

Town of Esopus Planning Board  
Mailing Address: PO Box 700, Port Ewen, NY 12466  
Physical Address: 284 Broadway, Ulster Park, NY 12487  
(845) 339-1811 Ext. 126  
Email: [planning-zoning@esopus.com](mailto:planning-zoning@esopus.com)

## **SPECIAL USE PERMIT /SITE PLAN APPLICATION MATERIALS**

### Contents:

- Application (including list of documents to submit)
- Agent Authorization (if applicant is not owner)
- Agricultural Data Statement
- Meeting & Pre-submission Schedule
- Request for waiver of Public Hearing

Pre-submission review required prior to formal submission of application.

To be placed on the monthly meeting Agenda, complete applications must be submitted to the Planning Board Secretary two (2) weeks prior to the regularly scheduled monthly meeting.

ESOPUS PLANNING BOARD  
ULSTER COUNTY, NEW YORK

SITE PLAN/SPECIAL USE APPLICATION

NOTE: A site plan pursuant to §123.47 and §123.47D must accompany this application.

Purpose of Application: Site Plan \_\_\_\_\_ Special Use Permit: \_\_\_\_\_

Name of Project: \_\_\_\_\_

Name & Address of Applicant: \_\_\_\_\_

\_\_\_\_\_ Telephone No.: \_\_\_\_\_ Email: \_\_\_\_\_

Name & Address of Property Owner: \_\_\_\_\_

\_\_\_\_\_ Telephone No.: \_\_\_\_\_

Name & Address of Surveyor/Engineer/Attorney: \_\_\_\_\_

\_\_\_\_\_ Telephone No.: \_\_\_\_\_ Email: \_\_\_\_\_

Site Location: \_\_\_\_\_

Tax Map Identifier: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Zoning District: \_\_\_\_\_ Acreage/Lot Size: \_\_\_\_\_

Well/Septic (private/public): \_\_\_\_\_

Type of use: \_\_\_\_\_

Proposed use located in: ( ) existing building ( ) addition to existing building ( ) new building

Description of proposed use including size and number of buildings, number of parking spaces and other development features: (Attach separate sheet if needed): \_\_\_\_\_

Will project require permits from any Federal, State or County agencies? \_\_\_\_\_ If yes, please list agency(ies):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**Materials to be submitted:**

All materials to be provided electronically on a USB drive as well as requisite paper copies

- Ten (10) copies of sketch or site plan (drawn to scale) \_\_\_\_\_
- Application \_\_\_\_\_
- Application fee (per schedule): \_\_\_\_\_
- Copy of recorded Deed(s) for record owner(s) \_\_\_\_\_
- Waiver from requirements request (must be in writing) \_\_\_\_\_
- SEQRA EAF Part I (complete form on-line at <http://www.dcc.ny.gov/cafmapper/>) \_\_\_\_\_
- Authorization for Agent to act (if owner not representing self) \_\_\_\_\_
- Waiver from requirements for Public Hearing pursuant to §123.47C(6) \_\_\_\_\_
- Written narrative providing scope of work, planned uses and uses to be retained \_\_\_\_\_

The Planning Board may be required to refer the application to outside agencies for review. All applications are reviewed by the Planning Board's Planning Consultant and the Planning Board may require escrow to be established depending upon the extent of review needed.

The Planning Board may require the review of plans by the Planning Board's Engineering Consultant. The Engineering Consultant's fees are paid through an escrow account and are the responsibility of the Applicant.

Additionally, the Planning Board may refer the application to interested/involved agencies for review, comment and/or information on particular items contained in the application.

**Other possible involved/interested agencies (Not necessarily all inclusive):**

- |  |                                     |
|--|-------------------------------------|
| Zoning Board of Appeals  | Esopus Highway Superintendent       |
| NYS Department of Transportation (DOT)                           | Esopus Water/Sewer District         |
| Esopus Recreation & Parks Office                                 | Local Fire Districts                |
| Ulster County Board of Health (UCBOH)                            | Ulster County Planning Board (UCPB) |
| NYS Agriculture & Markets  | U.S. Army Corp. of Engineers        |
| Esopus Waterfront Advisory Board                                 | Esopus Environmental Board          |
| NYS Office of Parks, Recreation & Historic Preservation (SHPPPO) |                                     |
| NYS Department of Environmental Conservation (DEC)               |                                     |



## Agricultural Data Statement

NOTE: §283-a of the Town Law requires any application for a Conditional Use Permit, Site Plan approval, approval of a Use or Area Variance or Subdivision approval on property within an Agricultural District containing a farm operation or on property with boundaries within 500' of a farm operation located in an Agricultural District to include an Agricultural Data Statement. All Site Plan, Conditional Use Permit, Variance and Subdivision applications requiring an Agricultural Data Statement must be referred to the Ulster County Planning Board in accordance with § 239-m, and 239-n of the NYS General Municipal Law.

