

TOWN OF ULSTER  
PLANNING BOARD  
January 9, 2018

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, January 9, 2018 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Gary Mulligan-Chairman  
Frank Almquist  
Andrew Stravropoulos

Karl Allison  
Larry Decker  
Alan Sorensen – Planner

Absent/Excused:

Anna Hayner

Troy Ashdown

Roll call was taken.

A motion to appoint Frank Almquist as the Planning Board Vice Chairman was made by Mr. Decker, with a second from Mr. Stravropoulos; all in favor.

A motion to appoint Gabrielle Perea as the Planning Board Secretary was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

A motion to approve the minutes from the December 2017 meeting was made by Mr. Almquist with a second from Mr. Decker; all in favor.

### **Cypress Creek – Site Plan Review**

Bryan Stumpf, Cypress Creek Zoning Manager, appeared on behalf of the application to construct three, two megawatt solar power farms off of Route 32. Mr. Stumpf stated that they were before the Planning Board tonight for two reasons: One, to get re-referred to the Town Board as there were some adjustments made to the application and as they want to keep everything consistent, they wanted to be seen again to initiate a SEQR Type I Action Coordinated Review. Second, Cypress Creek is requesting a waiver to not observe the subdivision requirement of surveying the entire property, as there is residual land that will not be utilized with this project, and surveying said property with involved more time, money and include useless information. A brief discussion followed.

Mr. Sorensen stated that this project is a special permit action and would require an open area development designation. Mr. Sorensen recommended to the Board that they refer this project back to the Town of Ulster Town Board to initiate a SEQR Type I Action Coordinated Review and after the Town Board declares Lead Agency and the applicant comes back with an updated resubdivision map that meets Planning Board criteria, the Planning Board may schedule it's required Public Hearing on the subdivision to which the Town Board will in turn have to schedule a Public Hearing on the Special Permit application. Mr. Sorensen recommends that the Board address the waiver tonight, as the Town Subdivision regulations give the Planning Board certain authority to grant a waiver

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for certain requirements. Mr. Sorensen recommends that Cypress Creek have the parts of the parcels being utilized surveyed and the residual land not being used excused from said survey. Mr. Sorensen read the resolution.

**Action:** A motion waive the requirement for a survey of the two parcels as delineated in the exhibit shown to the Board was made by Mr. Almquist, with a second from Mr. Decker; all in favor. A motion to re-refer this matter back to the Town Board to initiate a SEQR Type 1 Action-Coordinated Review with the Town Board so named as Lead Agency was made by Mr. Allison, with a second from Mr. Almquist; all in favor.

WHEREAS, the Town of Ulster Town Board and its consultant planner have reviewed an application by Cypress Creek Renewables dba Landau Solar, LLC, Landau Solar II, LLC and Landau Solar III, LLC (with the consent of Isidore Landau for Eddyville Corp) – is seeking Site Plan, Special Permit, Minor Resubdivision and Open Development Area approval to construct, operate and maintain three (3) 2 Mega Watt (MW) Solar Energy Facilities at State Routes 32 and 213, near the hamlet of Eddyville, as well as a PILOT Agreement with the Town of Ulster; and

WHEREAS, the proposed use (i.e. utility and “electric generating”) is allowed subject to Site Plan and Special Permit approval within the R60-Residential Zoning District, in accordance with the standards set forth in §190-69 Table of Uses and §190-75 of the Town Code; and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- Cover Letter for Landau Solar, LLC, Landau Solar II, LLC and Landau Solar III, LLC by Aaron Mann, AICP, Zoning Manager dated 11/9/17;
- Application for Site Plan Review, Special Permit by Cypress Creek Renewables dated November 9, 2017;
- Letter of Intent for Landau Solar, LLC, Landau Solar II, LLC and Landau Solar III, LLC by Aaron Mann, AICP, Zoning Manager dated 11/9/17;
- Consent Form & Agent Authorization signed by Isadore Landua, Landowner dated September 19, 2017;
- SEQRA Full EAF Part 1 prepared by Mike Stanton of Cypress Creek Renewables dated 11/9/2017;
- (C-100) Title Sheet prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture (hereafter referred to as “Langan Engineering”), dated November 3, 2017;
- (C-150) Existing Conditions and Demolition Plan by Langan Engineering dated November 3, 2017;
- (C-200) Site Layout and Materials Plan prepared by Langan Engineering dated November 3, 2017;
- (C-300) Grading & Drainage Plan prepared by Langan Engineering dated November 3, 2017;
- (C-400) Erosion & Sediment Control Plan prepared by Langan Engineering dated November 3, 2017;

