

## TOWN OF ULSTER PLANNING BOARD

August 13, 2019

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, August 13, 2019, at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

### Present:

Lawrence Decker

Andrew Stravropoulos

Gary Mulligan – Chairman

John More (alt)

Frank Almquist – Vice Chairman

Alan Sorensen – Planner

### Absent:

Anna Hayner

Frederick Wadnola (Alternate)

Roll call was taken.

Chairman Mulligan stated that since Member Hayner was absent, the Board would appoint Mr. More as the fifth (5th) member for the purposes of voting.

A motion to approve the minutes from the July 2019 meeting was made by Mr. Almquist with a second from Mr. More; all in favor.

### Old Business

#### **Odilio Aguirre - P-756**

**990 Flatbush Road**

**SBL: 48.8-2-24.200**

**Zone: OM**

**Site Plan**

Allan Dumas, Brinnier & Larios, appeared on behalf of the applicant, Odilio Aguirre, to construct a two-bay metal building for his contracting business. The building will consist of an office and shop for Mr. Aguirre. Mr. Dumas stated that the main building will be forty feet by forty feet (40' x 40') and an eighteen foot by eighteen foot (18' x 18') addition which will be an office and staff conference room.

Mr. Dumas stated that a State Historic Preservation Office (SHPO) consultation has been initiated. Mr. Dumas explained that he had submitted the site plan and SHPO requested that the applicant submit any other state permits that were required, such as the NYSDOT driveway permit. SHPO also wanted to know who was in charge of the State Environmental Quality Review (SEQR) review, which is the Town of Ulster Planning Board, which had been submitted to SHPO today.

Mr. Dumas stated that the Board had questions on lighting fixtures. Mr. Dumas stated that the applicant will be using a Hubbell Sling Series SG wall pack, which is a dark-sky, no up-light

fixture, which is for security purposes only; the details have been noted on the plans. This light is motion-sensored as the business will not be open at night and the light will only be on at night. Mr. Dumas stated that the landscaping details are on page two of the plans. Mr. Dumas stated that there will be a ten by ten (10' x 10') area around the proposed sign that will have shrubs and flowers on a wall.

Mr. Dumas stated that they noted the gas line in the legend on the plans and that subterranean work in that area really wasn't being done. The location of the gas line is approximate and the owner will need to contact the utility company for a mark-out of the gas line.

Mr. Dumas stated that he received comments from the Ulster County Planning Board (UCPB). Mr. Dumas stated that two comments that came up were from Department of Health (DOH) and Department of Transportation (DOT). Mr. Dumas stated that both agencies have been contacted and plans are underway. Mr. Dumas explained that DOH has been on-site for testing for on-site sewage and sewage reserve and DOT has been consulted for their driveway sizing. The applicant is currently in the process of providing a survey and the DOT is requiring a sixteen foot (16') access driveway, which is shown on the plans.

County also had comments on lighting, which Mr. Dumas has explained.

Mr. Dumas stated that there were comments regarding outdoor storage and the applicant proposes no outdoor storage. The purpose of the forty by forty (40' x 40') structure is to work on any equipment and as storage.

The review done by the Town's Alternate Engineers, Praetorius and Conrad (P&C), also came back with some comments. One of the comments was grading, which Mr. Dumas explained that a grading plan has not yet been developed, but he will be developing that as part of the sewage system disposal plan. Since less than an acre is being disturbed, the applicant will not require a State Pollutant Discharge Elimination System (SPDES) permit.

Mr. Dumas stated that P&C had a comment about the light fixture and stated that depending on the fixture, they are approximately twelve to thirteen feet (12'-13') off the ground and their Hubble fixture will be installed anywhere from ten to fifteen feet (10'-15').

Mr. Dumas stated that he did not receive the Town nor UCPB comments until the last two days, so they scrambled through the comments to address what they could.

Mr. Sorensen stated that the Town Board has authority on the Special Use Permit, and the Planning Board has authority on the site plan. Mr. Sorensen stated that the Town Board has set a Public Hearing for the Special Use permit to be held August fifteenth (15<sup>th</sup>) and pending the outcome of that hearing, should the use get approved, the applicant will be back before the Planning Board at the September meeting for site plan approval.