**Basic Data:**

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Type of Project: (Check one or more)

Site Plan \_\_\_ Conditional Use Permit \_\_\_ Subdivision \_\_\_ Variance (Use/Area) \_\_\_

Tax Map Identifier - Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Brief description of projection: \_\_\_\_\_

\_\_\_\_\_  
Name(s) and address(es) of owners of land within Agricultural District No. \_\_\_\_\_ containing active Farm operations and located with 500' of the project property (a copy of this form will be mailed to all such landowners).

Name	Adress	SBL No.

Please attach a copy of the tax map which shows the site of the proposed project relative to the location of the farm operations identified above. Farm Operations are defined as "...the land in agricultural production, farm buildings, equipment and farm residential buildings." (§301, Article 25-AA of the NYS Agriculture and Markets Law).



Town of Esopus  
Planning Board  
P.O. Box 700  
Port Ewen, N.Y. 12466  
Phone (845) 339-1811 Ext 126

Date:

## REQUEST TO WAIVE PUBLIC HEARING

To the Esopus Planning Board:

I would like to request a waiver from the requirements of §123.47 C (6) to hold a public hearing on the Site Plan application entitled: \_\_\_\_\_.

Respectfully Submitted,

\_\_\_\_\_  
Signature of Owner/Agent

## EXCERPTS OF ESOPUS TOWN CODE

### § 123-46 Special use permits.

[Amended 11-19-2009 by L.L. No. 11-2009]

Pursuant to an application, either directly or through the Building Inspector, the Planning Board is hereby authorized to issue a special permit only for a use specifically listed as requiring such permit in the district in which it is proposed, subject to the following regulations and procedures:

#### A.

Application. Each application for a special use permit shall be submitted in the number of copies and form prescribed by the Board, accompanied by a fee in accord with a schedule adopted by the Town Board and shall include the following data:

#### (1)

Site plan. Each application for special use permit shall be accompanied by a site plan and shall also constitute simultaneous application for site plan approval, in accord with § 123-47. The site plan must show those elements listed in § 123-47D which are relevant to the proposal and which would not cause an unusual hardship for the applicant to obtain, as determined by the Planning Board in the presubmission conference.

#### (2)

Supporting documents.

#### (a)

A project narrative report that describes or outlines the existing conditions of the site and the proposed development shall be submitted to supplement the sketch plan and location map. This information should include existing data on land characteristics, available community facilities and utilities and data as to the number of dwelling units, amount of commercial floor area, number of employees, drainage and traffic assessments, protective covenants, easements and proposed utilities and improvements.

#### (b)

The applicant shall also file a short environmental assessment form (short EAF) with the sketch plan, unless the Planning Board requests that a full environmental assessment form be submitted.

#### (3)

Fees and costs. Each application for a special use permit shall be accompanied by all relevant fees, as specified in § 123-29, to cover all review costs, including, but not limited to, those engineering, environmental, planning and legal analyses and filing.

#### B.

Procedure.

**(1)**

Presubmission conference. Prior to submission of an application for a proposed conditionally permitted use, the applicant or authorized representative shall meet in person with the **Planning** Board. The purpose of such conference shall be to discuss the proposed use or development in order to determine the scope and type of data, in the form of **site plans** and reports, to be submitted to the **Planning** Board in order for said Board to determine conformity with the provisions and intent of this chapter.

**(2)**

Submission of application. Within six months following the presubmission conference, the special use permit application and related information, including, but not limited to, **site plans**, environmental assessment and impacts statements and technical studies, shall be submitted to the Building Inspector, in triplicate, at least 15 days prior to the **Planning** Board meeting at which approval is requested. If an application is not submitted within the six-month period, another presubmission conference may be required.

**(3)**

Public hearing. The **Planning** Board shall schedule a public hearing to be held within 62 days of receipt of a complete application for a special use permit.

**(4)**

Hearing notice. Notice of the public hearing shall be published once in the official newspaper of the Town, at least five days prior to the date of such hearing. In addition, the **Planning** Board shall cause a notice of such hearing and an explanation of the proposal to be mailed to the owners of all property adjacent to or directly across any street or right-of-way from the subject property. Such notice shall be sent to the owner's last known address as shown on the most recent Town tax assessment records and mailed at least five days prior to such hearing.