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- (C-500) Details (1 of 2) prepared by Langan Engineering dated November 3, 2017;
- (C-501) Details (2 of 2) prepared by Langan Engineering dated November 3, 2017;
- (C-600) Overall Site Layout Plan prepared by Langan Engineering dated November 3, 2017; and
- Stormwater Pollution Prevention Plan for Landau Solar, LLC, Landau Solar II, LLC, and Landau Solar III, LLC by Langan Eng., dated November 3, 2017.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Site Plan pursuant to §145-2 the Town Code as well as the Special Permit in accordance with Chapter 190 of the Town Code; and

WHEREAS, the Planning Board, pursuant to §161-10 the Town Code, has approval authority for the 3-lot Minor Resubdivision.

WHEREAS, the Town of Ulster Town Board has the authority to approve (pursuant to NYS Town Law §280-a), Open Development Area (ODA) designation of the subject site to allow access to the solar farms by right-of-way or easement;

WHEREAS, the Town of Ulster Planning Board, upon review of the SEQR Full EAF Part 1 determined the Proposed Action is a Type 1 Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law, since it exceeds one of the Type I thresholds established pursuant to Section 617.4 of the SEQRA regulations (i.e., physical alteration of more than 10 acres); and

WHEREAS, the Planning Board determined Involved Agencies include: the Town of Ulster Town Board (Site Plan, Special Permit, Open Development Area and PILOT Agreement), Town of Ulster Planning Board (Resubdivision), New York State Department of Transportation (Driveway Permit), New York State Department of Environmental Conservation (SWPPP and SPDES) and New York State Energy Research and Development Authority (NYSERDA) (NY-Sun MW Block Program Incentives); and

WHEREAS, Interested Agencies would include the Ulster County Planning Board (NYS GML 239 review), New York State Office of Parks, Recreation and Historic Preservation (Consultation with respect to archeological and historic resources) and NYSDEC Division of Fish, Wildlife & Marine Resources; U.S. Fish & Wildlife Service (Consultation with respect to Threatened and Endangered Species); U.S. Army Corps of Engineers (Notice of Intent); the City of Kingston (NYS GML 239-nn notice); Town of Esopus (NYS GML 239-nn notice); Town of Rosendale (NYS GML 239-nn notice); and

WHEREAS, the Town's Consulting Planner recommended to the Planning Board that the Proposed Action be referred to the Town Board for the sole purpose of initiating a SEQR Type 1 Action-Coordinated Review with the Town Board so named as Lead Agency.

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NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board herby refers this matter to the Town Board so that it can declare its intent to be Lead Agency for a Type 1 Action-Coordinated Review.

**Center for Spectrum Services – Amended Site Plan Review**

Susan Buckler, Co-founder, and Richard Tompkins, Mauri Architects, appeared on behalf of the application to construct a 20' x 40' inground pool for the school, as well as a patio, fencing, two ancillary 12' x 515' shed-like structures, and possibly a trellis/canvas in the future to cover the walkway between the two structures. Ms. Buckler stated that they'd like to build a pool with the patio surrounding it and use the sheds as a changing room and a pool equipment storage room. In the future, they may add a canvas covering or a trellis to go over the walkway that goes between the two structures to the pool area. There will be a guardrail along the parking area in front of the building, for safety, and also an 8' chain-link fence on two sides and a PBC type of fence on the other 2 sides. Ms. Buckler explained that children with autism are at high risk of elopement, and they are drawn to water. Ms. Buckler explained that drowning is one of the leading causes of deaths in children under 12 with autism. As such, she wants to have a zero clearance side of the pool as well as have steps; that way children can walk into the pool as you would walk into the ocean at a beach. The pool will only be 4' deep; her goal is to keep the children safe. There will be a staffed lifeguard on-site, as well. Ms. Buckler explained that she already has a donor that contributed half of the cost of the pool. Ms. Buckler stated that the pool will possibly be a gunite pool, with a salt chlorine generator, so as not to have as much impact on the children and will be heated, so they can have June and September month's with the pool, also. Mr. Sorensen recommended amended site plan approval and read the resolution.

