

TOWN OF ULSTER PLANNING BOARD

April 13, 2021

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, April 13, 2021, at 7:00 p.m. via the Zoom application. The following members were present:

Present:

Anna Hayner
Lawrence Decker
Andrew Stavropoulos
Geoffrey Ring – Chairman

Frank Almquist – Vice Chairman
John More (alt.)
John Stowell (alt.)
David Church – Planner

Mr. Almquist

The Pledge of Allegiance was recited.

Roll call was taken.

A motion to approve the minutes from the March 2021 meeting was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote.

Mr. Almquist was appointed as Chairman until Chairman Ring arrived and Mr. Almquist appointed Mr. Stowell as an acting board member.

OLD BUSINESS

Bussani Mobility – P-826
32-42 Old Sawkill Road
SBL : 48.14-1-12.100
Zone: R30
Site Plan Amendment/Change of Use

Dan Walsh and Dan Bussani, Bussani Mobility were in attendance for their handicap accessible vehicle sales and servicing business.

Mr. Church stated that the project had previously been before the Board and briefly explained the project. Mr. Church stated that the Planning Board has full authority to approve the project.

Mr. Church explained that there had been some concerns from the neighbors over traffic in the neighborhood which has been forwarded to the Town Board for review and the issues had been addressed.

Action: A motion to approve the resolution as read was made by Mt. Stavropoulos, with a second from Mr. Decker; all in favor with a roll call vote.

WHEREAS, the applicant – Bussani Mobility, seeks approval to amend site plan for a change of use to operate a business selling, servicing and renting wheelchair accessible vans; and

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

- Completed Application for Site Plan Amendment Review prepared by Daniel Bussani.
- Proposed Site Plan prepared by Panther Mountain Engineering and Design, all dated 1/11/21 and consisting of 3 sheets: Sheet 1 of 3 Proposed Dealership (elevations), Sheet 2 of 3 Proposed Dealership – Floorplan, and Sheet 3 of 3 Proposed Dealership – 2nd Floor.
- Signed Owner Consent Form for Filing
- Signed Escrow Agreement
- Completed Short Environmental Assessment Form, dated 01/11/21; and,

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the Site Plan Amendment in accordance with the Town Code; and

WHEREAS, the Proposed Action is exempt from referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster; and

WHEREAS, the Town of Ulster Planning Board, upon review of the entire record determines the Proposed Action is an Unlisted Action and makes a Negative Declaration under SEQRA.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan Amendment approval for the Proposed Action 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. Compliance with any comments from the Town of Ulster Water Superintendent;
5. 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
6. All fees, including consultant fees, shall be paid.

Pioneer Solar – P-831
491-549 Sawkill Road
SBL : 48.6-1-23
Zone : OM
Site Plan

Paul Hakim, property owner, and Zachary Schrowang, Solar Generation, appeared before the Board for their application to install a solar farm.

Mr. Church stated that this project may be referred to the Town Board in order to initiate SEQRA and refer the project to the County.

Mr. Schrowang stated that they had started the Stormwater Pollution Prevention Plan (SWPPP) process and that there is no other new documentation on this project. Mr. Schrowang stated that the SWPPP may take around thirty (30) days to get resolved.

Mr. Church asked if the access road was adjoining another property. Mr. Schrowang stated that it does but that Paul and Steve Hakim also own that property. The access road on the adjoining property is a part of the deed. Mr. Hakim stated that the parcel has the rights to cross and that Kingston Water Department also has a right to cross, and that right is reciprocated.

There was a brief discussion regarding the need for the SWPPP for the referral to County.

Action: A motion to refer the project to Town Board to initiate SEQR and refer the project to the County for review was made by Chairman Ring, with a second from Mr. Decker; all in favor with a roll call vote.

WHEREAS, the applicant – Pioneer Solar, seeks Site Plan approval for a community solar / utility company structure installation; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Planning Board, in coordination with the Ulster Town Board, including a submitted State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form; and,

WHEREAS, the Planning Board agrees that the Town of Ulster Town Board has final review and approval authority for this application.

NOW THEREFORE BE IT RESOLVED, the Planning Board recommends that said Town Board be designated as lead agency and type the application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA).

