PLANNING BOARD MINUTES
April 21, 2025
Town Hall, 284 Broadway
Port Ewen, New York 12466

Present: Chairperson Roxanne Pecora, Member Sal Morello, Member Steve Bailer and Member David Mastny

Excused: Vice-Chairman DeKoskie and Member Christina Hill

Absent: Member Ephie Trataros

Also present: Planner Bonnie Franson, AICP

The meeting commenced at 7:39 p.m. with the Pledge of Allegiance.

Chairperson Pecora called for a motion to approve the March 17, 2025 Minutes. Upon Motion of Member Bailer, seconded by Member Mastny and all present voting in favor, the Minutes were approved by a vote of 4-0-3.

Vouchers:

Whiteman, Osterman & Hanna, LLC – Castlemore Escrow	$ 130.00
Whiteman, Osterman & Hanna, LLC – K&Y Escrow	$ 600.00
Nelson Pope & Voorhis – Planner Service February 2025	$ 2,700.00
Refund of Esopus Barns Remaining Escrow	$ 3,265.00

Chairperson Pecora called for a motion to approve the vouchers. Upon Motion of Member Bailer, seconded by Member Mastny, and all present voting in favor, the Vouchers were approved by a vote of 4-0-3.

PUBLIC HEARING:

Hendrick Site Plan/SUP – Case No. 2023-14; SBL Nos. 56.60-1-4 & 42; 137-143 Broadway; BC Zoning District

Chairperson Pecora called for a Motion to open the Public Hearing. Upon Motion of Member Mastny, seconded by Member Bailer and all present voting in favor, the motion to open the Public Hearing at 7:40 p.m. passed 4-0-3 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Absent
Sal Morello	Aye
David Mastny	Aye

Steve Bailer	Aye
Christina Hill	Absent
Ephie Trataros	Absent

Chairperson Pecora read the Public Hearing Notice for the record.

Hearing no persons wishing to speak, Chairperson Pecora called for a Motion to close the Public Hearing. Upon Motion of Member Mastny, seconded by Member Bailer and all present voting in favor, the motion to close the Public Hearing at 7:43 p.m. passed 4-0-3 by the following vote:

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

OLD BUSINESS:

Hardenburgh Subdivision – Extension of Approval with conditions – Matt Towne, P.E. – Case No. 2021-7; SBL No. 71.1-3-31.100; 171 Hardenburgh Road; R40 Zoning District

Engineer Towne had provided a written request for an extension of an approval granted with conditions in November 2021. The number of extensions that had been granted exceeded what was allowed pursuant to the Town Code. New York State Town Law indicated that conditional approval expired 180 days after being granted and may be extended for periods of 90 days each. Member Morello wanted more information supporting the Applicant's inability to obtain funding for one of the conditions of approval. Chairperson Pecora asked for input from the Planning Board.

Planner Franson remarked that NYS Town Law Subdivision regulations had been updated and allow for additional extensions up to 90 days each when the Planning Board felt it was warranted. It was her understanding that the procedures in NYS Town Law Subdivision Regulations supersede Town Code. She suggested that, if the Planning Board felt an extension was warranted, it could do so. Planner Franson suggested that the circumstances be reviewed and determine if there had been any changes that would warrant the Planning Board not granting an extension, for example, a zoning change. Given that no person was present to address the Planning Board's questions, Planner Franson indicated that some communities grant shorter timeframes such as granting a 30-day extension with a request that Engineer Towne and Developer Nathan Kamp attend the next meeting. Would have to check what the regulations say with regard to the specific time frame.

Chairperson Pecora stated that according to the written request, an outstanding issue was the acceptance of the road, approval by the Highway Superintendent and approval by the Town

Board. There were a number of outstanding conditions of approval that had not been addressed including a full Stormwater Pollution Prevention Plan, sign and road maintenance details and Ulster County Board of Health Permit approvals. The Chairperson's opinion was that all of the outstanding conditions of approval needed to be addressed by the Applicant and his representative.

