port Ewen, New York 12466

Present: Chairperson Roxanne Pecora, Vice-Chairman Darin DeKoskie, Member Christina Hill, Member Steve Bailer, Member Sal Morello and Member David Mastny

Excused: Member Ephie Trataros

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

The meeting commenced at 7:35 p.m. with the Pledge of Allegiance.

Chairperson Pecora called for a motion to approve the July 21, 2025 Minutes. Upon Motion of Vice-Chairman DeKoskie, seconded by member Hill and all present voting in favor, the Minutes were approved by a vote of 6-0-1

Vouchers:

Whiteman, Osterman & Hanna LLP – Legal Services to Planning Board	$	261.00
Clough, Harbor and Associates - Streamside Farms Escrow	$	200.00

Chairperson Pecora called for a motion to approve the vouchers. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Bailor, and all present voting in favor, the Motion passed 6-0-1.

OLD BUSINESS:

K&Y Site Plan/SUP - Khattar Elmassalemah, P.E., Agent- Case No. 2024-1; SBL No. 63.2-3-8; 126 Ulster Avenue; LI & Route 9W Overlay District

Engineer Elmassalemah provided a brief update regarding the application status. He stated that the plans had not changed since November 2024 and was awaiting a decision from the Planning Board as to whether it would grant a conditional approval. Traffic studies, sight distances and comments from the Ulster County Highway Department had been received and addressed relative to the proposed entrance. The project review had continued into 2025 without the issuance of a Negative Declaration which subsequently required a jurisdictional determination from the New York State Department of Environmental Conservation (NYSDEC). The NYSDEC responded that, due to the size of the wetlands present, a study should be conducted of the wetlands with a 100' buffer. Engineer Elmassalameh thereafter he had a conversation with NYSDEC which indicated that a permit could be issued for the project to build within the 100' buffer zone but applying the buffer to the property would render it unbuildable and he felt if the there was a case to be had with the NYSDEC. The Client didn't desire to pursue the time and permits needed without direction from the Planning Board and was seeking conditional approval. Alternatively, the Applicant would like a decision in support or against. He concluded that there

were not other updates that could be provided with the exception of a final comment from the UCDPW that it did not support mirrors and entrance to the site could not be denied.

Member Mastny inquired about the five (5) month timeframe that the NYSDEC had taken to respond. Engineer Elmassalemah responded that the rules had been changed from 90 days to 90 business days, back to 90 calendar days and then a certified letter had been required. The Applicant did not want to go through requirements for the NYSDEC permitting without conditional approval.

Planner Franson had indicated that, if the Planning Board granted approval, a Negative Declaration would need to be issued and the Board would need to have a sense that the NYSDEC would grant a permit.

Member Hill stated that she stood by her decision to turn project down given factors presented. Chairperson Pecora cautioned against providing an opinion on any item not presently before the Planning Board and no decision could be rendered until the Public Hearing had been closed.

Chairperson Pecora entertained a Motion to reopen the Public Hearing on September 15, 2025 at 7:40 p.m. Upon Motion of Member Mastny, seconded by Vice-Chairman DeKoskie and all Members present voting in favor, the Motion passed 6-0-1 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
David Mastny	Aye
Sal Morello	Aye
Ephie Trataros	Absent
Christina Hill	Aye
Steve Bailer	Aye

Chairperson Pecora polled the Members relative to drafting a Negative Declaration and/or a Resolution approving or disapproving. The consensus of the Members was to have Planner Franson draft documents denying approval and granting approval. Planner Franson asked if Engineer could contact Mike Nowicki for information that would be useful to draft a Negative Declaration.

River Heights Development (Medenbach, Eggers & Carr) – Case No. 2024-6; SBL No. 56.52-1-37.3; 83 N. Broadway; R-12 Zoning District

Architect James Reynolds was present. There was no new information presented. The Application was on the Agenda for the Planning Board to decide within 62 days what action it wished to take relative to the review and the CEO's July 7, 2025 Determination.

Planner Franson stated that by definition, the units were designed as two-family dwellings. The Code states a two-family needed to be on its own lot and not allowed under "condo." The Planning Board was receptive to the design but the language in the Code was problematic. It had been discussed previously that, if an application was made to the ZBA, the Applicant should file

for a variance. If a variance by the Applicant was pursued, the Planning Board should indicate that it was supportive of the request. The concern was that it would create potential implications for projects in other zone and a variance would be specific to the subject parcel. Planner Franson stated that if the Applicant put three dwelling units together, it would easily fit into the Code definition for multi-family townhouses and the proposed two units together was addressed elsewhere in the Code which indicated they would need to be on separate lots and could also have implications on density. The Planning Board should determine if a variance should be requested from the ZBA to protect other areas of the Town from the same interpretation. Member Mastny supported pursuing a variance.

Attorney Harris opined that if the present project was allowed and thereafter, another project was proposed with the same set of facts, the Applicant would have strong grounds to bring a lawsuit if it was treated differently. Vice-Chairman DeKoskie, and Members Mastny and Bailer supported the Applicant applying for a variance and Member Bailer offered to speak in support of a variance to allow the two-family design. The Planning Board confirmed that it supported the application if the ZBA were to allow a variance.