NOW BE IT FURTHER RESOLVED, the Planning Board recommends said Town Board formally refers this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

NEW BUSINESS

Johnson Route 28 Phase II – P-832

140-146 Route 28 & Route 28

SBL: 48.13-2-21 & 48.14-1-35

Zone: HC

Minor Subdivision – dividing 2 lots into 3 lots

Paul Hakim, property manager, appeared before the Board to clean up lot lines off Route 28 where Kingston Nissan and the self-storage facility are for tax purposes.

Mr. Church stated that the Board could forward the project to a public hearing in May.

Mr. Hakim explained Phase I of the lot line adjustments that had already been done and filed with the County.

Mr. Hakim stated that the lands of Johnson Route 28 LLC closed a couple of weeks ago on the lands of Kingston Nissan and the self-storage building. Mr. Hakim explained that the County system may not reflect that yet, but that the transaction has been completed. Mr. Hakim stated that the properties used to be on a long-term land lease. Mr. Hakim stated that they are trying to clean up the lot lines so that they can charge the tenants independently for their taxes with different tax bills.

There was a brief discussion about the water lines that run through a piece of the property not a part of this discussion.

Mr. Hakim stated that he will submit the update to the road maintenance agreement for the private road that was previously created will now also exit into the self-storage facility.

Mr. Hakim reiterated that nothing on the sites are changing, they are just adjusting the lines to reflect the space the tenants are using.

Action: A motion to set a public hearing for May was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

LHV Precast – P-833
530-600 Ulster Landing Road
SBL: 40.13-1-34.110
Zone: OM
Site Plan Amendment

Paul Jankovitz (Architect), James Willis (Vice President), Robert Willis (President LHV Precast), and Mike Schatzel appeared before the Board on behalf of their application to construct a building addition for LHV Precast.

Mr. Jankovitz stated that they had been previously approved for a fourteen-thousand four-hundred square foot (14,400 sf) addition in 2018 and a building permit has been issued for that work, but that they would like to add on another seventy-two hundred square feet (7,200 sf) of additional space for a batch plant on the southside of the originally approved addition.

Mr. Tutt explained the timeline of the original approval. Mr. Tutt stated that they are back before the Board because the building got substantially larger than what was approved.

Mr. Jankovitz stated that they have increased parking and had looked at all possible issues which will not be affected. Effectively, the work will be brought inside so as to lessen the noise pollution. Mr. Jankovitz explained that the added personnel would be in the approved fourteen

thousand square foot (14,000 sf) building and the proposed seventy-two hundred square foot (7,200 sf) building is a compliment to that approved addition.

Mr. Jankovitz stated that this is considered production space and as such they have added the required parking, even though there is little impact as the space is used for cast preparing. They looked at site run-off. The site has its own well and septic. Mr. Jankovitz stated that the new facility will produce large castings in the proposed space, which is for new contracts, a lot of which are for the NYSDOT.

Mr. Willis stated that the existing plant is fourteen thousand four-hundred square feet. Mr. Willis stated that they were before the board a few years ago because they knew they had outgrown the existing plant and needed more space. Mr. Willis explained that due to the specifications of the castings that they are now making per contracts, a controlled environment is now required.

Mr. Willis stated that initially they thought they would transport the concrete from the existing facility -to the new approved addition, but they had decided to add a mixing pan to the new building to make it self-sufficient.

Everything that was outdoors seasonally will now be indoors and they will control the noise that is in the neighborhood by bringing it indoors. Mr. Willis stated that they never really received complaints from the neighbors, but it will help with the noise.

Mr. Willis stated that this building is designed to do a lot of large and extra-large projects. Mr. Willis stated that they are doing work for NYSDOT, Connecticut, New Jersey, Massachusetts and NYC and they have a lot of contractors and engineers on-site doing regular inspections. Mr. Willis stated that without this addition, he cannot take on larger scale products and produce them in a timely fashion.

Mr. Willis stated that there was a wooden structure that was standing where the new seventy-two hundred square foot (7,200 sf) proposed building is and they will demolish the wooden structure to make room for the proposed addition.

Chairman Ring asked if Warren Tutt, Building Inspector, was comfortable with the proposals and the stormwater run-off plan. Mr. Tutt stated that he forgot about the wooden structure that would be removed and if he removed the square footage of the wooden structure from the proposed seventy-two hundred square foot (7,200 sf) structure then the roof square footages lineup going from forty-nine (49) to fifty-two (52). Mr. Tutt asked if they were adding additional rainwater retention tanks and Mr. Jankovitz replied yes.

