

# Ulster County Planning Board



Dennis Doyle, Director

## RECOMMENDATION

Roxanne Pecora  
Town of Esopus Planning Board  
P.O. Box 700  
Port Ewen, N.Y. 12466

REFERRAL NO: 2024-016  
2024-017  
DATE REVIEWED: 01/03/2024

### Re: Castlemore Holdings Mima LLC – Special Permit and Site Plan Review

#### Summary

The applicant is proposing to construct thirty-nine transient-use cabins on a 39-acre parcel. Thirty-one will be one-bedroom, and eight two-bedroom units. The project is located at 39 Hudson Lane in the R-40 zoning district where "Summer Cottage Colony" uses are allowed through the special permit process.

#### Materials Submitted for Review:

- Site Planning Application
- NPV Review 6/5/23, 8/7/23, 10/13/23, 12/18/23
- Letter to Code Enforcement
- CEO Determination
- Narrative
- Slopes Map
- 10/2 Submission
- 10/4/23 SWPPP
- 10-16-23 MINUTES
- NOI Lead Agency Notice
- Waterfront Advisory Board Memo
- Bat Protocol
- Lead Agency Response from NYS DEC
- 12/4/23 Submittal Letter with Documents
- Site Plans (15 SHEETS)
- 12/4/23 Updated SWPPP
- Referral Form
- Articles of Incorporation and Filing Receipt
- Letter to Code Enforcement
- Letter of Authorization
- DEC Memo regarding wetlands

#### Recommendations

##### Community Character

The question that presents itself here is the classic argument of whether can we build it versus whether should we build it. Zoning statutes provide a pathway to allow certain uses in certain zoning districts meeting certain basic criteria. However, when designated as a "special permit use" additional criteria focus not only on the suitability of the site but on bringing greater consideration and a heightened look at the surrounding neighborhood context. SEQRA is also an important tool available to Planning Boards when considering the question of community character impacts.

The special permitting process for the Town, §123-46 C. stresses:

*"(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.*

# Ulster County Planning Board 1/3/24

2024-016-017 Castlemore Holdings Mima LLC  
Special Permit and Site Plan Review

(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)[1] in the zoning statute is particularly relevant given the nature of Hudson Lane.

(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.

§88-4 Standards for the construction of roads require a 50' right-of-way and 26' of the highway to be paved in width. While Hudson Lane predates the adoption of the Town Code, measurements of 18' or less of pavement have been identified during staff field site visits. These existing widths and lack of shoulders contrasted against the Town's requirements for highways as well as against its special permit standards should give the Town planning board pause during its deliberations. While a traffic study has been completed utilizing peak hour weekday and weekend traffic for its ITE manual use type, considerations for an increase in traffic during off-peak hours due to deliveries throughout the day and night for the caretaker and any guests in residence.

#### Required Modification

The Planning Board will need to weigh the Town's special permitting criteria as well as its road standard requirements against the existing conditions of Hudson Lane given the proposed intensity of the use.

#### Advisory Comment

Typically special permitted commercial uses such as these commercial uses being proposed nearby or surrounded by a residential use include standards that require access occurring from a State or County Route which are more adequately able to handle commercial traffic while removing the impacts of traffic from local/residential streets. No standard currently exists in the Town of Esopus zoning statute and the UCPB recommends a review of the Town's special permitting standards to include such a provision going forward.

#### Steep Slopes

The UCPB notes that large portions of the site are greater than 15% in slope and that access to the site will be regarded to accommodate vehicular traffic. That said, it is unclear whether the proposal is entirely consistent with the Town's Steep Slope provisions given the placement of cabin sites along the ridge line. Visual impacts are also of a concern regarding views from ridgelines and warrants further review and analysis.

#### Required Modifications

The applicant will need to demonstrate how they are meeting the standards of the zoning statute. The Board's recommended note on the final site plan to maintain all existing, non-disturbed vegetation to reduce visual impacts as well as soil erosion is pertinent for this issue as well. The Town Planning Board may wish to request a visibility analysis and follow-up visual simulations should the initial analysis indicate visibility from sensitive locations including views from and across the Hudson River.