Mr. Sorensen stated that based on the presentation and County's comments, he believes that the applicant has addressed the issues, but would like more time to review the revised set of plans that were submitted. Mr. Sorensen stated that he believes the Board is on the same page with the

County. Mr. Sorensen requested that the applicant address any outstanding comments from P&C by the September submission deadline.

Mr. Dumas stated that he wanted to make sure he got to a certain point with the Town before he started submitting applications to the DOH and DOT.

**Action:** There was no action taken and the applicant will be back before the Planning Board in September.

**Central Hudson Training Facility – P-763 & P-764**

**2229-2271 Route 9W**

**SBL: 39.15-4-11**

**Zone: HC & R30**

**Lot Line Adjustment and Site Plan**

Donald L. Swartz, R.A, Swartz Architecture, DPC, Nasim Gafur, Swartz Architecture, DPC, Larry Paggi, PE, Paggi Engineering, Jill Sammon, Central Hudson Gas & Electric Corp, Director Organizational Development & Employee Relations and John Maserjian, Central Hudson Gas & Electric Corp, Director Media Relations appeared on behalf of their application to construct a training facility.

Ms. Sammon stated that Central Hudson would like to create one dedicated centralized space with hands-on training adjacent to their existing Lake Katrine Headquarters. Ms. Sammon explained that this location will be their Electric Transmission and Distribution Primary Control (PCC) Center. Ms. Sammon stated that their primary control center is currently headquartered in Poughkeepsie and they will be relocating to this location in Lake Katrine. Ms. Sammon stated that some benefits of having the primary control center here are enhancement of the reliability of electric service, water enhancements, addition to the Town's tax base and employment opportunities. Ms. Sammon stated that there will be no cafeteria on site, so the employees will be frequenting local businesses. Ms. Sammon stated that Donald Swartz will walk the Board through the details of the plans.

Mr. Swartz stated that as a component of their application, Bread Alone and Central Hudson will conduct a property swap so that Central Hudson may maintain access to this back proposed location from their existing facility. Mr. Swartz stated that redundancy is important with their PCC, so there will always be a step two (2); there is a primary entrance and a secondary entrance. Mr. Swartz stated that the main entrance will be from their existing facility and they second access will be gated off of Eastern Parkway and used mostly for emergencies.

After the lot line adjustment, the parcel is 56.51 acres and is zoned R30 and Highway Commercial (HC). Mr. Swartz stated that the bulk of the structures will be located on the south third of the parcel in the HC Zone.

Mr. Swartz stated that there are two primary structures and then a series of other activities that will be explained. Mr. Swartz stated that there is a large component that involves training on Central Hudson's staff and coordination with emergency response and the like, which will be

held in the “training center.” Mr. Swartz stated that the PCC and the training center form one building serviced by two (2) parking lots. Mr. Swartz stated that as you take the driveway around the building to the North, you will find the Annex which will conduct hands-on training in a real-life scenarios, such as inclement weather. Mr. Swartz stated that both utilities, electric and gas components will be present in each of the buildings.

Mr. Swartz showed a “gas village” on their plans which will comprise of six ten by twelve (10’ x 12’) residential buildings, one twelve by twenty (12’ x 20’) apartment building and a twenty by forty (20’ x 40’) commercial building that are all in an urban setting; there are light poles and sidewalks and roads. Any encounters in the field will be replicated in this area. Staging and emergency response exercises may be conducted, which is the purpose of the “gas village”.

The other components on the property consist of a solar training area, a pre-dig training area, an ignition area, excavation training area and a gas leak moat. Mr. Swartz stated that there are two outdoor pole yards; one of the yards has different types of transmission poles and the other yard has a group of utility poles for climbing. There is also a safety pavilion in case a storm comes in.

Mr. Paggi reviewed the infrastructure with the Board such as water, sewer and stormwater. Mr. Paggi stated that there was an existing ten foot (10’) Town of Ulster (TOU) water main on 9W and also along Eastern Parkway (Glenerie Water District). Mr. Paggi stated that they will tap into the TOU Water main which will supply the entire facility. The facility will also tie into Glenerie Water, but it will normally be closed off and used as an emergency by-pass. Mr. Paggi stated everything will be coordinated with the Town’s Engineer. Mr. Paggi stated that the Town’s Water and Sewer Department, as well as the Designated Engineers, have all been very cooperative and helpful in assisting with developing the infrastructure plans.