Mr. Jankovitz explained that enclosing the plant would make is more convenient for workers as they will no longer have to clear off snow or anything else from the forms.

There was a brief discussion regarding the site plan needing updating to be clear on what was being proposed. The Board agreed that the plan needed to be updated to clearly reflect what is being proposed prior to going to the County or the Town Board.

Mr. Church stated that the Town Board would have final approval, but that the project would need to be seen before the County Planning Board for review. Mr. Church spoke with someone at the County and even though the project had previous responses of “No County Impact,” they would need to review this project again. Mr. Church stated that they agreed to expedite the review.

Action: A motion to forward the project the Town Board to initiate SEQR lead agency and refer the project to the County Planning Board for review was made by Mr. Almquist, with a second from Chairman Ring; all in favor with a roll call vote.

WHEREAS, the applicant – LHV Precast, seeks Site Plan approval for an amendment to expand and improve their manufacturing facility; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Planning Board, in coordination with the Ulster Town Board, including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Planning Board agrees that the Ulster Town Board has final review and approval authority for this application.

NOW THEREFORE BE IT RESOLVED, the Planning Board recommends that said Town Board be designated as lead agency and type the application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA).

NOW BE IT FURTHER RESOLVED, the Planning Board recommends said Town Board formally refers this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

Beichert & Ryan – P-834
402 & 410 Park Road
SBL: 48.12-2-11.420 & 48.12-2-11.410
Zone: R10
Lot Line Adjustment

Michael Vetere III, Vetere Surveying, appeared before the Board on behalf of an application for a lot line adjustment.

Mr. Vetere stated that he is presenting a lot line adjustment to a subdivision done by his father in 2006 and for Mr. Richard Ryan. Mr. Vetere stated that he proposing to exchange 0.072 acres between lot 1A and 1B. The exchange will benefit lands of Beichert from lands of Ryan. Lands of Ryan will convey 0.02 acres from lands of Ryan to lands of Beichert. This is a family transaction.

This exchange clears a shed encroachment issue and a small portion of maintained lawn behind a garage.

Mr. Church read the resolution.

Action: A motion to accept the resolution as read was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote.

WHEREAS, the applicants – Joe Beichert and Richard Ryan – are seeking Lot Line Adjustment in accordance with Section 161-9 & 10 and the town of Ulster Code; and

WHEREAS, the applicants propose to adjust a share boundary line to address encroachment of a frame shed and related lot line cleanup issues; and

WHEREAS, the proposed lots comply with the minimum lot size and dimensional requirements of the R10 zoning district; and

WHEREAS, pursuant to Section 161-9 of the town Code, the Proposed Action is classified as a Lot Line Adjustment, which is subject to the approval of the Town of Ulster Planning Board; and

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

- Completed Application for Lot Line Adjustment prepared by Michael C. Vetere, PLS;
- Signed Owner Consent Form for Filing;
- Signed Escrow Agreement;
- Completed Short Environmental Assessment Form, dated 3/13/21;
- Map of Lot Line Revision Prepared for Richard J. Ryan and Joseph & Maryanne Beichert, prepared by Vetere Land Surveying, PLLC.

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves few than 5 lots and access roads and structures are not situated within the 100-year floodplain; and

WHEREAS, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, in accordance with Chapter 161, Section 161-9 the Proposed Action is a Lot Line Adjustment and no public hearing is required; and

WHEREAS, the Planning board classified the Proposed Action as a SEQRA Type II action and no further action is required upon review of the entire record (including SEQR Short Form EAF Part 1.

NOW THEREFORE BE IT RESOLVED, the 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 Lot Line Adjustment approval as described above subject to the conditions, limitations and restrictions set forth below.

1. The Plat may be filed with the office of County Clerk after signed by the Chairman of the Planning Board;
2. No changes, erasures, modifications, or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and
3. The Final Plat must be filed with the Office of the County Clerk within 62 days of the date Final Plat is approved by the Planning Board; and
4. All fees, including consultant fees, shall be paid.

Five Below – P-835
1137-1187 Ulster Avenue
SBL: 48.42-3-1.100
Zone: RC
Site Plan Amendment for Façade

Matthew Oates, Benderson Development, appeared on behalf of an application for a façade change.

Five Below will be moving to the former Pier 1 space and the applicant wants to modify the EIFS scoring on the existing building, proposing the new Five Below branding with the signage and blue background and addition of awnings for Five Below and Spectrum. The storefront glass will be modified by moving the door location over and bookend the space with two piers so it does not throw off the architecture of the building.