**Action:** A motion to grant amended site plan approval was made by Mr. Stravopoulos, with a second from Mr. Almquist; all in favor.

WHEREAS, the applicant –Spectrum Services (with the Consent of Children's Annex, Inc. (owner) – is seeking Site Plan Amendment approval to construct a 20' x 40' in-ground pool in front of the existing school and also install two (2) 12' by 15' sheds, which are ancillary to the pool and will be used for pool equipment and storage; and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- Cover Letter prepared by Richard K. Tompkins –Architect, AIA Mauri Architects, PC dated 12/27/2017;
- Application for Site Plan Review prepared by Susan Buckler, Children's Annex, Inc. dated 12/28/2017;
- Short EAF Part 1 prepared by Susan Buckler, Children's Annex, Inc. dated 12/28/2017; and
- Proposed Site Plan by Richard K. Tompkins –Architect, AIA Mauri Architects, PC dated 12/27/2017.

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WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan amendment for this Proposed Action since the proposed modifications to the existing Site Plan does not result in new gross floor area; and

WHEREAS, the Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency (only Involved Agency), upon review of the entire record determined the Proposed Action is a Type II Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment approval to Spectrum Services on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details as cited herein;
4. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
5. All fees, including consultant fees, shall be paid.

### **Premiere Fire Apparatus – Special Permit Use**

Kenneth Finke, Premiere Fire Apparatus, and Ciro Interrante, Architect, appeared on behalf of the application for a Special Use Permit to open a Fire Apparatus service and sales business at 68 Leggs Mills Road. Mr. Interrante explained that the furthest, rear section of the building they are proposing to raise the existing roof six (6) feet and install three (3) fourteen (14) foot overhead doors to be able to clear inside the building height of eighteen (18) feet. In the front of the building they are proposing to build a forty (40) foot long and eight (8) foot wide canopy to serve as protection to the entrance of the building. Mr. Interrante also explained that they would like to build an exit door that will be facing the railroad tracks. Mr. Interrante stated that they plan on clearing out the underbrush that is currently present along the road front by Leggs Mills Road; they will not be cutting down any large trees. They are proposing a sign near the front of the property as well as a twenty-five (25) foot flag pole behind that. There will be two pole lights that will face the building and an upright on the sign and flagpole. There will be building mounted lights over each of the overhead doors, one on the side of the building,

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and one in the back over the proposed exit. There is an existing sliding gate for the driveway, and they are proposing to extend the gate into a six (6) foot high chain link fence to go around to the back of the property connecting to the existing stockade fence. Mr. Interrante explained that they are proposing additional parking to the rear of the building for employees so that they meet the requirements for parking on-site.

Mr. Sorensen stated that sales and service is an allowed use, subject to Special Permit approval by the Town Board. There will be a required Public Hearing by the Town Board. Mr. Sorensen stated that he recommends the Planning Board refers this matter to the Town Board so that they may set the Public Hearing date and concurrently continue to be reviewed by the Planning Board. Mr. Sorensen stated that he classified this project as a SEQR Type II action. Mr. Sorensen stated that he reviewed the referral agreement from the County and that as such, the project will not need to be referred to the County for review.

Mr. Mulligan questions the color of the building currently, to which Mr. Finke stated they will be going with a slate gray color for the exterior and the "Premier" will be a soft maroon color, as they are keeping with earthy tones. Mr. Interrante stated that the sign that will be mounted as the monument sign will be the same sign mounted on the building. They will be removing the current windows and replacing them with storefront windows, removing the existing overhead door and replacing it with windows, and replace the existing entrance door with a full-view glass door.

Mr. Almquist asked how large the proposed sign is, to which Mr. Interrante replied the allowed signage size is fifty (50) square feet in that zone, and their proposed sign is approximately thirty-two (32) square feet, and five (5) feet tall in height. The signage will include the address of the business and the monument sign light will be on from 10am-11pm. Vehicles will be occasionally located outside for storage, behind the proposed fencing. The hours of operation will be 7am-5:30pm, with some meeting nights where they will be open a bit later, and hours of operation will be Monday through Friday with emergency service times.

Mr. Finke stated that they are predominantly sales and service, with minor fabrication such as adjustments and repairs. The business is currently located in Hyde Park, which they purchased last March, but decided that the business needed a larger facility. Mr. Sorensen read the resolution.

