PLANNING BOARD MINUTES
May 19, 2025
Town Hall, 284 Broadway
Port Ewen, New York 12466

Present: Chairperson Roxanne Pecora, Member Sal Morello, Member Steve Bailer and Member Trataros and Member Hill

Excused: Vice-Chairman Darin DeKoskie and Member David Mastny

Also present: Planner Bonnie Franson, AICP and Attorney Dylan Harris

The meeting commenced at 7:30 p.m. with the Pledge of Allegiance.

Chairperson Pecora called for a motion to approve the April 21, 2025 Minutes. Upon Motion of Member Bailer, seconded by Member Hill and all present voting in favor, the Minutes were approved by a vote of 5-0-2.

Vouchers:

Nelson Pope & Voorhis – Planner Service March 2025 $ 2,700.00

Chairperson Pecora called for a motion to approve the voucher. Upon Motion of Member Bailer, seconded by Member Hill, and all present voting in favor, the Motion passed 5-0-2.

Chairperson Pecora called for a motion to enter Executive Session for the purpose of discussing active litigation involving an Article 78 Proceeding by Lighthouse Village. . Upon Motion of Member Mastny, seconded by Member Bailer and all present voting in favor, the motion to enter into executive session at 7:40 p.m. passed 5-0-2 by the following vote:

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

Chairperson Pecora called for a motion to come out of the Executive Session. Upon Motion of Member Bailer, seconded by Member Morello and all present voting in favor, the motion to come out of executive session at 8:39 p.m. passed 5-0-2 by the following vote:

Roxanne Pecora	Aye
Darin DeKoskie	Absent
Sal Morello	Aye

David Mastny	Absent
Steve Bailer	Aye
Christina Hill	Aye
Ephie Trataros	Aye

Chairperson Pecora entertained a motion to vote upon an approval of a Resolution regarding the Lighthouse Village project. Upon Motion of Member Bailer, seconded by Member Hill and all present voting in favor, the motion passed 5-0-2 by the following vote:

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

Chairperson Pecora read the Resolution for the record. Content of the Resolution incorporated herein:

WHEREAS, Cuney Ranch Holdings, LLC (the "Applicant"), submitted a site plan and special use permit application dated July 20, 2020, to the Town of Esopus Planning Board ("Planning Board") to develop an approximately 13.3-acre parcel into a 100-dwelling unit apartment complex to be served by municipal sewer and water; and

WHEREAS, the parcels that are the subject of this application are designated on the Town of Esopus Tax Maps as S/B/L 56.83-4-10.123 and 10.124, comprising two parcels, and which are located immediately southwest of the intersection of Clay Road and Broadway, and situated in the R-12 Moderate Density/Hamlet Residential and GC-1 General Commercial zoning districts. The GC-1 parcel is also in the Route 9W overlay zoning district. The purpose of said district is to allow higher density development in and around the hamlet of Port Ewen based on the availability of water and sewer services. The R-12 and GC-1 zoning districts permit "apartment dwellings" by special use permit. In the GC-1 zone, apartment dwellings are allowed only as part of a mixed-use project; and

WHEREAS, the Applicant has also requested a lot line adjustment to merge the two tax lots together, and has submitted a lot line adjustment map dated August 5, 2020; and

WHEREAS, the Building Inspector (as per a determination letter dated January 26, 2022) made a determination, as per 123-8.F, that where a zoning district boundary line divides a lot in single ownership, the district requirements on either side of the boundary may be construed, at the property owner's option, as extending into the remaining portion of the property for a distance not exceeding 200 feet. Thus, the Applicant, at its option, has extended the R-12 zone into the GC-1 zone by 200 feet to encompass the multifamily dwelling buildings on the project site. The Applicant submitted a lot line adjustment map and application in 2022, in order to merge the lots, which would then allow the R-12 zone to extend to the GC-1 zone; and