Mr. Paggi stated that the facility is not located within a Sewer District, but stated that the existing facility and Bread Alone are attached to municipal sewer as tenants to the district. Mr. Paggi stated that there is an existing pump station on the Bread Alone site and two existing pump stations on the Central Hudson site that pump the discharge out to a gravity collection system on 9W. The pressure line that both parcels connect to is owned by the Town and extends to the Bread Alone property. The applicant is proposing to install a new additional pump station between the proposed PCC and the Annex and connect to the existing pressure line. The hope is to include the Bread Alone, existing Central Hudson building and the proposed training facility within the TOU Sewer District.

Mr. Paggi stated that there are some concerns in the area where the existing pond is. Mr. Paggi stated that it’s his understanding that there’s an existing culvert pipe that goes below the railroad and over the years it’s experienced higher than normal flows. Mr. Paggi stated that it is not within the project’s ability to address, however they are over an acre of disturbance so they are required to conform to DEC’s Stormwater regulations and have prepared a SWPPP which addresses both water quality and quantity. Mr. Paggi stated that they are required to prove that they will not increase any flow to that area above which occurs currently from this property. The report that has been preliminarily submitted for the Board’s review has proven that. Mr. Paggi stated that they can assuredly say they are not creating any negative impact, but can also say that they are proving a benefit as well, but not enough to say that the issue will go away.

Mr. Swartz stated that there are two main buildings - the Training Academy and the Annex. The two (2) parking lots have a total of two-hundred and twenty-eight (228) parking spaces. Mr. Swartz explained the interior layout of the Training Center and the Annex. Mr. Swartz stated that the height of the rooms of the building will vary from fourteen feet to sixty feet (14'-60') depending on the use of that room.

A visual simulation was shown to the Board and audience.

Mr. Swartz stated that the applicant will take advantage of the valley and provide dense trees on either side of the property as a buffer.

Mr. Decker asked what the time frame would be for the project. Mr. Swartz stated that their goal is to start the construction of the Annex and half of the building in 2020 and the rest of the building in 2021 and the rest of the property in 2022 and 2023. They're hoping to be done no later than January 2023. Mr. Swartz stated that the facility must be tested for a year and then go live in 2024.

Mr. Sorensen stated that the applicant did a very thorough presentation. The applicant is seeking site plan and special permit approval and concurrently seeking a lot line adjustment. The Town Board will have the final authority for site plan and the special permit, but the Planning Board has the authority for the lot line adjustment. As the application moves forward it will have to be referred to the UCPB. The Town Board will require a public hearing. Since the action disturbs more than ten (10) acres, the project will be classified a SEQR Type I action. Mr. Sorensen recommends that the Town Board be Lead Agency for this project since they will be reviewing the project for site plan and a special use permit. Mr. Sorensen stated that the parking compliance is satisfactory but that the applicant should submit a fire apparatus access plan for review.

Chairman Mulligan asked about lighting. Mr. Swartz stated that the landscape and lighting plan are both in development and will be submitted at a later date. Mr. Decker asked how large of an area would be serviced and Mr. Maserjian stated that it services twenty-six hundred (2,600) square miles, which is approximately three-hundred thousand (300,000) electric accounts and eighty-thousand (80,000) natural gas accounts.

Chairman Mulligan commended the applicants for their visual simulation.

**Action:** A motion to refer this project to the TOU Town Board to so they may declare their intent to be Lead Agency for a Type I Action was made by Mr. Decker, with a second from Mr. Stravropoulos; all in favor.

**WHEREAS**, the Applicant – Central Hudson Gas & Electric (CHG&E) – is seeking Site Plan & Special Permit approval to establish a 40,351 square-foot (sf) Training Academy that will feature offices and classrooms, a separate 31,358 sf indoor training area, and an outdoor “gas village” containing (6) 120 sf residential training buildings, (1) 800 sf commercial training building, (1) 240 an apartment training building, and simulated electric transmission and distribution pole yards along with a 41,550 sf Electric Transmission and Distribution Primary Control Center on the subject 56.51-acre site.; and

**WHEREAS**, the Applicant is concurrently seeking a Lot Line Adjustment involving a 1.8-acre “Land Swap” with the adjacent Bread Alone (Largay, LLC) property; and