[Amended 1-25-2017 by L.L. No. 1-2017]

**(5)**

Referral to County **Planning** Board. Any application for a special use permit involving real property lying within 500 feet of any of the features listed under Article X, § 123-51, shall be referred to the Ulster County **Planning** Board prior to final action in accord with §§ 239-l and 239-m of the General Municipal Law. The **Planning** Board shall not make a decision until it has received comment from the Ulster County **Planning** Board or until 30 days have elapsed.

**C.**

Decision and findings.

**(1)**

Criteria for decisions. The **Planning** Board shall only approve the issuance of a special use permit if it finds that the following criteria have been met:

**(a)**

That any specific standards set forth for the proposed use in § **123-13** have been satisfied and that the objectives for **site plan** review set forth in § **123-47** have been achieved.

**(b)**

That all proposed structures, equipment or material shall be readily accessible for fire and police protection and shall be adequately served by sewage disposal and water supply facilities and recreation facilities.

**(c)**

That the proposed use is of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

**(d)**

That important natural features and sensitive environmental resources are protected to the maximum extent feasible and have been adequately addressed in accord with the State Environmental Quality Review (SEQR) Act.

**(e)**

That, in addition to the above, in the case of any use located in or directly adjacent to a residential district:

**[1]**

The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its **site** layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous inconvenient or incongruous with said residential district or conflict with the normal traffic of the neighborhood.

**[2]**

The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of screening and landscaping on the **site** shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or diminish the value thereof.

**(f)**

That all proposed means of stormwater management, erosion and sediment control and **site** disturbance have been taken, and that the applicant's **plan** for same has been designed in accordance with the provisions of Chapter **106** of this Code and with the approval of the Town's Stormwater Management Officer. If an SWPPP is not required, the subdivision **plan** will include global positioning system (GPS) reference data for

stormwater outfalls and permanent structures built in accordance with the New York State Stormwater Management Design Manual.

[Added 11-15-2007 by L.L. No. 9-2007]

**(2)**

Findings and conclusions.

**(a)**

Within 62 days after the public hearing, unless the time has been extended by mutual consent of the applicant and the **Planning Board**, the **Planning Board** shall review its decision as to whether to issue the special use permit and shall make a written report setting forth its findings and conclusions and the basis for its decision.

**(b)**

The decision of the Board shall be filed with the Town Clerk within five days and a copy thereof mailed to the applicant.

**(3)**

Time limit on validity of approval.

**(a)**

For special use permits that involve construction and/or demolition of buildings or structures, or renovations requiring a building permit, the applicant must secure, within one year of the approval of the special use permit by the **Planning Board**, a building permit. If the applicant fails to secure a building permit within this time period, the special use permit approval shall become null and void, and the applicant must seek approval of a new special use permit from the **Planning Board**.

**(b)**

For approved uses not requiring construction, demolition of a building or structure, or renovations requiring a building permit, time limits relating to completion of **site** improvements, including but not limited to landscaping, screening, drainage, utilities and access improvements, shall be established as part of the approval of a **site plan** (see § 123-47E) that is included within the approval of a special use permit [see § 123-46A(1)], subject to conditions as provided for in § 123-46D.

**D.**

Additional conditions.

**(1)**

When issuing a special use permit, the **Planning Board** may attach such conditions and safeguards as it deems necessary to further the intent of these regulations and to protect the public interest.

**(2)**

Any use for which a special use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that such permit shall

A complete outline of existing deed restrictions or covenants applying to the property.

**(j)**

Existing zoning.

**(2)**

Natural features.

**(a)**

Existing contours with intervals of five feet or less, based on a reference system satisfactory to the Board.

**(b)**

Approximate boundaries of any areas subject to flooding or stormwater overflows.

**(c)**

Location of existing watercourses, marshes, protected state and federal wetlands, wooded areas, orchards and vineyards, rock outcrops and other significant existing features.

**(3)**

Existing structures and utilities.

**(a)**

Location of uses and outline of structures drawn to scale on and within 100 feet of the lot line.

**(b)**

Paved areas, sidewalks and vehicular accesses between **site** and public streets.

**(c)**

Locations, dimensions, grades and flow direction of existing sewers, culverts and waterlines, as well as other underground and aboveground utilities within and adjacent to the property.

**(4)**

Proposed development.