WHEREAS, the January 26, 2022, the Building Inspector further determined that since the project was already under review by the Planning Board, including a lot line deletion application, the zoning boundary may be adjusted to a maximum of 200 feet and that such action would negate the need for a use variance; and

WHEREAS, the Applicant's development application has been revised through the course of site plan and special use permit review, and proposes the following: 71 dwelling units proposed for rental occupancy, which would consist of 23 1-bedroom units and 48 2-bedroom units, to be located in 8 separate buildings. All buildings are proposed to be equipped with sprinklers. A pickleball court, trails and three gazebos are also proposed. The apartment complex will be served by a series of driveways which ultimately connect to an access road which extends from Clay Road to Broadway. The complex will be served by a sidewalk system as shown on the site plan. The project will be connected to the Port Ewen sewer and water districts. Stormwater will be conveyed to onsite stormwater management facilities. A total of 149 parking spaces will be provided, of which 9 spaces will be handicap accessible and 16 will be charging stations for electric vehicle use; and

WHEREAS, the property is constrained by several environmental features, namely a freshwater wetland in the southwest corner of the site, and various areas of steep slopes; and

WHEREAS, in accordance with the regulations implementing the NY State Environmental Quality Review Act ("SEQRA"), Part 1 of a Full Environmental Assessment Form (EAF), as revised by various submissions. The proposed action is an Unlisted action. The Planning Board resolved to be Lead Agency for the action at its June 29, 2022 and September 19, 2022, Planning Board meetings. There being no objection, the Planning Board assumed Lead Agency status; and

WHEREAS, the Planning Board duly considered the record, together with the action, and having analyzed each of the potential areas of environmental concern associated with the subdivision in accordance with procedures set forth at 6 NYCRR Part 617 and the criteria set forth at 6 NYCRR Part 617.7 pursuant to the requirements of the State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law of the State of New York, the Planning Board on July 15, 2024, adopted a Negative Declaration, finding that approval of the special use permit and site plan would not have a significant adverse impact on the environment for the reasons stated therein; and

WHEREAS, a public hearing on the special use permit and site plan was opened on April 17, 2023, and closed the same evening. The Applicant waived any requirements that the decision be rendered within 62 days of the close of public hearing. The public hearing was re-opened on July 17, 2023, and closed on July 17, 2023, after comments from interested members of the public on all issues were sought and considered by the Planning Board; and

WHEREAS, the Planning Board opened a public hearing on the Lot Line Adjustment on August 19, 2024, and closed the hearing on September 16, 2024; and

WHEREAS, the proposed application is subject to the requirements of 239-m of the NYS General Municipal Law ("GML") as per the GML requirements established in the Ulster County Charter,

and the application was referred to the Ulster County Planning Board. The Ulster County Planning Board, in a letter dated March 1, 2023, issued a comment letter with advisory comments and required modifications. The Planning Board resubmitted the site plan to the Ulster County Planning Board as a result of revisions made to the layout. A revised GML review letter was received in June 2024. The Planning Board considered the advisory comments, and the following addresses the required modifications (these include all comments from both referrals):

 The Applicant will need to install electric vehicle charging stations as per Section 123-16 of the zoning chapter – this has been done.
 The Town and the applicant will need to look at the ways the proposal is meeting the NYS Energy Stretch Code – look into passive solar on the proposed rooflines and elsewhere and consider geothermal heating and/or the use of heat pumps. The Applicant represents that heat pumps will be utilized.
 The applicant will need to supply a landscaping plan that incorporated bioretention plans and seed grasses that are native species…mark the vegetation to remain, particularly any significant trees, but in the field in advance of clearing activities. A landscaping plan has been submitted, including bioretention plan plantings, and markings will be done in coordination with the SWPPP.
 Signage details need to be provided for the planning board's review… the use of monument style sign with associated landscaping is recommended for entrances. A monument sign is proposed along Broadway as shown on the site plan.
 Regular on-site inspections of stormwater management during condition should be a condition of approval as should the filing of regular site reports with the Town. This is a requirement of the SWPPP and Chapter 106, Stormwater Management and Erosion and Sediment Control.
 Clay Road should be used as a regular point of access – it should not be limited to emergency access only. The Clay Road entry is a full access road.
 Building heights should be identified in the architectural elevations and on the site plan. Obstruction of the western viewshed should be avoided as best as practicable. The architectural elevations provide building heights. Buildings 1 and 2 are closest to the frontage of Broadway, where public views could be potentially blocked. Based on the building heights, the building rooflines will be approximately 10-15 feet above the elevation at Broadway and are set back approximately 160 feet from the road's frontage. Given the downward sloping terrain from Broadway, and the open areas that will remain, the heights will not significantly impact the viewshed.

