

Village of Ellenville  
Planning Board Commission  
February 15, 2012

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

Also present: Village Attorney, Peter Berger  
Village Planner, Dan Shuster  
Code Enforcer Brian Schug

Minutes: Motion by Commissioner Eisman, seconded by Commissioner Maizer to  
approve the minutes of December 12, 2011 with the word “parking” added and  
amended.

All in favor - Aye - motion carried

New York State Office of Parks, Recreation & Historic Preservation – Ellenville  
Downtown Historic District– Advisory opinion to the Board of Trustees – Mrs. Marion  
Dumond was before the board tonight to discuss the creation of a Ellenville Downtown  
Historic District and what it would mean to business owners as far as tax credits as well  
as answer any questions this board may have.

Motion by Commissioner Eisman, seconded by Commissioner Rosenstock  
recommending support of the Ellenville Downtown Historic District to the Village Board.  
All in favor - Aye - motion carried

Osterhoudt Construction Corporation – review of Ulster County Planning Board  
comments – Special Use Permit for Soil Mining & Excavation – Commissioner Steinhoff  
stated that consideration for this special use permit has been a lengthy process and he  
read the recommendations from the Ulster County Planning Board.

Code Enforcer Schug stated that the Village Engineers, Barton & Loguidice are in favor of  
this plan with the conditions that were included in the resolution prepared by Mr.  
Shuster and the applicants are still awaiting approval from NYS Department of  
Transportation. In addition, the Osterhoudts will be posting a bond to the Department  
of Transportation and the Department of Environmental Conservation. The applicants  
will own both parcels in question and there will sufficient parking.

Motion by Commissioner Maizer, seconded by Commissioner Eisman granting approval  
of Special Use Permit: Mining Osterhoudt Construction, Inc. Ellenville Bank Mine

**WHEREAS, Osterhoudt Construction, Inc. has applied for a mining permit in accord with §227-31 of the Village of Ellenville Zoning law; and**

**WHEREAS,** the applicant proposes to operate a 41 acre sand and gravel mine and construct an entrance road within a 75.6 acre parcel of land located on the northwest side of US Route 209, approximately 1300 feet northeast of its intersection with NYS Route 52 using standard sand and gravel excavation methods and processing to include screening, washing and crushing; and

**WHEREAS,** the proposed mining activity is subject to the provisions of Title 27 of Article 23 of the Environmental Conservation Law which requires submission of an application for a mining permit to the New York State Department of Environmental Conservation (DEC) including a mining plan and reclamation plan; and

**WHEREAS,** the DEC determined that the proposed action was a Type 1 action under the State Environmental Quality Review (SEQR) Act and initiated lead agency coordination in accordance with the SEQR procedures; and

**WHEREAS,** the DEC was designated as the lead agency for purposes of the environmental review and on October 18, 2011, issued a negative declaration upon a determination that the proposed action will not have a significant adverse environmental impact; and

**WHEREAS,** on October 18, 2011, the DEC determined that the application for a mining permit was complete and initiated a 30 day comment period for local governmental review regarding relevant aspects of the applications; and

**WHEREAS,** the Village of Ellenville Planning Board determined that it would not issue any comments regarding the application to the DEC; and

**WHEREAS,** the Village of Ellenville Planning Board has reviewed the proposed application for a special use permit and considered the standards and criteria for a mining operation as set forth in §227-31 of the Zoning Law; and

**WHEREAS,** the Planning Board conducted a duly advertised public hearing regarding the application on December 14, 2011, at which time all interested parties were afforded an opportunity to be heard; and

**WHEREAS,** the application was referred to the Ulster County Planning Board as per Article 12B, Section 239-m of New York State General Municipal Law; and

**WHEREAS**, the Ulster County Planning Board considered the proposed action at its January 4, 2012 meeting and recommended “required modifications” to the plan regarding vehicular access;

NOW THEREFORE Be It Resolved by the Village of Ellenville Planning Board, as follows:

**(1)** The proposed mining operation submitted by Osterhoudt Construction Corp. complies with the Standards for Mining and Reclamation set forth in §227-31.2 of the Village Zoning Law.

**(2)** A special use permit for the Ellenville Bank Mine is hereby approved, subject to the following conditions:

**a.** No mining activity shall commence until the applicant submits a copy of the mining permit approved by DEC.

**b.** No activity shall commence until the applicant submits a copy of the permit for access from Route 209 approved by the New York State Department of Transportation.