Planner Franson reviewed the Esopus Town Code allowances for extensions. The last extension had been granted on October 21, 2024 and pursuant to the Code, the latest extension would expire on the present date. Member Morello remarked that developers should have considered what was involved and prepared for proposed development, such as funding for bonding of a road and infrastructure. Planner Franson referenced NYS Town Law Section 276-7(C) and Chairperson Pecora contacted the Planning Attorney, Mr. Harris, via phone for his recommendation regarding any extension being considered and that the question being posed was whether the Planning Board could grant a 30-day extension, or if it was required to be 90 days. The recommendation was that the Planning Board could grant an extension pursuant to NYS Town Code Section 276-7(c) and the Planning Board needed to consider if it was warranted to consider one further extension or if it should be denied. Member Bailer noted that given the time that had transpired, he was hesitant to favor an additional extension. Member Mastny was receptive to allowing the Applicant to provide an explanation relative to all the conditions and the reasons delaying the compliance with same and have the Planning Board make a determination. Member Morello noted that the ability to comply to the conditions and the early requests for extensions could have been excused as a result of the restrictions created during COVID and the ability for developers to obtain requested State and Local permits. Member Bailer agreed.

Chairperson Pecora entertained a Motion to grant a conditional 90-day extension of the 2021 conditional approval pursuant to New York State Town Law Section 276-7(c), requesting that the Engineer and Applicant return at the May 2024 Planning Board meeting to address all of the outstanding issues of conditional approval in writing in advance of the May Planning Board meeting and that the Administrative Assistant provide notification in writing to the Applicant and his representive.

Upon Motion of Member Mastny, seconded by Member Bailer and all present voting in favor, the motion passed 4-0-3 by the following vote:

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

Hendrick Site Plan/SUP – Case No. 2023-14; SBL Nos. 56.60-1-4 & 42; 137-143 Broadway; BC Zoning District

Architect Matt Mason and owner Cris Hendrick were present for the review.

The Application had been referred to the Ulster County Planning Board for review on April 2, 2025 and the UCPB response returned was “no County impact.”

No new lighting was being proposed and a map note had been provided on the plan.

Planner Franson noted that if ever the business use required signage, it should be addressed to avoid the need for any further Planning Board review. Ms. Hendrick noted that a resident of the apartment would be using the adjacent office space. Planner Franson recommended considering signage for the business use. Chairperson Pecora noted that the Code addressed sign regulations, the map note could be removed and addressed by the Code Enforcement Officer if the business use changed and required a sign.

Parking was addressed and Architect Mason noted that a request for a waiver had been submitted. There was no availability for parking at the rear of the property given the topography. Pursuant to Code, the existing driveway to the North of the mixed-use structure could not be considered as parking for a mixed-use structure.

Chairperson Pecora entertained a Motion to waive the parking requirements pursuant to §123-26(2)(i) of the Code which would require 11 parking spaces to allow 10 parking spaces.

Upon Motion of Member Mastny, seconded by Member Morello and all present voting in favor, the motion passed 4-0-3 by the following vote:

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

Chairperson Pecora entertained a Motion grant approval conditioned upon removal of the note pertaining to signage.

Upon Motion of Member Mastny, seconded by Member Morello and all present voting in favor, the motion passed 4-0-3 by the following vote:

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

Ephie Trataros Absent

Chairperson Pecora noted that the following application was considered a pre-submission. Workshops (also called pre-submission meetings) had been taking place once a month during the day during the height of development but there didn't seem to be a need for workshops and asked the Planning Board to consider pulling the pre-submissions back to the Planning Board meetings. Chairperson Pecora asked for input that could be considered that evening or it could held over for discussion at the following meeting. Pre-submissions wouldn't be held on a separate day but at the Planning Board meetings.

Member Bailer inquired why the change was being considered. Chairperson Pecora stated that nothing major was being presented and that there was flexibility to hold daytime workshops when deemed necessary. Planner Franson and Chairperson Pecora would review submissions and determine when a workshop was needed. If pre-submissions were added to the Planning Board meeting agendas, Members would need to be prepared, Planner Franson would not read through her recommendations verbatim and the initial review before the Planning Board would be 15-20 minutes.

Member Morello inquired how the applicant would know the proposal was an allowed use. It was Planner Franson's understanding that projects would go to the Planning Board for a pre-submission meeting and thereafter be reviewed by the Code Enforcement Officer. The use could be discussed by the Planning Board and communicate its findings to the individual making the determination and the Building Department. The intent was to speed up the process. Planner Franson stated it was the call of the Planning Board to decide if she would prepare for a separate workshop or review at the pre-submission before the entire Board. Her suggestion was that the Planning Board communicate to the Code Enforcement Officer the process, if approved, and that a formal written determination from the CEO not be made until the pre-submission before the Planning Board has taken place.

No decision was made, the currently scheduled workshops would take place and a decision would be made at the May 2025 meeting.

PRE-SUBMISSION:

Hamilton/Guerra LLA – SBL Nos. 56.59-2-17.100 & 56.59-2-15.200; 179 Horton & 176 Lampman; R12 Zoning District

Steve Hamilton was present and provided an explanation for the proposed lot-line adjustment. Planner Franson noted that no new non-complying condition was created. Typically more information had been requested on lot-line adjustments but given that the parcels were served with public water and sewer, all structures were existing and the lot areas complied with the Code requirements. If there were any items the Planning Board wished to require, they could be added as conditions to the approval.

Mr. Hamilton was directed to affix the signatures of all owners and have the surveyor affix his signature and stamp to the maps including a mylar and resubmit. Member Mastny read an email

from Surveyor Vetere regarding certifying the maps. The maps had been prepared approximately two years earlier and Surveyor Vetere could not certify the map if any changes were required. Upon submission of signed maps, application, agent authorization and payment of the fee, the application would be placed on the Planning Board Agenda.

OLD BUSINESS:

Bennett LLA – Case No. 2025-2; SBL Nos. 56.50-4-41 & 31; 129 Third Street & 132 Mary's Avenue; R12 Zoning District

Owner Patrick Bennett, Surveyor Don Brewer and Surveyor Ryan Reutershan were present.

Planner Franson noted that the proposed lot-line adjustment would be creating a conforming lot (currently non-conforming) and a non-conforming lot (currently conforming vacant lot). Maps revised on March 28, 2025 had been provided. The question was raised if the proposed lot-line adjustment required a variance. The proposed non-conforming Lot 41 would become 7,997.616 square feet. Although the Code referenced pre-existing non-conforming lots, the lot in question was not pre-existing non-conforming. The Applicant was requested to revise the map to reflect existing and proposed.

Chairperson Pecora entertained a Motion to refer the application to the ZBA to consider an area variance indicating that the Planning Board did not object to the proposed variance.

Upon Motion of Member Mastny, seconded by Member Morello and all present voting in favor, the motion passed 4-0-3 by the following vote:

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

River Heights Development (Medenbach, Eggers & Carr) – Case No. 2024-6; SBL No. 56.52-1-37.3; R-12 Zoning District – Proposed 10 Units; R12 Zoning District

Engineer Caleb Carr and Architect James Reynolds were present. A request had been made for the Applicant to provide a presentation and was granted fifteen minutes. A power point presentation had been provided as well as a model of the proposed development.

Planner Franson reviewed the content of her review memorandum which referenced the March 7, 2025 Determination provided to Engineer Carr and her concern regarding the precedent it may set. The Planning Board should consider if the "condominium" use was permitted and if it needed a special use permit. It was unclear from the letter to the applicant what specific use it was being reviewed under. The Code Enforcement Officer needed to indicate what density

applied to the use. If referral to the ZBA was made, it needed to decide whether it agreed with the CEO determination or the proposal didn't meet the Code and would require variances. The Code should be updated by the Town Board if the Town feels two-family dwellings can be treated the same as townhouses comparable to this project – two family dwellings have separate regulations which the application does not meet. The Planning Board was asked to provide input regarding the proposed side-by-side layout of the buildings regardless of whether it was in compliance with the Code. The Members present agreed that the design was acceptable. A decision needed to be made if the Application required referral to the ZBA. Planner Franson stated that documentation that explicitly stated a special use permit was needed from the CEO and the review would be pursuant to the requirements for townhouses. Member Bailer inquired what precedent could a decision create. Planner Franson noted that the concern was allowing building on a vacant property with greater density as a result of treating the condominium use with standards for townhouse development. CEO needed to explicitly state that the proposal would require a special use permit and review pursuant to the requirements for townhouse development.

