

PLANNING BOARD MINUTES
October 21, 2024
Town Hall, 284 Broadway
Port Ewen, New York 12466

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

Excused: Vice-Chairman Darin DeKoskie

Also present: Bonnie Franson, AICP, Dylan Harris, Esq. and Town Board Liaison Jared Geuss

The meeting commenced at 7:33 p.m. with the Pledge of Allegiance.

Chairperson Pecora called for a motion to approve the September 16, 2024 Minutes. Upon Motion of Member Marta, seconded by Alternate Member Anderson and all present voting in favor, the Minutes were approved by a vote of 6-0.

Vouchers:

Nelson, Pope & Voorhis – Consultant services for September 2024	\$ 2,700.00
Whiteman, Osterman & Hanna, LLC – Planning Legal Services	\$ 717.31
Whiteman, Osterman & Hanna, LLC – Lighthouse Village Escrow	\$ 1,235.00

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

Chairperson Pecora explained the format that would be followed for the continuation of the Castlemore Holdings Public Hearing. The Public Hearing was going to be limited to forty-five minutes, participants would not be able to donate time and each participant would be limited to three minutes. All applications on the meeting Agenda would be limited to a fifteen-minute review and if review couldn't be completed within that time frame, it would be placed on the next month's agenda.

OLD BUSINESS:

Hardenburgh Subdivision (Matthew Towne, P.E.) – Case No. 2021-9; 171 Hardenburgh Road; SBL No. 71.1-3-31.100; R-40 Zoning District

Matt Towne, P.E. as Agent for the owner had provided a written request for an extension of the approval.

Chairperson called for a Motion to grant a six-month extension. Upon Motion of Alternate Member Anderson, seconded by Member Marta and all present in favor, the motion passed 6-0 by the following vote:

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

Chairperson Pecora called for a motion to continue the Public Hearing pertaining to the Castlemore Site Plan/Special Use Permit application (continued from September 16, 2024). Upon Motion of Member Marta, seconded by Member Bailer and all present in favor, the motion passed by a vote of 6-0 and the Public Hearing commenced at 7:40 p.m.

Chairperson Pecora read the Public Hearing Continuation Notice for the record.

Tony Marmo, President of Normann Staffing – 9 Valhank Road – Provided written comment in support of the proposed development. The Zoning Code allows the proposed use with a special use permit. Mr. Marmo provided examples of developments that initially faced community opposition but now are supported by the local community. By foregoing event spaces and restaurants, local businesses would be supported.

Richard Lanzarone - Executive Director, Hudson Valley Property Owners Association – Provided written comment in support of the proposed development. Mr. Lanzarone provided comparisons and statistics of a project located in Accord, New York and impacts on six homes closest to the Innis Development.

Mark Hoernner – 59 Carney Road - Expressed support for development stating that developers had taken time to find out what the community was looking for and proposed a development that meshes with the community. His concern was that billion dollar backed companies could come in to develop. He was a volunteer with TEVAS and as an EMT, he didn't think concerns raised would affect the community. There were economic benefits of having the development in Esopus and would boost revenue and reduce tax base.

Diane Dintruff – 150 Minturn Street – Written comment in support was provided for the record. She felt it was important to emphasize the beauty of the Hudson Valley and the proposed development was planned to inspire environmental preservation and restoration. The location was exactly what Ms. Dintruff would look for in a campground and closed by stating that Hudson Hideaway aligns with community, statewide and federal needs and goals and facilitates local improvement and planet stewardship.

Robert Hare – 130 Carney Road – Written comment was submitted for the record. Mr. Hare had served on the ZBA for seven (7) years and the Zoning Review Committee for one and one-half years. He addressed two issues relative to roads pursuant to Article IV General Requirements and Design Standards §107-21D Permanent Dead-End Streets 2 & 3. He stated that #2 addressed the length of a street to 12000 feet excluding a turnaround. He remarked that there appeared to be no turnaround. #3 limited the number of units to 20 with the proposed development proposing 36 units. He stated that the density of the houses on a dead-end street presented a hazard.

Kenneth Stenger, Esq. – Mr. Stenger represented the Karabecs and most of the neighbors. Written comment submitted for the record. There were two (2) appeals pending before the ZBA. The first appeal challenged the classification that the cabins were not dwelling units. The second appeal challenged the allowed density. Both appeals were before the ZBA in November.

He stated that the ZBA had ruled that the seasonal use was limited to eight (8) contiguous months and the development could not operate year-round. Mr. Stenger questioned how the impacts could be calculated until determining what eight months the development would be operating. Attorney Stenger directed attention to the financial report provided by Tom Baron and the operating plan needed to be based upon an eight-month operation.