**Action:** A motion to refer this project to the Town Board for Special Use Permit approval was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Kenneth Finke dba Premiere Fire Apparatus, Inc., seeking Site Plan Amendment and Special Use Permit approval for a change-in-use within an existing 16,180 square-foot (sf) manufacturing building to establish an automotive sales and service business (Fire Trucks); and

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WHEREAS, the materials submitted in support of the Proposed Action includes:

- Site Plan Consent Form signed by Kenneth Finke, dated January 3, 2018;
- Site Plan Application signed by Kenneth Finke dated January 3, 2018;
- SEQR Short EAF Part 1 prepared by Ciro Interrante, Architect dated January 3, 2018; and
- Site Plan for Premiere Fire Apparatus, Inc., by Ciro Interrante, Architect dated December.

WHEREAS, the Town of Ulster Town Board retains the authority to review the Special Permit application to allow an automotive sales and service business on the subject site, which is situated in the LC-Local Commercial and OM-Office Manufacturing Zoning Districts, where such use requires a Special Permit in both districts by the Town Board; and

WHEREAS, all applications for Special Permits require the Town Board to hold one (1) public hearing, which must first be scheduled and noticed by the Town Board; and

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the Site Plan amendment for this Proposed Action since the proposed modifications to the existing Site Plan does not result in new gross floor area; and

WHEREAS, the Proposed Action does not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan and change in use; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board, hereby refers this matter to the Town of Ulster Town Board for the sole purpose of providing the opportunity for the Town Board to schedule a public hearing on the Special Use Permit request.

### **Kingston Commons – Amended Site Plan Review**

Joshua Kline, Stonefield Engineering, and Bipin Patel appeared on behalf of the application that was previously approved on September 15, 2016 to construct a seven thousand four hundred and twenty five (7,425) square foot retail space, a three thousand one hundred and ninety (3,190) square foot bank with 2 drive-thru service lanes, a four thousand four hundred and thirty (4,430) square foot fast food restaurant with 2 drive-thru service lanes, and a two thousand two hundred (2,200) square foot coffee/donut shop on 2 existing parcels.

There were a couple of issues that had to be dealt with that held the project up from starting, so they must re-apply for site plan amendment approval. Mr. Kline stated that

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nothing has changed since they were last approved; they just have to go through the motions to get re-approved. Mr. Kline stated that they received Right-of-Way conceptual approval from New York State Department of Transportation (NYSDOT) and they are moving forward with a Highway Work Permit to construct those approvals. Mr. Kline stated that he was working with Joseph Mihm, Brinnier & Larios, Town of Ulster Water and Sewer departments, and Alan Sorensen, Town of Ulster Consultant Planner. Mr. Kline stated that they received approval from the County for some access easements in September of 2017.

Mr. Sorensen stated that this project had been classified a SEQR Negative Declaration and it has been reaffirmed that it will stay the same. Mr. Sorensen stated that there was some feedback in respect to landscaping. Mr. Kline and his client are currently working on landscape embellishment. Mr. Kline stated that they are abiding by the County's recommendations for shrubbery, trees, grasses, and embellishing the islands, as well as the County corridor. A brief discussion regarding types of plants followed. Mr. Almquist questioned the grading on the driveway through the property and Mr. Kline stated that this property is within the hundred (100) year flood plain so that they have to raise portions of the property up to nine (9) feet so that it may meet Town Codes; a slope of approximately twelve (12) percent. Mr. Kline stated all of those improvements have been approved by the County and they are working directly with them on it. Mr. Sorensen read the resolution.

**Action:** A motion to refer this matter to the Town of Ulster Town Board so that the Town Board can declare its intent to be lead agency was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by SAI Capital Group, LLC for Kingston Circle Properties, LLC (Owner) seeking site plan approval for construction of 7,425 square feet (sf) of retail space, 3,190 sf bank with two (2) drive-thru service lanes, a 4,430 sf fast-food restaurant with two (2) drive-thru service lanes, and a 2,200 sf coffee/donut shop with one (1) drive-thru service lane along with ancillary on-site parking and a sidewalk, which is proposed within the NYSDOT r-o-w; and

WHEREAS, the Proposed Action involves the demolition of the existing auto repair shop building, relocation of the Caboose & Tourism Center off-site, elimination of 60-foot right-of-way easement to be replaced with 30-foot in favor of Ulster County, and relocation of a monitoring well on SBL 48.14-1-20; and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- Cover Letter prepared by Stonefield Engineering & Design, dated January 5, 2018;
- Application for Site Plan Review by SAI Capital Group, LLC, dated 8/18/2015;
- Site Plan Consent Form signed by John H. Gill, property owner dated 8/10/15;
- SEQR FULL Environmental Assessment Form dated September 15, 2015;