WHEREAS, the Planning Board is in agreement with the UCPB required modifications, and the Planning Board acknowledges that the Applicant has addressed them to the satisfaction of the Planning Board. Planning Board Mastny made the motion, Member DeKoskie seconded the motion, and the resolution was passed by a vote of 5 ayes, no nays, one abstention, and one vacancy; and

WHEREAS, the proposed residential development will place a demand on public recreational resources. The Planning Board determined that such need could not be met on site, and therefore determines that the Applicant shall provide a fee in lieu of recreation in accordance with the Town fee schedule; and

WHEREAS, the Planning Board has reviewed the site plan for Lighthouse Village prepared by Medenbach and Eggers, PC, last revised August 20, 2024, consisting of the following sheets, which may be further revised to address conditions of approval:
Sheet No. Revision Date Sheet Name
1 of 19 6/27/24 Index Sheet
2 of 19 5/31/24 Site Plan
3 of 19 3/22/24 Existing Conditions
4 of 19 8/30/24 Utility Plan
5 of 19 5/31/24 Grading Plan I
6 of 19 5/30/24 Grading Plan II
7 of 19 3/22/24 Landscaping Plan I
8 of 19 3/22/24 Landscaping Plan II
9 of 19 3/22/24 Lighting Plan
10 of 19 3/22/24 Road Profiles
11 of 19 10/25/23 Site Details I
12 of 19 3/22/24 Drainage Details
13 of 19 4/7/22 Water Details
14 of 19 4/7/22 Sewer Details
15 of 19 3/22/24 Soil Erosion and Sediment Control Plan
16 of 19 1/16/23 Soil Erosion and Sediment Control Details

17 of 19 5/31/24 Highway Improvement Plan 1
18 of 19 5/21/24 Highway Improvement Plan 2
19 of 19 3/22/24 Recreational Plan
Architectural Elevations
BE-1 12/1/23 Proposed Elevations Buildings 1-6
BE-2 12/1/23 Proposed Elevations Buildings 1-6
BE-3 12/1/23 Proposed Elevations Buildings 7-8
BE-4 12/1/23 Proposed Elevations Buildings 7-8
BP-1 12/1/23 Proposed Lower Level Floor Plans Buildings 1-6
BP-2 12/1/23 Proposed First Floor Plans Buildings 1-6
BP-3 12/1/23 Proposed Second Floor Plans Buildings 1-6
BP-4 12/1/23 Proposed Lower Floor Plans Buildings 7-8
BP-5 12/1/23 Proposed First Floor Plans Buildings 7-8

NOW, THEREFORE, BE IT RESOLVED as follows:
Findings.
1. The Town of Esopus Planning Board has reviewed the documentation submitted by the Applicant as well
as all comments received by the public, involved and interested agencies and other parties, has familiarized itself with the advice of its professional consultants, and further familiarized itself with the
project site, its history and environs.