**(a)**

The location of proposed buildings or structural improvements.

**(b)**

The location and design of all uses not requiring structures, such as off-street parking and loading areas.

**(c)**

The location, direction, power and time of use for any proposed outdoor lighting or public address systems.

**(d)**

The location and **plans** for any outdoor signs.

**(e)**

may secure the advice or assistance of one or more expert consultants qualified to advise as to whether a proposed use will conform to the requirements of this chapter.

[Amended 11-19-2009 by L.L. No. 11-2009]

(7)

Amendments to a **site development plan** shall be acted upon in the same manner as the approval of the original **site plan**.

(8)

The **Planning** Board may require the posting of such performance guaranties as it deems necessary as a condition of **site plan** approval to ensure that **site** improvements, such as roadways, parking areas, drainage facilities, utility systems and landscaping, are satisfactorily completed in accord with approved **plans**.

D.

**Site development plan** elements. The applicant shall cause a **site development plan** map to be prepared by a civil engineer, surveyor, land planner, architect or other competent person. **Site development plan** elements shall include those listed below which are appropriate to the proposed development or use, as determined by the **Planning** Board in the presubmission conference.

(1)

Legal data.

(a)

Lot, block and section number of the property, taken from the latest tax records.

(b)

The name and address of the owner of record.

(c)

Name and address of the person, firm or organization preparing the map.

(d)

Date, North point and written graphic scale.

(e)

Sufficient description or information to define precisely the boundaries of the property. All distances shall be in feet and tenths of a foot. All angles shall be given to the nearest 10 seconds or closer. The error of closure shall not exceed one in 10,000.

(f)

The locations, names and existing widths of adjacent streets and curblines.

(g)

The locations and owners of all adjoining lands as shown on the latest tax records.

(h)

Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.

(i)

unless there is provided a minimum of 12 to 15 seconds of time allotted to each image or message displayed before the next image or message is displayed on the sign.

**C.**

Procedure.

**(1)**

Presubmission conference. Prior to the submission of a **site development plan**, the applicant or authorized representative shall meet in person with the **Planning Board**. The purpose of such conference shall be to discuss proposed uses or development in order to determine which of the **site development plan** elements listed in § **123-47D** shall be submitted to the **Planning Board** in order for said Board to determine conformity with the provisions and intent of this chapter.

**(2)**

Within six months following the presubmission conference, the **site development plan** and any related information shall be submitted to the Building Inspector, in triplicate, at least 15 days prior to the **Planning Board** meeting at which approval is requested. If a **site plan** is not submitted within the six-month period, another presubmission conference may be required.

**(3)**

The Building Inspector shall certify on each **site development plan** or amendment whether or not the **plan** meets the requirements of all Zoning Law provisions, other than those of this section, regarding **site development plan** approval.

**(4)**

The Building Inspector shall retain one copy and transmit two copies of the certified **site development plan** to the Secretary of the **Planning Board** at least seven days prior to the **Planning Board** meeting at which approval is requested.

**(5)**

The **Planning Board** may hold a public hearing on the **site plan** if it determines that the matter is of wide public interest. If such a hearing is held, the provisions relating to public notice as required in § **123-46B(3)** and **(4)** for a special use permit shall be followed.

[Amended 11-19-2009 by L.L. No. 11-2009]

**(6)**

The **Planning Board** shall act to approve or disapprove any such **site development plan** within 62 days after the public hearing or, if no hearing is held, within 62 days of the official submission date, unless the time has been extended by mutual consent of the applicant and the **Planning Board**. Failure to act within 62 days shall be deemed approval. Conditional approval or disapproval by the **Planning Board** shall include written findings upon any **site development plan** element found contrary to the provisions or intent of this chapter. In reviewing the application, the **Planning Board**

That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking lots.

**(3)**

That all parking and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the **site** is in character with that generally prevailing in the neighborhood.

**(4)**

That all existing trees, wooded areas, watercourses and other natural features shall be retained to the maximum extent possible consistent with the development **plan**.

**(5)**

That all outdoor lighting is of such nature and so arranged as to preclude the diffusion of glare onto adjoining properties and streets.

**(6)**

That all drainage systems and the internal water and sewer systems are adequate and that all connections to Town systems are in accordance with Town standards.

**(7)**

That the **site plan** and building design accommodate the needs of the handicapped and are in conformance with state standards for construction concerning the handicapped.

**(8)**

That the **site plan** and building design consider the conservation of energy.