Don Tollerman – 104 Fair Street, Kingston – Mr. Tollerman supported the proposed development as a plan that had a low impact. The change would bring no greater impact to the community than any other allowed use for the property. The project was set back from the road and noise would not be heard by the neighbors. The project would bring in tax revenue and jobs to the Town.

Derek Karabec – 24 Hudson Lane – Written comment was provided. Mr. Karabec stated that his concerns involved safety and that Hudson Lane was not up to code. The number of dwelling units and the width of the road were not compliant in contradiction to a statement made by the Code Enforcement Officer confirming that the Fire Chief was satisfied with the existing and proposed roads.

Kristie Mazzaccari – 95 Hudson Lane – Written comment provided. The ZBA had verbally ruled that the definition of structures in the Code stood and that the Planning Board determined what constituted what would qualify as a structure based upon the Code definition (retention ponds, septic systems, etc.) Ms. Mazzaccari contended that retention ponds and septic were structures based upon the use.

Lorine Karabec – 24 Hudson Lane – Written comment provided which requested the Planning Board address what eight (8) months the development would operate and the classification of the units. Ms. Karabec noted that there were two appeals pending before the ZBA and asked that the Public Hearing remain open until the ZBA rendered a decision.

Rich Ferri- 151 Hudson Lane – Provided written comment which focused upon the proposed number of parking spaces. He stated that the scale of the project was inappropriate and did not protect the character of the established residences.

Chairperson Pecora stated that the 45-minute Public Hearing time limit had been reached and entertained a Motion to continue the Public Hearing to only take public comments from individuals that had not spoken and that any other person could submit written comment.

Member Marta motioned to extend the Public Hearing to be held the following month at 7:35 p.m., seconded by Alternate Member Anderson and all present in favor, the motion passed 6-0 by the following vote:

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

OLD BUSINESS:

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

Caleb Carr, P.E., James Bacon, Esq. and George Cuney were present.

Chairperson Pecora stated that there had been a vote on September 16, 2024, but due to a lack of a majority vote, there was no decision. As such a vote was necessary on the previous Resolution for Approval.

Attorney Bacon stated that he had submitted case law and a letter to the Planning Board earlier in the day requesting that the Planning Board follow the law.

Chairperson called for a Motion to approve the Resolution with conditions. Member Marta motioned to vote on the Approval Resolution read at the previous meeting, seconded by Member Morello, with the Members voting 2 Nays, 1 Abstention and 3 Ayes as follows:

Chris Marta	No
Darin DeKoskie	Absent
David Mastny	Aye
Mark Anderson	Abstain
Roxanne Pecora	No
Sal Morello	Aye
Steve Bailer	Aye

Member Anderson stated that Attorney Bacon had emailed a large amount of case law citations on the day of the meeting in an attempt to intimidate the Members of the Board and it was not appreciated.

Chairperson Pecora inquired if the Members wished to enter into an attorney/client discussion to determine if they could reach a majority vote or, to meet with Mr. Cuney to discuss what was necessary to obtain a majority vote. Member Marta motioned to enter into executive session (corrected to attorney/client) meeting and to invite Planner Franson into the discussion. Upon second by Chairperson Pecora, the Planning Board voted to enter into an attorney/client meeting 6-0 by the following vote at 8:35 p.m.:

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

The Planning Board reconvened at 9:17 p.m.

Chairperson Pecora entertained a motion to vote on the disapproval Resolution.

Upon Motion of Member Marta, seconded by Member Mastny and all present in favor, the motion passed 6-0 by the following vote:

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

Chairperson Pecora read the Disapproval Resolution consisting of 8 pages into the record.

Chairperson Pecora entertained a Motion to grant the Disapproval Resolution. Upon Motion of Member Marta, seconded by Member Mastny and all present in favor, the motion passed 4-0-2 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Absent
Chris Marta	Aye
Sal Morello	No
David Mastny	Aye
Steve Bailer	No
Mark Anderson	Aye

Attorney Bacon stated for the record that the Code Enforcement Officer had made a determination in September of 2022 indicating that the project “complied in all respects with zoning” and requested a copy of the final Resolution be emailed to him.

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

Tommy Yan, Derek Leung, Matt Towne, P.E. and James Horan, Esq. were present.

Attorney Horan requested a procedure be recommended by which the Applicant could address the comments and respond. Member Marta provided direction on behalf of the Planning Board indicating it was an opportunity for the Applicant to provide a complete reconciliation – where the project started, where it was currently, what comments were received, and what categories were being addressed and how the Applicant intended to respond. Upon review of the record, Member Marta stated that there was a consistent thread of repeated requests with inconsistent responses. Member Marta requested the Applicant review, summarize and provide a complete package to submit prior to being placed before the Planning Board as well as to consider providing a tracking sheet of every submission and felt it helpful to provide only new information. Member Marta provided an overview of concerns as to what had been raised in public comment, by the Planning Board and what needed to be addressed.