**c.** The applicant shall submit a site plan for approval by the Planning Board, drawn to scale with appropriate details, for the parcel through which the mine entrance shall be developed.

**d.** The parcel which provides access to Route 209 shall be merged with the parcel on which the mining will take place or a cross easement shall be established and recorded.

**(3)** The required modifications recommended by the Ulster County Planning Board are hereby accepted.

All in favor - Aye - motion carried

770 Development, LLC – continuation of Public Hearing – 115 S. Main Street – Special Use permit request to create two accessory apartments on the second floor - Applicant was not in attendance tonight to discuss their plans. Code Enforcer Schug commented that he is still awaiting proof of ownership for property that will be used for parking.

Martin Tully, adjoining property owner spoke about his concerns for parking and the maximum occupancy of the apartments. Code Enforcer Schug read a section (§227-8 paragraph E) from the Village Code in reference to parking for accessory apartments.

Motion by Commissioner Cafaro, seconded by Commissioner Rosenstock to continue this Public Hearing until the next scheduled Planning Board meeting.

All in favor - Aye - motion carried

Village of Ellenville – 2 Elting Court-install cell phone antenna on roof top-preliminary discussion – T-Mobile cell phone company is requesting to install a cell phone antenna on the roof top of the Government Center. Doug Warden of the law firm of Snyder & Snyder was before the board tonight representing T-Mobile and he provided information in reference to a site plan and special permit application. There was a misunderstanding about the board discussing public safety and it was determined that State and Federal regulations supersedes any Village law on this matter.

Also questioned if there would be any flashing lights on the roof, the height of the tower and the photo simulations that were presented. It was requested that high resolution pictures be taken at different locations such as Route 52. The board inquired as to when you step away from the Government Center at what point does the tower become visible?

It was requested that a Public Hearing be scheduled but the board would like to have a civil engineer present at this meeting. The applicant was told that any materials requested by the board will need to be in Mr. Schug's office ten days before the hearing.

Motion by Commissioner Cafaro, seconded by Commissioner Eisman to schedule a Public Hearing on March 21<sup>st</sup> at 7:05 p.m. to consider a Special Use Permit.  
All in favor - Aye – 4; Nay – 1 – Commissioner Cafaro-motion carried

Village of Ellenville/Country Bank – corner of Center and Main Streets – two lot subdivision – Bill Eggers of Medenbach & Eggers was before the board tonight representing the applicant. Country Financial Services is requesting to sub-divide a small parcel of vacant land at the corner of Center Street and would like to donate this parcel to the Village of Ellenville. Land is currently used as a mini-park with a sidewalk passing through the center.

There was discussion that this subdivision would create an undersized lot; but since it is going to the municipality a stipulation could be included that this parcel can never be used as a building lot.

Attorney Berger reviewed with board members the sub-division regulations and stated that the applicant can request a variance. Commissioner Cafaro recommended that this board not proceed unless this matter is reviewed by the Zoning Board of Appeals.

Motion by Trustee Cafaro, seconded by Commissioner Eisman that this request be referred to the Zoning Board of Appeals with the Planning Board's recommendation that they approve a variance for this subdivision. This variance should be approved with the stipulation that the lot is conveyed to the Village of Ellenville and it will not be used as a building lot.

All in favor - Aye 4; Nay – Commissioner Steinhoff- motion carried

Timber Harvesting – Ron Klein, Klein & Sons Logging – Lands of Winer – Mr. Klein was before the board tonight to discuss lowering the \$1,000,000 bond amount that was suggested by this board.

At this time approximately twelve truck loads of logs loaded on tri-axle trucks will exit this property by way of Rosenstock Road. The original plan called for the exit of the trucks would be on Knollwood.

Lengthy discussion ensued about the weight of the trucks, damage could be caused to the Village road, water/sewer lines and the cost of a \$1,000,000 bond and liability insurance issues.

Motion by Commissioner Cafaro, seconded by Commissioner Steinhoff that a recommendation to the Village Board be that the dollar amount of the bond is reduced to \$250,000 and a weight limit of 60,000 pounds per truck for removal of the trees. All in favor – 4- Aye; Nay – 1, Commissioner Eisman - motion carried

Ellenville Complete Streets –Mr. Schug gave to board members literature that has been received in reference to the above subject. Board members were asked to review and this will be discussed at our next meeting so that an advisory opinion can be given to the Board of Trustees.

Adjourn – Motion by Commissioner Cafaro, seconded by Commissioner Steinhoff to adjourn the meeting at 9:40 p.m.  
All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon

