

Village of Ellenville
Planning Board Commission
December 14th, 2011

Meeting called to order at 7:00 p.m. by Chairman Bowler. Also present:
Commissioners Cafaro, Eisman, Maizer and Steinhoff.

Also present: Village Attorney, Peter Berger
Village Planner, Dan Shuster
Village Building Inspector, Brian Schug

Minutes: Motion by Commissioner Eisman, seconded by Commissioner Maizer
to approve the minutes of November 16, 2011 as presented.
All in favor - Aye - motion carried

770 Development, LLC – 115 South Main Street – Special Use Permit request to
create two accessory apartments on the second floor.

Motion by Commissioner Steinhoff, seconded by Commissioner Cafaro to open
the Public Hearing at 7:05 p.m.
All in favor - Aye - motion carried

Levi Hecht, property owner, presented to the board updated site plans.

Chairman Bowler read a letter from Martin Tully, 119 S. Main Street, strenuously
objecting to this project.

Board members stated that this is the first time they are seeing the site plan and
need time to review it. There was lengthy discussion about where the tenants for
the upstairs apartments would be and Attorney Berger read a section from the
Village Code that relates to this matter:

“§227-28 Paragraph E - One designated off-street parking space shall be
provided for each accessory apartment in a structure. Such parking spaces may
be on the same lot as the apartments or on another lot within a four-hundred-foot
walking distance. If located on another lot, evidence that such parking space will
be available as long as the apartment exists shall be presented prior to the
issuance of a certificate of occupancy.”

Attorney Berger further stated that before a Certificate of Occupancy is issued
the parking issue must be resolved and on the site plan.

It was also discovered that this plan did not go to the Ulster County Planning Board for their review and comments and before any determination is made this must be done.

Motion by Commissioner Steinhoff, seconded by Commissioner Maizer to declare the Village of Ellenville Planning Board as lead agency on this project. All in favor - Aye - motion carried

Motion by Chairman Bowler, seconded by Commissioner Steinhoff acting as lead agency on said site plan issued a Negative Declaration determining the proposed action would not have a significant effect upon the environment. This in an unlisted action. All in favor - Aye - motion carried

Public Hearing will continue at the next scheduled meeting.

Osterhoudt Construction Corporation – Spring Street – Special Use Permit for soil mining and excavation.

Motion by Commissioner Steinhoff, seconded by Commissioner Cafaro to open the Public Hearing at 7:30 p.m. All in favor - Aye - motion carried

Mr. & Mrs. Howard Osterhoudt along with Paul Griggs, Griggs-Lang Consulting Geologists, Inc. were before the board tonight to give a presentation on the proposed mining operation.

Mr. Griggs reviewed with board members, the location of the site, overview of the operation and the need for operation. Also covered were the topics of the mining site, geology, subsurface investigation, soils, groundwater, surface water, the type of mine this would be and the mining method, setbacks, topsoil storage areas, berms, stockpiles, traffic, haulage way, processing plant and stockpiles, settling ponds, hours of operation, scale house, importation of materials, methods for preventing pollution and soil erosion, noise, visual and the reclamation plan and schedule. Mr. Griggs' presentation took approximately thirty minutes and Planner Dan Shuster stated that the State of New York supersedes the Village in most of the regulations for mining.

Numerous letters of support for this project was given to board members for their review.

Brian Nothrip, Thomas Marshall and Margarita Padua, residents of Spring Street spoke about their concern with water runoff and the possibility of flooding. This issue was addressed by Mr. Griggs and Code Enforcer Schug stated that in addition to the Osterhoudt's engineers reviewing this project the Village engineer's have also reviewed the venture. Mr. Schug will have the Village

Engineers again check Spring Street to make sure there will not be any adverse effects on their properties.

Scott Carlsen, Town Supervisor-elect, applauds the Osterhoudts for this project and the creation of new jobs in the area.

Suzanne Sahler stated she has concerns about where the bermes will be placed and the setback from the property lines. Ms. Sahler questioned Dan Shuster if the Planning Board had the ability to increase the 25 foot setback and he responded that this setback was set by the NYS Dept of Conservation. Ms. Sahler also has concerns with the number of trucks that will be going in and out of the property on Route 209. It was also noted during the discussion that most of the site setbacks are substantially more than 25'

John Gillette, Gillette Creamery, spoke about the number of trucks that his business had coming and going in that area; but unfortunately his firm is no longer in that area. His company did not have any problems with the traffic.

These plans will be sent to the Ulster County Planning Board for their review.

Motion by Commissioner Cafaro, seconded by Commissioner Steinhoff to close the Public Hearing at 8:35 p.m.

All in favor - Aye - motion carried

Motion by Commissioner Eisman, seconded by Commissioner Maizer to adjourn at 8:37 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon
Village Clerk