Chairman Ring asked if a variance was required for the size of the sign and Mr. Tutt explained that the letters of the sign comply with Zoning, but the façade change is what triggered site plan review.

Mr. Church read the summarized resolution.

Action: A motion to approve the resolution was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

WHEREAS, the applicant – Five Below, seeks approval to amend site plan for changes to a façade to a portion of existing, multi-tenant building for new proposed tenant Five Below; and

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

- Complete Application for Site Plan Amendment
- Signed Owner Consent Form for Filing
- Signed Escrow Agreement
- Complete SEQRA Short Form

- Site Plan Sheet A1.0 Proposed Five Below Existing and Proposed Elevations prepared by James Allen Ramsey Architect, prepared for Benderson Development, dated 3/11/21.
- Photo of existing façade; and,

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the Site Plan Amendment in accordance with the Town Code; and

WHEREAS, the Proposed Action is exempt from referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster; and

WHEREAS, the Town of Ulster Planning Board, upon review of the entire record determines the Proposed Action is a Type II Action and no further action is required under SEQRA.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan Amendment approval for the Proposed Action 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.

Uncle B’s The Crossings Apartments – P-836
400-416 Old Neighborhood Road
SBL: 48.7-1-12.110
Zone: RC
Site Plan Amendment

Rich Tompkins, Mauri Architects, and Bart Panessa, property owner, appeared before he board for a site plan amendment to add two apartment buildings to the Uncle B’s site.

Chairman Ring stated that the project was before the workshop a couple of months ago and is now formally before the Board. Mr. Church stated that the project will require referral to the Town Board for SEQR and also the County for review when it is ready.

Mr. Tompkins stated that the apartments will share the same access drive that the laundromat currently has off Old Neighborhood Road. Mr. Tompkins stated that this was originally approved as Phase II of the property and originally it had been approved for a seventy-five hundred square foot (7,500 sf) office building. The plan has been redesigned to two (2) buildings; the first building will be fifty-three hundred square feet (5,300 sf) with three (3) stories containing eighteen (18) apartments and the second building will be eighteen hundred and seventy six square feet (1,876 sf), three (3) stories, containing six (6) apartments. There will be a total of

twenty-four (24) apartments, with associated parking. There will be mailboxes near the entrance and a maintenance shed towards the rear near the dumpster enclosures.

The applicant is now looking to develop Phase II of the project.

Mr. Tompkins showed the Board the one-sided sign that was being proposed for the apartments that will be off Neighborhood Road and the elevations of the apartment buildings.

The apartments will be one-bedroom apartments with small offices off of the bedroom. Mr. Tompkins explained that the way the offices are situated, they are not meant to be a secondary bedroom in any way.

Mr. Almquist asked if the dumpster enclosure was for all the apartments, and Mr. Tompkins stated that it was and that they understand it's inconvenient to be placed where it is on the plans, but they thought about people opening their windows in the summer and didn't want it to encumber with odors close to the apartments but keeping the dumpsters closer to the commercial end of the property.

The applicant is proposing two (2) parking spaces per dwelling unit.

Comments from water, sewer and highway are pending.

Snow storage will be along the left side and rear of the property and near the laundromat which is why they did not place any plantings in those areas.

Chairman Ring asked what the timing for the project would be and Mr. Tompkins stated as soon as possible so they can start before it got cold again.

Chairman Ring stated that the County will likely require that a percentage of the apartment be affordable housing. Mr. Church agreed, but stated that there is no obligation in the Code. Mr. Church stated that with no issues arising, the applicant is looking at possibly June/July approval.

Mr. Tutt stated that the previous approval had to have Stormwater review and asked if the impervious surfaces had substantially changed since then, and Mr. Tompkins stated that he does not know the exact calculations but that he would check with Pete Setaro. Mr. Tompkins stated that they have stormwater management that they will be placing under the pavement and they will be making an amendment to the Stormwater Pollution Prevention Plan (SWPPP).

Action: No action was taken at this time.

Central Hudson Hurley Ave. Substation – P-837
435 Hurley Avenue
SBL: 48.17-1-13.110
Zone:OM
Site Plan Amendment

Samantha LoVerne, Chazen Companies, appeared before the board on behalf of an application to expand the Central Hudson Substation on Hurley Avenue.