2. The Town of Esopus Planning Board has reviewed the Decision and Order of the Ulster County Supreme Court, Hon. Richard Mott, J.S.C. dated May 1, 2025, finding the Planning Board's denial of the Lighthouse Village project was arbitrary and capricious and requiring the Planning board to comply with the decision and order by applying the CEO's determination and finding that there is no significant impact on the character of the neighborhood, as determined in the Planning Board's Negative Declaration and where such findings require the approval of the Lighthouse Village Project where the two grounds for denial of the application have been found arbitrary and capricious by the Ulster County Supreme Court.
3. The Town of Esopus Planning Board hereby determines that the Lighthouse Village project complies with the specific standards for apartment dwellings set forth in Section 123-12E of the Zoning chapter. The Planning Board also finds that the project complies with the general special use permit criteria set forth in Section 123-46C of the Zoning chapter, and with the objectives for site plan review set forth in Section 123-47B of the Zoning chapter.
4. Subject to the conditions set forth in the attached Schedule A, the Town of Esopus Planning Board grants special use permit, site plan and lot line adjustment approval to the Lighthouse Village project, as shown on submissions last revised August 30, 2024, for the construction of a 71-dwelling unit apartment complex.

NOW, THEREFORE, BE IT FURTHER RESOLVED that:
Consistent with Section 123-47 of the Town of Esopus Zoning chapter, approval of the site plan with conditions shall expire within one (1) year from the date hereof, unless a building permit has been issued. 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 (2) years from the date of original approval. The Planning Board's grant of an extension is entirely discretionary; it is under no obligation to grant such an extension. The Applicant shall be responsible for the payment of any extension fees as may be required by the then existing Fee Schedule of the Town of Esopus.

The Planning Board hereby directs the Secretary of the Planning Board to file a copy of this decision in the office of the Town Clerk and mail a copy of the decision to the applicant, and, as applicable, file and circulate it to the applicant and all other agencies, pursuant to the requirements of the New York State Town Law.

SCHEDULE A - CONDITIONS OF SPECIAL USE PERMIT AND SITE PLAN APPROVAL
1. Submission of 6 copies of the site plan in proper form, revised so as to conform to the conditions of approval set forth herein and the requirements of the site plan regulations and zoning chapter of the Town of Esopus, and signed by the owner and the duly licensed professional who prepared the site plan.
2. The lot line adjustment shall be filed and evidence provided that the two lots have been merged prior to site plan map signing.
3. The site plan shall comply with all requirements of the Zoning chapter, the site plan regulations, Chapter 88, Highways (including 88-4, Standards for Construction of Roads) and other applicable laws and regulations.
4. Payment of all outstanding application, review, and other fees applicable to review and approval of the special use permit and site plan.