**(9)**

That all proposed signs are designed and installed in a manner that will not create a hazard to traffic flow or safety. Illumination of signs shall comply with the following standards:

[Added 11-19-2009 by L.L. No. 11-2009]

**(a)**

Only white light may be used to externally illuminate a sign except in the case of neon tubing.

**(b)**

The illumination from any sign shall not cause any reflection or glare upon a public street, highway, sidewalk or adjacent property.

**(c)**

Except for clocks and customary time and temperature devices, no sign shall contain intermittent, moving or flashing illumination.

**(d)**

Digitally illuminated signs that include or incorporate moving, scrolling or crawling text messages and/or full or partial motion video images and displays are not permitted,

be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

#### § 123-47 **Site plan approval.**

In all cases where this chapter requires approval of **site development plans** by the **Planning Board**, no building permit shall be issued by the Building Inspector except upon authorization of and in conformity with the **plans** approved by the **Planning Board**.

##### **A.**

Effect of **site development plan** approval.

##### **(1)**

No building permit shall be issued for any structure covered by this section until an approved **site development plan** or approved amendment of any such **plan** has been secured by the applicant from the **Planning Board** and presented to the Building Inspector.

##### **(2)**

No certificate of occupancy will be issued for any structure or use of land covered by this section unless the structure is completed or the land is developed or used in accordance with an approved **site development plan** or approved amendment of any such **plan**.

##### **(3)**

Prior to final action, the **Planning Board** shall refer any matters involving any of the areas or features specified in Article X, § 123-51, to the Ulster County **Planning Board** in accordance with § 239-m of the General Municipal Law.

##### **(4)**

**Site plan** approval shall not be required for the change of use or ownership of a permitted use to another permitted use in the district which has the same parking requirements as the original use.

##### **B.**

Objectives. In considering and acting upon **site development plans**, the **Planning Board** shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this chapter and the accomplishment of the following objectives in particular.

##### **(1)**

That proposed traffic accesses and ways are adequate but not excessive in number, adequate in width, grade, alignment and visibility, not located too near street corners or other places of public assembly and conform to similar safety considerations.

##### **(2)**

The location and arrangement of proposed means of access and egress, including sidewalks, driveways or other paved areas; profiles indicating grading; and cross sections showing width of roadway, location and width of sidewalks and location and size of water and sewer lines.

**(f)**

Any proposed grading, screening and other landscaping, including types and locations of proposed street trees.

**(g)**

The location of all proposed waterlines, valves and hydrants and all sewer lines or alternate means of water supply and sewage disposal and treatment.

**(h)**

An outline of any proposed deed restrictions or covenants.

**(i)**

Elevation drawings, photographs, simulations and/or other renderings, of existing and proposed buildings, signs, landscaping and other structures and improvements.

[Added 11-19-2009 by L.L. No. 11-2009<sup>(1)</sup>]

[1]

*Editor's Note: This local law also provided for the designation of former Subsection D(4)(i) and D(4)(j) as D(4)(j) and D(4)(k), respectively.*

**(j)**

Any contemplated public improvements on or adjoining the property.

**(k)**

If the **site development plan** only indicates a first stage, a supplementary **plan** shall indicate ultimate development.

**E.**

Time limit on validity of approval. Approval of a **site plan** by the **Planning Board** shall be valid for a period of one year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit for at least the first stage of development during this period shall cause the **site plan** to become null and void. Upon application, the **Planning Board** may extend the time limit on the validity of the approval to not more than two years from the date of original approval.



## 2022 PLANNING BOARD MEETING SCHEDULE

PRESUBMISSION MEETING	REGULAR MEETING	SUBMISSION DEADLINE
DECEMBER 15	JANUARY 17	JANUARY 3
JANUARY 19	FEBRUARY 21	FEBRUARY 7
FEBRUARY 16	MARCH 21	MARCH 7
MARCH 16	APRIL 18	APRIL 4
APRIL 20	MAY 16	MAY 2
MAY 18	JUNE 20	JUNE 6
JUNE 15	JULY 18	JULY 5
JULY 20	AUGUST 15	AUGUST 1
AUGUST 17	SEPTEMBER 19	SEPTEMBER 6
SEPTEMBER 21	OCTOBER 17	OCTOBER 3
OCTOBER 19	NOVEMBER 21	NOVEMBER 7
NOVEMBER 16	DECEMBER 19	DECEMBER 5

MEETINGS ARE HELD THE 3<sup>RD</sup> MONDAY OF EACH MONTH AT THE TOWN HALL COMMENCING AT 7:30 P.M.