The March 7, 2025 determination was not received by the Planning Board until it was provided with the project submittal on April 7, 2025 and Chairperson Pecora stated that the Board needed to consider the 60-day timeframe to appeal the Determination. Upon further review of the March 7, 2025 letter of CEO Jaffee, the Planning Board felt a Determination directly to the Planning Board should be requested and a letter to that effect would be prepared. There had been a series of emails between the Planner and CEO as to the classification/category the application would fit under and a Determination from the CEO was needed.

Chairperson Pecora stated that the parcel had been separated from a Riverview PUD development and information was needed relative to the infrastructure and if drainage was utilizing an existing system and an easement may be required. The original Riverview plans may have documentation addressing stormwater infrastructure and Member Morello recommended reviewing the 1986 plans. Member Morello stated it may be logical to consult with Attorney to determine if an easement may be necessary.

Chairperson Pecora entertained a Motion classify as an Unlisted action under SEQR and circulate a Notice of Intent for the Planning Board to serve as lead agency for the coordinated review.

Upon Motion of Member Bailer, seconded by Member Mastny and all present voting in favor, the motion passed 4-0-3 by the following vote:

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

Chairperson Pecora entertained a Motion to request a determination from CEO Jaffee to confirm the classification and standards applicable to the application review.

Upon Motion of Member Bailer, seconded by Member Mastny and all present voting in favor, the motion passed 4-0-3 by the following vote:

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

Chairperson Pecora entertained a Motion to establish 10K escrow.

Upon Motion of Member Bailer, seconded by Member Mastny and all present voting in favor, the motion passed 4-0-3 by the following vote:

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

NEW BUSINESS:

Nash Investments Subdivision (Control Point – Agent) – Case No.2025-3; SBL No.71-1-2-24.100; R-40 Zoning District

Patti Brooks of Control Point was present as Agent.

Planner Franson reviewed Memorandum noting specifically noting that the location of wetlands on the property would necessitate an easement to access Lot 2. Surveyor Brooks stated that an application to the New York State Department of Environmental Conservation had been made to request a jurisdictional determination pursuant to the new 2025 regulations. She stated that there may be an issue regarding a section of the driveway where it is crossed by a culvert pipe from one pond to the other and not the requisite 12' wide pursuant to Chapter 88 of the Highway Code. Ms. Brooks indicated that they may need a NYSDEC permit if the driveway, which is being shared by both lots, is upgraded since it would be within the 100-foot adjacent area. NYS DEC had stated that if no upgrades were being made, a permit would not be required. Surveyor Brooks was directed to consult with the Highway Superintendent for the adequacy of the driveway serving both lots.

A utility easement for the service extension would be necessary and confirmation with Central Hudson was needed.

A buildable lot will need to be demonstrated for Lot 2, including well and septic.

The driveway has to be shown extending all the way into Lot 2. The complete driveway had not been mapped pending response from the NYSDEC for a defined location and ability to meet the 100' wetland buffer.

Chairperson Pecora entertained a Motion to classify as an Unlisted Action under SEQR and circulate a Notice of Intent for the Planning Board to serve as lead agency for the review.

Upon Motion of Member Bailer, seconded by Member Mastny and all present voting in favor, the motion passed 4-0-3 by the following vote:

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

ZBA referrals – CEO request for a determination relative to the mix-use/mixed use occupancy.

Upon Motion of Member Mastny, seconded by Member Bailer and all Members in favor, the meeting was adjourned at 10:46 p.m.

Respectfully submitted,

Lisa K. Mance

Dated: May 7, 2025
Approved: May 19, 2025