Mr. LoVerne stated that the project had previous conditional approval and the project was determined a SEQR Neg. Dec. in 2019 but due to changes with smartpod technology, Central Hudson was not able to start construction within the time allotted so they are asking the Board for recommendation to initiate the SEQR review.

Mr. Tutt asked if anything has substantially changed since the previous approval or if it was just an extension request. Ms. LoVerne stated that it is mostly because the time had expired but that there were minor changes to the plans.

Ms. LoVerne stated that the initial approval was for a 2.43 acre expansion to the South and West sides of the existing substation. They are rerouting the existing 301 line and slightly moving one structure in the 303 line. They are adding some access roads and a bioretention area for stormwater management, which includes a punch pool as pretreatment and underdrains which goes to a swale and then to the bioretention area.

Ms. LoVerne stated that there are few wetlands present, but none are Department of Environmental Conservation (DEC) wetlands and the project will have a small impact on those wetlands. There are two (2) wetlands being fully impacted and one (1) wetland partially impacted by the project. All of the impacts are under one-tenth of an acre. Since the 2019 project, there has been no changes to wetland impact.

Ms. LoVerne stated that the applicant is still seeking nationwide permit from the Army Corp. of Engineers.

There has been no significant impact to the threatened or endangered species in this project. There will still be coordination with the regulatory agencies during the permitting process.

Ms. LoVerne stated that since 2019, the smart pod technology had changed, but the change was not major. It impacted the structures being slightly moved which also impacted underdrains slightly moving. The 303 line pole is moved to a slightly different location than in the 2019 approval. Temporary access has also been added so that the expansion can be added without access the existing substation.

Central Hudson has been in contact with the County regarding the access on the North side of the parcel to make sure it corresponds with the existing Railtrail.

Ms. LoVerne stated that since the 2019, the Town has adopted Laws on Utility company Structures requiring a special use permit in this zone, so that application has also been submitted.

Ms. LoVerne stated that all the tree clearing has been completed since the initial approvals in 2019.

Action: A motion to forward the project to the Town Board to initiate SEQR and refer the project to the county was made by Chairman Ring, with a second from Mr. Almquist; all in favor with a roll call vote.

WHEREAS, the applicant – Central Hudson Gas & Electric, seeks Site Plan approval for an amendment to expand and modernize their existing utility company structure / substation located at 435 Hurley Avenue; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Planning Board, in coordination with the Ulster Town Board, including a submitted State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form and supporting and substantive environmental assessment documentation including a Phase 1A and 1B Cultural Resources Survey; and,

WHEREAS, the Ulster Town Board has final review and approval authority for this application.

NOW THEREFORE BE IT RESOLVED, upon recommendation by the Town of Ulster Planning Board, the Town Board agrees to be lead agency and type the application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA).

NOW BE IT FURTHER RESOLVED, said Town Board agrees to formally refer this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

Glidepath & Wolven – P-838
253 Flatbush Road & Route 32
SBL: 48.16-1-1.100 & 48.16-1-2.100
Zone: OM
Lot Line Adjustment

Christopher Zell, Brinnier & Larios, appeared before the Board on behalf of the applicant for a lot line adjustment.

Mr. Zell stated that Glidepath has 109.5 acres and will convey 4.5 acres to Mr. Wolven. Glidepath currently surrounds Wolven’s property and there is a garage encroachment so the adjustment would clear up the encroachment. Doing this adjustment, Mr. Wolven’s property would increase from 1.3 acres to 5.8 acres and Glidepath’s property would decrease from 109.58 acres to 105.077 acres.

Mr. Church read the resolution.

Action: A motion to approve the resolution was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

WHEREAS, the applicants –Glidepath (aka Lincoln Park Grid Support Center, & Lincoln Park DG Real Estate LLC) and – are seeking Lot Line Adjustment in accordance with Section 161-9 & 10 and the town of Ulster code; and

WHEREAS, the applicant propose to convey 4.503 acres from Lincoln Park DG Real Estate LLC (Lot 1.100) to Daniel Wolven (Lot 2.100); and

WHEREAS, the proposed lots comply with the minimum lot size of the OM zoning district; and

WHEREAS, pursuant to Section 161-9 of the town Code, the Proposed Action is classified as a Lot Line Adjustment, which is subject to the approval of the town of Ulster Planning Board; and

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

- Completed Application for Lot Line Adjustment
- Signed Owner Consent Form for Filing
- Signed Escrow Agreement
- Map of Proposed Lot Line Revision Between Lands of Lincoln Park DG Real Estate LLC and Lands of Daniel Wolven prepared by Christopher J. Zell, P.L.S. dated 11/4/20.