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- Traffic Impact Study prepared by Stonefield Engineering & Design, dated 8/28/2015;
- Washington Avenue Traffic Circle Overlay Exhibit by Stonefield Engineering dated 12/01/15;
- Alternative Site Plan Exhibit by Stonefield Engineering & Design, dated December 1, 2015;
- Stormwater Management Report prepared by Stonefield Engineering & Design, dated 8/31/2015;
- Survey Map for SAI Capital Group, LLC by Stonefield Engineering & Design, dated 7/9/2015;
- Cover Sheet for Plan Set prepared by Stonefield Engineering & Design, dated 1/16/2017;
- Existing Conditions Plan prepared by Stonefield Engineering & Design, dated 1/16/2017;
- Demolition Plan prepared by Stonefield Engineering & Design, dated 1/16/2017;
- Site Plan prepared by Stonefield Engineering & Design, dated 1/16/2017;
- Grading Plan prepared by Stonefield Engineering & Design, dated 1/16/2017;
- Drainage Plan prepared by Stonefield Engineering & Design, dated 1/16/2017;
- Utility Plan prepared by Stonefield Engineering & Design, dated 1/16/2017;
- Lighting Plan prepared by Stonefield Engineering & Design, dated 1/16/2017;
- ATM Lighting Plan prepared by Stonefield Engineering & Design, dated 8/31/2015;
- Phase I Soil Erosion & Sediment Control Plan by Stonefield Engineering & Design, dated 1/16/17;
- Phase II Soil Erosion & Sediment Control Plan by Stonefield Engineering & Design, dated 1/16/17;
- Soil Erosion and Sediment Control Details by Stonefield Engineering & Design, dated 1/16/2017;
- Landscape Plan prepared by Stonefield Engineering & Design, dated 1/16/2017;
- Landscaping Details prepared by Stonefield Engineering & Design, dated 1/16/2017;
- Construction Details prepared by Stonefield Engineering & Design, dated 1/16/2017;
- Proposed Floor Plan Quick Service Restaurant 1 prepared by gk&a Architects, PC dated 8/25/15;
- Proposed Floor Plan Quick Service Restaurant 2 prepared by gk&a Architects, PC dated 8/25/15;
- Proposed Floor Plan Retail and Bank prepared by gk&a Architects, PC dated 8/25/15;
- Proposed Elevations Quick Service Restaurant 1 prepared by gk&a Architects, PC dated 8/25/15;
- Proposed Elevations Quick Service Restaurant 2 by gk&a Architects, PC dated 8/25/15;
- Proposed Elevations Retail and Bank prepared by gk&a Architects, PC dated 8/25/15; and

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- NYSDOT Highway Work Permit Plans by Stonefield Engineering & Design, dated September 14, 2017.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Proposed Action since more than 2,500 SF of new gross floor area is proposed with this Site Plan application, upon a favorable recommendation from the Town of Ulster Planning Board; and

WHEREAS, the Town of Ulster Town Board, upon review of the application materials determined the Proposed Action was an Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, other Involved Agencies would include: NYSDEC (General Permit for Construction Activities), Ulster County Highway Department (signalized intersection at Sawkill Road), NYSDOT (Site Access from Washington Avenue), and Ulster County Legislature (easements and site work on County Lands along the Esopus Creek); and

WHEREAS, Interested Agencies would include the Town of Ulster Planning Board and Ulster County Planning Board; and

WHEREAS, the Town's Consulting Planner recommended to the Planning Board that the Proposed Action be referred to the Town Board for the sole purpose of initiating a SEQR Unlisted Action-Coordinated Review with the Town Board so named as Lead Agency; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board so that it can declare its intent to be Lead Agency for an Unlisted Action-Coordinated Review.

### **Ruby Estates – Amended Site Plan Review**

Pietro Altomare appeared on behalf of the application. His engineer was not present, and as no comments were received from Brinnier & Larios yet, the discussion was tabled until February's meeting.

**Action:** Forward current plans to Brinnier and Larios for review.

A motion to adjourn was made by Mr. Stravropoulos, with a second from Mr. Decker; all in favor.

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary