

PLANNING BOARD MINUTES
December 16, 2024
Town Hall, 284 Broadway
Port Ewen, New York 12466

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

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

The meeting commenced at 7:44 p.m. with the Pledge of Allegiance.

Chairperson Pecora called for a motion to approve the November 18, 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:

Nelson, Pope & Voorhis – Consultant services for October 2024	\$ 2,700.00
Clough, Harbor and Associates – Castlemore Holdings Escrow	\$ 1,884.84
Whiteman, Osterman & Hanna, LLC – Lighthouse Village Escrow	\$ 2,793.83
Clough, Harbor and Associates – Lighthouse Village Escrow	\$ 200.00
Whiteman, Osterman & Hanna, LLC – Legal services to Planning Board	\$ 1,907.17

Chairperson Pecora called for a motion to approve the Vouchers. Upon Motion of Vice-Chairman Dekoskie, (excepting inspection of the CHA Voucher for \$200.00), seconded by Member Marta, and all Members in favor, the motion passed by a vote of 6-0.

The Planning Board requested that the voucher submitted by CHA be reviewed by Engineer Tony Stellato to specify what services were provided.

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

The Application had been referred to the Ulster County Planning Board (UCPB) which had issued a response. Chairperson Pecora read the Recommendations. Engineer Elmassalemah stated he had provided an email from the Ulster County Department of Public Works stating it had no further comments, a letter from the Fire Chief and letters from SHPPO. The Administrative Assistant had access to the SHPPO referral, but the response letters from SHPPO had not been downloaded and would be made available.

Engineer Elmassalemah disagreed with the UCPB Landscaping Required Modification which stated that there was a “change in the use type from residential to industrial...” He stated that the property was located in the Light Industrial Zone and a fence was located between the subject property and residential property. He added that a permit would be required from the Health Department as well as the Department of Transportation.

Planner Franson confirmed that the most recent plans had been submitted in October 2024. She stated for the record that although the comments of the Town Engineer's points had been addressed, there were comments from the Planning Board that needed to be addressed. The limits of disturbance needed to be confirmed to determine whether a SWPPP was needed. Planner Franson addressed items contained in her Memo. The study from Joseph Diamond that had been submitted to SHPPO was required for the record and Engineer Elmassalemah would provide. Vice-Chairman DeKoskie stated that he would like to arrange a site visit. Member Marta suggested that the vegetative plantings be continued along the southern edge, specify lighting fixtures were 2700k and provide spec sheet for the lighting (was included). Member Mastny noted the UCPB recommendation to consider another site. Attorney Harris and Planner Franson stated that the recommendation could be overridden by a supermajority vote of the Planning Board. The Engineer stated that the ability to create berme(s) on the site was not feasible. The New York State Department of Conservation regulated the tanks and safety and was required to issue a permit. From a planning point of view, the tank separation had been shown on the plans. The limits of disturbance were .93 acres and the Engineer stated there was not an ability to expand.

Chairperson Pecora noted that the UCDPW had recommended looking for another location for the proposal but access is required to be given, and public health and safety was a major concern of the Planning Board. The UCPB had also recommended looking for another location. Although the property was located in the Light Industrial Zoning District, there was a sight distance issue and the Board needed to determine if the issue could be satisfied with a flagger.

Vice-Chairman DeKoskie recommended that a public hearing be scheduled, and he would like to conduct a sight visit.

Member Bailer inquired how a flagger would be put into place when a truck was present. Engineer Elmassalemah stated that there would be two individuals in the truck and one would be responsible for flagging when the truck was exiting the property. Entering the property was not an issue.

Planner Franson read an October 14, 2024 email from Tony Stellato, P.E. which provided his recommendations relative to the restricted sight distance. Although it was a County Road, Attorney Harris stated that since a special use permit was being considered, a condition could be added to enforce the presence of a flagger and the Applicant could be requested to revisit the Planning Board if the condition was not met.

Member Morello voiced concern with access and stated that the proposed access was from a County road and the County should have the responsibility for the safety of the access. Planner Franson stated that sight distance for the property would always exist, regardless of the use. Planner Franson noted the UCDPW comments from June 2024 which stated that "...the County cannot restrict access to a property..." but there was a concern with the proposed access which would require a permit to be granted prior to any work being done in the County Right of Way. Attorney Harris stated that as far as liability went, the key to consider was not so much "legal ease" as it was evidence that the Planning Board had taken a hard look and as a Board, needed to

be comfortable that a flagger was the best option. With the Special Use Permit, the enforcement mechanism was in place if a situation occurred.

Planner Franson recapitulated that the Planning Board wanted to conduct a site visit, that the Applicant was requested to examine alternative mechanisms (ie. signage, lights, mirrors) relative to the sight distance and schedule a public hearing.

Chairperson Pecora entertained a motion to schedule a public hearing for January 20, 2025 at 7:35 p.m. (The meeting calendar for 2025 was confirmed and the Members agreed to meet on January 20). Upon Motion of Vice-chairman DeKoskie, seconded by Member Marta and all present voting 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

Charter Communications Site Plan – Case No. 2024-10; SBL No. 56.20-3-36; 438 Broadway; GC1 Zoning District

Agent Daniel Ratner was present for the review. The Application had been referred to the UCPB which responded that there was no County impact. A request to waive a public hearing had been filed.

Chairperson Pecora entertained a motion to waive the public hearing pursuant to §107-16a. Upon Motion of Member Bailer, seconded by Member Morello 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

Chairperson Pecora entertained a motion to confirm that the topography as shown on the site plan was sufficient. Upon Motion of Vice-chairman DeKoskie, seconded by Member Marta and all present voting 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

Chairperson Pecora entertained a motion to classify as a SEQRA Type II Action. Upon Motion of Vice-chairman DeKoskie, seconded by Member Marta and all present in voting 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

Chairperson Pecora entertained a motion to grant site plan approval upon submission of five (5) copies of the site plan with updated revision date. Upon Motion of Vice-chairman DeKoskie, seconded by Member Marta and all present voting 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

Cutugno Site Plan/SUP – Case No. 2024-9; SBL No. 80.1-3-18; 76 Floyd Ackert Road; R40 Zoning District

Owner Patricia Cutugno was present and addressed the Planning Board stating that the maps had been updated to show events parking, 16' wide driveway, signage, and location of the tents. Photographs, floor plan and a business plan had been submitted.

Planner Franson addressed comments and recommendations contained in her December 16, 2024 Review Memo. She stated a public hearing may be needed, a deed had been provided, referral to the UCPB would be needed, and depending on the opinion of the Planning Board, the reuse of existing building may qualify the proposal as a Type II action, otherwise it would be an Unlisted action. Pieces of a narrative had been provided but the Applicant was asked to package all of the aspects together into one document which would be used for the Planning Board to assist in determining the requirements of a special use permit.

For the purposes of the resort, the Planning Board may wish to confirm with the Code Enforcement Officer that there would be no kitchens in the units. Event parking on the site plan needed to indicate if it was to remain grass.

Member Marta inquired what lighting existing on the site. Ms. Cutugno stated that there were spotlights on the middle level of the property, events would be seasonal, in the afternoon and there would be no evening events past 10:00 p.m.

Member Morello questioned if the event parking area was flat and if the light post in the middle of the parking was being moved. Ms. Cutugno stated the lighting was very bright and should be adequate. He suggested that a post and rail fence be considered as a safety measure at the drop-off in the proposed event area. Although the driveway had been widened to 16', it stopped at the gate. Member Morello read an excerpt of the Fire Code and stated that the Planning Board may want to consider a request for a waiver relative to the requirements for fire apparatus access requirements. He stated that the conversion from a residence to a resort created numerous issues related to safety, health, fire separations, etc. and Ms. Cutugno needed to consult an architect to address the various Code issues.

Planner Franson noted that it would be useful for the Planning Board to directly refer to the UCBOH for comments. Member Marta requested clarification for the benefit of the Applicant. Chairperson Pecora stated that the normal process was to base conditional approval on UCBOH reviews and that it had not normally referred applications to the UCBOH as part of the review process.

The Applicant was directed to contact the Esopus Fire Department to obtain a letter regarding adequate access.

Member Marta echoed the recommendation of Member Morello to obtain the services of a design professional which would help to coordinate the various reviews needed.

The Highway Superintendent needed to review access to determine if needed to be widened or if it was sufficient. Referrals to the Town Designated Engineer and the Waterfront Advisory Board may be needed when the Board was satisfied that the plans were sufficient.

Planner Franson explained that the floor plans were necessary as part of the review process to determine a use and if approved, understand what is being done inside to adequately calculate the necessary requirements of the site plan, ie. parking.

Any new signs would require sign details. Fence location and details was also needed.

Chairperson Pecora entertained a motion to refer the application to the Waterfront Advisory Board. Upon Motion of Member Marta, seconded by Vice-Chairman DeKoskie and all present voting 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

Planning Liaison to the Town – A new project coversheet had been created and Member Marta explained its use and would provide a sense of how long an applicant had been before the Board. A work/flowchart had been created, reviewed and approved by Chairperson Pecora, the Town Supervisor and the Building Department and Member Marta would make himself available for any questions or concerns prior to implementation.

There were three workshops every Thursday after the monthly Planning Board meetings, were held by Zoom and scheduled through the Building Department. Thereafter, every Friday, Member Marta met with the Building Department.

Upon Motion of Member Marta, seconded by Member Bailer and all in favor, the meeting was adjourned by a vote of 6-0 at 9:42 p.m.

Respectfully submitted,

Lisa K. Mance

Dated: December 30, 2024

Approved: January 20, 2025