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves fewer than 5 lots and access roads and structures are not situated within the 100-year floodplain; and

WHEREAS, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, in accordance with Chapter 161, Section 161-9 the Proposed Action is a Lot Line Adjustment and no public hearing is required; and

WHEREAS, the Planning board classified the Proposed Action as a SEQRA Type II action and no further action is required upon review of the entire record (including SEQR Short Form EAF Part 1.

NOW THEREFORE BE IT RESOLVED, the 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 Lot Line Adjustment approval as described above subject to the conditions, limitations and restrictions set forth below.

1. The Plat may be filed with the office of County Clerk after signed by the Chairman of the Planning Board.
2. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and

3. The Final Plat must be filed with the Office of the County Clerk within 62 days of the date Final Plat is approved by the Planning Board; and
4. All fees, including consultant fees, shall be paid.

Bible Baptist Church – P-839

509 Main Street Ext.

SBL: 39.11-1-5.112

Zone: R30

Minor Subdivision

Pastor Al Jurkowski, Bible Baptist Church, appeared before the Board on behalf of a minor subdivision to subdivide a 1.003 acre lot off the current 4.064 acre lot.

Pastor Jurkowski stated that lot 9 (currently 12 Ruby Meadows Road) plans on purchasing the subdivided lot as a future investment for possibly building a home. Lot 9 does not intend on adding it to their existing lot.

Action: A motion to set a final plat public hearing was made by Chairman Ring, with a second from Mr. Decker; all in favor with a roll call vote.

DISCUSSION

Proposed Digital Sign Law - Chairman Ring explained that the Zoning Board saw an increase in the number of digital signs being requested so he thought the Boards should revisit the adoption of a new zoning law for digital signs.

A presentation had been done on how digital signs work, how they're measured, the lumens, etc. A sign company had done a demonstration showing a digital sign during day and dusk hours showing brightness and visibility. Various people from all Boards including the Town Supervisor attended the presentation and Jason Kovacs, Town Attorney, then worked with the Town Board, Zoning Board and Planning Board together to draw up a digital law sign proposal that was then reviewed by the sign company for comments. The final version of the proposed sign law was distributed to all Boards for their review and comments. Chairman Ring would like the Planning Board to give their comments on any issues with the language of the proposal so they can move the proposal to the Town Board for acceptance.

Mr. Tutt stated that there needs to be further clarity on whether the signs are one-sided or two-sided. There was brief discussion on how a double-sided sign is classified. The Board agreed that the digital signs, even if two-sided, will be treated the same as a regular two-sided sign in terms of permitting and fees.

Mrs. Hayner stated that her only concerns about digital signs is that they can be distracting for drivers so they need to be regulated on brightness and speed. Chairman Ring stated that in the proposed law there is a length of time in which the sign visual cannot be changed and the brightness will also be monitored.

Chairman Ring stated that since there was no digital sign law when previous digital signs were approved, they were all approved on a case-by-case basis. Chairman Ring stated that a good example of a new digital sign is the sign at the bowling alley on East Chester Street.

There was a discussion on the Meineke digital sign being out of compliance with the brightness level not going to night mode at night. Mr. Tutt pointed out that there is a retroactive clause in the proposed law stating that if an existing digital sign can be changed to meet the new law, it will be changed, as long as it doesn't have to be replaced. The sign manufacturer will have to prove that it cannot be done in order to keep the non-compliant digital sign.

There was a brief discussion on how to measure the nits on digital signs.

Mr. Tutt requested that a clause be added that repeat offenders must remove the digital signs. Mr. Kovacs stated that the standard zoning code enforcement rules that are in place would apply in the digital sign case as in any other cases in the Town. Chairman Ring stated that if there is an issue with traffic due to a digital sign, the Building Inspector needs to remedy the issue within days, not a lengthy process. Mr. Kovacs stated that he will look into it and Chairman Ring stated that the Board will have further discussion at next month's meeting.

General Discussion - If new applicants do not have complete applications in two weeks prior to the meeting, their project will have to wait until the following month's meeting.

A motion to adjourn was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor.

Respectfully Submitted,
Gabrielle Perea
Planning Secretary