Member Mastny voiced his concerns relative to the number of cabins and consideration given to being a retreat. He felt it could be revisited, be redesigned and could be economically viable.

Member Anderson stated that the critique offered by a neighbor relative to the business plan was dismissed arbitrarily. He had worked for years for the State and had a 7-county district and had seen summer cottage colonies developed, abandoned and then adapted as year-round low cost housing with deleterious results on the environment and there were a number of Towns that had experienced a huge environmental and economic hardship on the municipality. Attorney Moran inquired if the Board would like to see an adaptive reuse plan to which the Board responded affirmatively. Member Morello recommended the Applicant review the comments provided by the Environmental Board which had raised valid concerns. Member Marta offered the opportunity for the Applicant to participate in a monthly workshop that occurred following the regular meeting of the Planning Board.

Member Mastny stated that nothing could be decided with pending decisions before the ZBA. The proposal to operate pursuant to the “season” interpretation was confirmed to be only eight months. The Applicant stated that a feasibility study could be provided based upon an eight-month operation plan. Attorney Harris indicated he could provide the new DEC regulations that would become effective in 2025. Member Mastny requested that consideration be given to his previous comments regarding amenities – fire pits, the number of units and hot tub operations.

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

Khattar Elmassalemah, P.E. and owner Ahmed Magdi were present. Engineer Elmassalemah addressed the previous comments of the Planning Board stating the only issue left was the location of the entrance which had been moved as far north as possible. The required 400' site distance could not be met and engaging a flagger was suggested as a remedy which would be the responsibility of the owner to provide. No curb cut could be constructed without permitting from the County. Planner Franson inquired if the Applicant had received the October 14, 2024 comments from Tony Stellato, P.E. and read the email.

Member Morello suggested that the Engineer work with the Ulster County Department of Public Works and provide documentation. Attorney Harris stated that the Planning Board would need to determine if a flag person mitigated the safety concerns.

Attorney Harris stated that an issue with a flag person was enforceability, and the Planning Board should feel comfortable with the proposal.

The Planning Board wanted the comments back from the UCPB prior to scheduling a public hearing.

Chairperson Pecora entertained a motion to refer the application to the Ulster County Planning Board. Upon Motion of Member Marta, seconded by Member Mastny and all present in favor, the motion passed 6-0 by the following vote:

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

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

Owner Maria Philippis and Architect Amy Moses were present.

The plans submitted had been compared to previous plans and there appeared to be no revisions.

Member Morello had conducted a site visit and parking on East Stout Street needed to be confirmed by the Highway Superintendent. Only one handicapped parking spot was required but the space notated in the front of the antique store could be repositioned, eliminate the handicapped parking in the rear parking lot and would add parking to the site plan and possibly alleviate the requested parking on East Stout Street. The plans needed to be amended to remove the depicted parking on East Stout Street unless the Esopus Highway Superintendent provided written approval.

The plans needed to be revised to indicate last revision date as well depicting all signs on the site plan and accurate parking.

River Heights Development (Meddenbach, Eggers & Carr) – Case No. 2024-6; SBL No. 56.52-1-37.3; R-12 Zoning District – Proposed 9 Units

Caleb Carr, P.E. was present as agent. An overview of the proposed development was provided to the Planning Board. One access road was proposed from North Broadway and there currently were two retention basins the property. Development was proposed more to the western portion of the side due to existing steep slopes.

Chairperson Pecora stated the height restriction that had applied to Riverview Condominiums may also apply to this development. Member Marta requested architectural and lighting plans. Member Mastny requested lighting specifications.

Planner Franson referenced the presubmission conference notes which raised a question as to whether the development was a combination of townhomes and two-family dwellings. For cluster townhouse development the Code stated that building height was a maximum of 30'. Planner Franson stated that given the location within the LWRP, the Hudson River views and height would be part of the SEQR review.

Member Morello remarked that the addition of impervious surface would create additional runoff that could impact an existing culvert. Location for snow removal also needed to be considered.

Chairperson Pecora raised concern regarding proximity of the Riverview Condominiums below the property and the containment of stormwater runoff. Engineer Carr stated no water was being taken from North Broadway and only a small amount from a neighboring property.

ZBA Referral - Density and Structure appeal of Kenneth Stenger – No comment.

Building Department – Planning Board Liaison Marta stated that he had been working on a flowchart and would be meeting with the Code Enforcement Officer on October 25, 2024.

Upon Motion of Member Marta, seconded by Member Mastny and all in favor, the meeting was adjourned by a vote of 6-0 at 11:11 p.m.

Respectfully submitted,

Lisa K. Mance

Dated: November 7, 2024

Approved: November 18, 2024