Architect Reynolds provided a visual representation of the two-unit design which he was able to reconfigure to show a three-unit design. Member Morello expressed concern relative to meeting density with the two-unit design and inquired if slopes had been considered in calculations. He added that regardless of whether they were condos or townhouses or two-family, amenities, open space and slopes (constrained lands) needed to be considered. Planner Franson noted that since condominium was a use, the Planning Board needed to determine how the application was to be reviewed and the CEO had indicated it should be reviewed as a townhouse development. Planner Franson stated that townhouse standards need to be applied including constrained lands. If the project was treated as two-family units, they would need to have its own lot with one and one-half times required for the zoning district for the minimum lot area. She stated that if the development applied the standards for townhouses, calculations were based upon the number of bedrooms. All agreed the language in the Code was problematic.

Member Morello inquired if the recent decision received rendered by the ZBA applied. The Administrative Assistant offered to provide a hard copy but it was determined that it wasn't necessary at the time and could be reviewed later.

Attorney Harris noted that there was a 60-day time frame required for the Planning Board to challenge the CEO's determination. Planner Franson stated that the Applicant consider referring to the ZBA subject to the Planning Board attorney drafting the referral to the ZBA. Engineer Reynolds conceded that an alternative could be considered for the Applicant to comply with the Code requirements for townhouses. Architect Reynolds stated that the 9-unit design may be considered by the developer if the current proposal would be insurmountable and prolong the review process and, although the developer supported the current proposal, would be willing to propose the townhouse required 3 units.

Attorney Harris opined that the ZBA could issue an interpretation without a Negative Declaration from the Planning Board. Planner Franson noted that the Planning Board could appeal the CEO Determination that the development was designated as "condos" and the

variances would need to be pursued by the Applicant. Attorney Harris stated that variances were contingent on whether the ZBA supported the July 7, 2025 Determination of the CEO. The Members discussed possible options for the development design. Letting the Determination stand would set a precedent to allow two-family developments without the lot area requirements by applying the determination. Member Bailer indicated that he felt it should go to the ZBA for an interpretation and the Applicant should pursue any variance.

Vice-Chairman DeKoskie motioned to refer the application to the ZBA for an interpretation, seconded by Member Mastny. Member Hill asked specifically what motion was being made. Planning Board Members agreed to attend the ZBA meeting and Attorney Harris would draft the referral. The Motion to refer to the ZBA passed 5-1-1 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
David Mastny	Aye
Sal Morello	No
Ephie Trataros	Absent
Christina Hill	Aye
Steve Bailer	Aye

Chairperson Pecora stated that by requesting a ruling from the ZBA, the decision would be specific to the project and be noted on the plans. Architect Reynolds confirmed that the ZBA process may be three (3) months but alternatively, revising the plan to nine units would negate the need for the request. The Planning Board asked that the Applicant advise as soon as possible if the alternative action would be taken.

NEW BUSINESS:

Larkin with Cady LLA (Medenbach, Eggers & Carr) – Case No. 2025- ; SBL No. 56.15-2-21 & 19; Shults Lane; R-40 Zoning District

Bill Eggers, L.S. was present as Agent and provided an overview of the requested lot-line adjustment. Planner Franson reviewed her recommendations a pointed out that lot 21 contained non-complying bulk and the plan should include a note.

Chairperson Pecora entertained a Motion to classify as a Type II action under SEQR. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Mastny and all Members present voting in favor, the Motion passed 6-0-1 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Aye
David Mastny	Aye
Sal Morello	Aye
Ephie Trataros	Absent
Christina Hill	Aye

Steve Bailer Aye

Chairperson Pecora entertained a Motion to waive the public hearing. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Hill and all Members present voting in favor, the Motion passed 6-0-1 by the following vote:

Roxanne Pecora Aye
Darin DeKoskie Aye
David Mastny Aye
Sal Morello Aye
Ephie Trataros Absent
Christina Hill Aye
Steve Bailer Aye

Chairperson Pecora entertained a Motion to approve the lot-line adjustment conditioned upon a map note indicating pre-existing non-compliant bulk and submission of a mylar and six copies. Upon Motion of Vice-Chairman DeKoskie, seconded by Member Hill and all Members present voting in favor, the Motion passed 6-0-1 by the following vote:

Roxanne Pecora Aye
Darin DeKoskie Aye
David Mastny Aye
Sal Morello Aye
Ephie Trataros Absent
Christina Hill Aye
Steve Bailer Aye

Surveyor Eggers stated that there had been a change in ownership. The Planning Board suggested that he may submit documentation.

Chairperson Pecora notified the Board that the NYS DEC had provided notification that the Medrex property (purchased by Church Communities) had been classified as a brown field and would be sending follow-up information.

The New York Planning Federation was conducting its annual training Conference on September 25, 2025 at the Wallace Center in Hyde Park. Members Mastny, Hill and Bailer and Vice-Chairman DeKoskie and Chairperson Pecora requested to be registered to attend.

Chairperson Pecora notified the Board that on July 30, 2025 she had received an inquiry from the Ulster County Planning Board Director stating that it had been receiving questions regarding a change to the Streamside Farms Site Plan project changing an emergency access to full access. She had provided May 24, 2023 CEO Determination and a copy of the Planning Board Resolution dated August 21, 2023. Item "6" of the Resolution conditions stated that "emergency access road to be made a full access road" and Item "18" directed that the "emergency gates proposed along the drive that connects Agnes Street shall remain open until such time as the Applicant seeks a variance to close the gates and the ZBA grants the variance." She stated that

when the maps were provided, Vice-Chairperson DeKoskie should review the maps and changes would require a site plan amendment. Chairperson Pecora stated that the request had been received from the County Executive's office.

ZBA referrals – None

Upon Motion of Member Mastny, seconded by Vice-Chairman DeKoskie and all Members present in favor, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Lisa K. Mance

Dated: September 2, 2025
Approved: November 17, 2025