5. The final site plan shall be consistent with the Negative Declaration adopted by the Planning Board on July 15, 2024, and shall incorporate the intents and purposes of the Negative Declaration. All of the assumptions and requirements of the Negative Declaration are incorporated in this Resolution as if fully set forth herein.
6. No tree clearing shall occur between March 31 and November 1 of any year during construction of the project to protect habitat associated with the Northern Long Eared Bat and Indiana Bat.
7. The two entrances, one from Clay Road (to the west of Lindorf Street) and other from Broadway (Route 9W), shall be full access.
8. The Applicant shall obtain all necessary road and highway opening permits to the Town (Clay Road) and Broadway (Route 9W – NYSDOT) prior to site plan signing.
9. Final approval of the Ulster County Department of Health shall be provided prior to the site plan signing.
10. The location of all utilities within the street right of way shall be shown on the site plan. All utilities shall be buried underground.
11. Buildings shall be constructed in accordance with the building elevations and floor plans submitted by the Applicant and made a part of this site plan approval. Building materials shall be specified on the plans prior to site plan signing and approved by the Planning Board. Any material substitutions shall be reviewed and approved by the Planning Board.
12. The site plan shall be subject to final review by the Planning Board Engineer, Planning Board Attorney and Planning Board Planner prior to the map being recommended for signing to ensure all conditions set forth herein are met.
13. A recreation in lieu of land fee in the amount of $2,000 per dwelling unit shall be paid per each of the 71 multifamily dwelling units in accordance with the Town of Esopus Planning Board Fee Schedule, for a total of $142,000.
14. No disturbances are permitted to the U.S. Army Corps of Engineers wetland shown on the site plan.
15. Prior to undertaking any soil disturbance activities involving construction activities, the applicant shall comply with the terms and conditions of the DEC General Permit for Storm Water Discharges from Construction Activities (Permit No. GP-0-20-001), and evidence of a new NOI shall be furnished to the Stormwater Management Officer and building department. Two copies of the final SWPPP will be submitted to the planning department and a Stormwater Management Agreement will be reviewed and approved by the Stormwater Management Officer, upon review and recommendation by the Planning Board attorney, prior to any site disturbance. No more than 5 acres of disturbance shall occur as per the SWPPP, unless reviewed and approved by the Planning Board.
16. The Applicant will submit stormwater inspection fees as required by the Town of Esopus.
17. Hydrant locations shall be finalized with the Port Ewen Fire District prior to site plan signing.
18. The Applicant shall update the engineering cost estimate submitted for the Project as per the Town Engineer and Planning Board's recommendations and resubmit it to the Planning Board for approval of the amount applicable to any bond and/or inspection fees.
19. The site plan shall be revised to address the following as well as any final comments of the Planning Board or its consultants prior to signing of the map:
a. The limits of disturbance shall be revised, as necessary to incorporate disturbances to the proposed pickleball courts.

b. The sidewalk locations shall be finally reviewed to ensure they are all connected. This includes the crosswalks by Clay Road.
c. The zoning district line, and the 200-foot extension of the R-12 zone into the GC-1 zone, shall be shown correctly on each map sheet where it is shown. The 200-foot extension shall be shown with accuracy, based on the metes and bounds of the property line separating the two tax parcels, as the zoning line followed same.
20. Project will incorporate heat pumps.
21. Storage of boats or trailers – house, construction, anything on axle, is not permitted.
22. There shall be no above ground or inground pools.
23. The project shall not introduce any maintenance shed or individual sheds for tenants.
24. The Planning Board shall approve any proposed additional structures which are not shown on the approved site plan.
25. The landscape plan shall incorporate the required buffers between the project, and any dwellings that front to Clay Road or at the rear of the dwellings that front to Route 9W.
26. Approval by Town Engineer of performance bond amount and agreement and issuance of performance bond from a lender

There being no further discussion, **Chairperson Pecora entertained a motion to approve the Resolution.** Upon Motion of Member Bailer, seconded by Member Trataros and all present voting in favor, the motion passed 5-0-2 by the following vote:

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

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

Matt Towne, P.E. was present. Owner Nathan Kamp had provided an email indicating he was not able to attend, wanted to confirm the amount of the recreation fee required as a condition of approval and extending an invitation to meet with any Member to discuss the Application.

Engineer Towne noted that signage and road details were being developed, Highway approval had been granted and the documentation had been submitted, SWPPP design and soil testing had been completed but Engineer Towne had been waiting for the road to be finalized prior to submitting the SWPPP NOI with a final complete package. Member Morello requested a 911 sign so that the property could be easily identified. The Applicant was still attempting to obtain bonding for the road construction. Planner Franson remarked that although one parcel was being developed into 8 lots which resulted in 7 new lots, 8 new dwelling units were being proposed and the appropriate fee was $2,000.00 for each. Chairperson Pecora noted the Planning Board's prior

attorney had drafted a stormwater management facilities inspection and maintenance covenant and Attorney Harris needed to confirm with Attorney Barnett to determine the status of the document as well as a proposed drainage easement. The Administrative Assistant would confirm the balance of escrow with the Town's Bookkeeper.

Member Hill inquired if language could be developed to assist the Applicant in obtaining the bond. Engineer Towne stated that it was his understanding that the type of surety being requested required double the value of the road and assets and that was what had been challenging for the Applicant as a new developer. Engineer Towne offered to coordinate a Zoom meeting with the Applicant for him to address the outstanding issues that were of concern to the Planning Board. Engineer Towne stated to show progress, the Applicant could pay the recreation fee, coordinate document reviews with Attorneys Harris and Barnett for review by the Town Designated Engineer. The scoping requirements to obtain a bond were a result of a request from the Town in reviewing the request for a road dedication.

Hamilton/Guerra LLA – Case No. 2025-4; SBL Nos. 56.59-2-17.100 & 56.59-2-15.200; 179 Horton & 176 Lampman; R12 Zoning District

Steve Hamilton was present and had provided maps signed by Surveyor Vetere and all owners.

Chairperson Pecora entertained a Motion to classify as a Type II action under SEQRA. Upon Motion of Member Trataros, seconded by Member Hill and all present voting in favor, the motion passed 5-0-2 by the following vote:

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

Chairperson Pecora entertained a Motion to grant lot-line adjustment approval conditioned upon submission of a mylar and six (6) paper copies. Upon Motion of Member Bailer, seconded by Member Trataros and all present voting in favor, the motion passed 5-0-2 by the following vote:

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

PRE-SUBMISSION:

Maple Ridge Cottages Site Plan (SUP) Delaware Engineering, Agent – SBL No. 63.4-3-33.11; 100 Maple Ridge Drive; R-40 Zoning District

Adam Yagelski of Delaware Engineering, Attorney Michael Morello and Martin Barth were present on behalf of Church Communities.

Plans consisting of two sheets had been distributed for review of a proposed development to create four single family detached units on an approximately 200-acre site. Three (3) cottages were 1300 sf and one (1) cottage was 2200 sf. located between two existing access roads which would be accessed via an approximately 600' road. The intent was to provide housing for existing residents of the community and would not add to the population. The development would connect to existing water and septic in the Community. Parking was not shown for the structures due to the shared motor pool access. Engineer Yagelski stated that building would take place in two phases with initial phase developing the utilities and site work constructing cottages #1 and #4 with additional units constructed as needed. Chairperson Pecora requested that the existing buildings be labeled. Member Hill inquired if single-family dwellings were allowed which was confirmed by the Applicant. Planner Franson noted that the definition of religious community and uses was very broad and the Code Enforcement Officer would be providing a determination addressing the allowed uses. Member Morello requested confirmation from Engineer Yagelski that the total limits of disturbance was under one acre.

Engineer Yagelski confirmed with the Planning Board that there was an existing Site Plan which was being amended and included a Special Use Permit being broadened to allow for single family dwellings. An amended Environmental Assessment Form, Application and plans would be submitted. Ulster County Planning Board would need to be included on the SEQRA Notice of Intent as an interested party. The Applicant was requested to obtain a letter from the St. Remy Fire Department.

Schwartz Site Plan/SUP – SBL No. 63.6-1-26; 608 Main Street, St. Remy, R12 Zoning District

Florise Schwartz was present. Ms. Schwartz was proposing a short-term rental of her primary residence with the intent not to rent out for any longer than 28-day periods. Code Enforcement Jaffee had indicated that a variance was not required. Planner Franson noted that the CEO would render a determination when a formal application was received.

Planner Franson noted that the proposal would qualify as a Type II action under SEQRA, parking calculations were adequate, and CEO Determination would be needed to be placed on an Agenda. Maps to scale prepared by a licensed surveyor which included signature blocks for owner and two Planning Board Members, bulk table for Zoning District, 9' x 18' parking depicted and note that no signs or lighting would be added.

ZBA referrals – None

Upon Motion of Member Bailer, seconded by Member Hill and all Members in favor, the meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Lisa K. Mance

Dated: May29, 2025
Approved: June 16, 2025