**WHEREAS**, the “School of Learning” use is permitted subject to Site Plan and Special Permit approval in both the R-30 Residential and HC-Highway Commercial Districts and the Electric Transmission and Distribution Primary Control Center “public utility” that is situated within the HC Zoning District, is an allowed use subject to Site Plan approval; and

**WHEREAS**, the Town of Ulster Town Board has the authority to approve the Proposed Action (Site Plan and Special Permit) since the expansion area of the substation is more than one (1) acre, upon a favorable recommendation from the Town of Ulster Planning Board; and

**WHEREAS**, the Town of Ulster Planning Board has the authority to approve the Lot Line Adjustment; and

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

- Project Narrative for CHG&E Training Center prepared by Central Hudson Gas & Electric undated;
- Consent Form signed by Peter Skelly, Member of Carraig Properties, LLC dated July 29, 2019;
- Consent Form signed by Daniel Leader, Member of Largay, LLC dated July 31, 2019;
- Application for Preliminary Subdivision Plat Approval prepared by Peter Skelly, dated July 29, 2019;
- Application for Site Plan & Special Permit Review prepared by Peter Skelly, dated July 29, 2019;
- Full EAF Part 1,2 & 3 by Jessica D. Caserto, Director, Electric T&D Planning dated 7/30/19;
- Threatened & Endangered Species Habitat Assessment by Michael Nowicki dated 7/24/19;

#### Civil Set

- Cover Sheet prepared by Swartz Architecture, DPC dated July 30, 2019;
- Existing Conditions Plan prepared by Brooks & Brooks Land Surveyors, PC dated March 12, 2019;
- Lot Line Revision Plan prepared by Brooks & Brooks Land Surveyors, PC dated March 12, 2019;
- Site Plan prepared by Swartz Architecture, DPC dated July 30, 2019;
- Grading Plan (South Side) prepared by Swartz Architecture, DPC dated July 30, 2019;
- Grading Plan (North Side) prepared by Swartz Architecture, DPC dated July 30, 2019;
- Utility Plan (South Side) prepared by Swartz Architecture, DPC dated July 30, 2019;
- Utility Plan (North Side) prepared by Swartz Architecture, DPC dated July 30, 2019;

- Erosion & Sediment Control Details prepared by Swartz Architecture, DPC dated July 30, 2019; and
- Site Details prepared by Swartz Architecture, DPC dated July 30, 2019.

Architectural

- Training Academy Floor Plan prepared by Swartz Architecture, DPC dated July 30, 2019;
- Primary Control Center Floor Plan prepared by Swartz Architecture, DPC dated July 30, 2019;
- Training Academy & Primary Control Center Elevation by Swartz Architecture, DPC dated 7/30/19;
- Gas Village Floor Plan and Exterior Elevations by Swartz Architecture, DPC dated July 30, 2019;
- Annex Floor Plan prepared by Swartz Architecture, DPC dated July 30, 2019;
- Annex Exterior Elevations prepared by Swartz Architecture, DPC dated July 30, 2019; and
- Annex Exterior Elevations prepared by Swartz Architecture, DPC dated July 30, 2019.

**WHEREAS**, the Town of Ulster Planning Board, upon review of the application materials determined the Proposed Action was a Type 1 Action pursuant to 6 CRR-NY 617.4 (b)(6) of State Environmental Quality Review (SEQR) Law; and

**WHEREAS**, Involved Agencies include: Involved Agencies include: Town of Ulster Town Board (Site Plan, Special Permit, Sewer District Expansion and MS4 Acceptance), Town of Ulster Planning Board (Lot Line Adjustment), NYSDEC (SPDES General Permit for Construction Activities and SWPPP), and NYSDOT (Highway Work Permit for Utility Work)); and

**WHEREAS**, Interested Agencies would include Interested Agencies would include the Town of Ulster Planning Board (Site Plan and Special Permit), Ulster County Planning Board (NYSGML 239 review), United States Army Corps of Engineers (Nationwide Permit), NYS Parks, Recreation Historic Preservation (Consultation), U.S. Fish & Wildlife Service and NYNHP for consultation regarding Threatened and Endangered Species (Indiana Bat, Northern Long-eared Bat, Bog Turtle and Prairie Wedgegrass); 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 a Type 1 Action-Coordinated Review.

**Town of Ulster Library – P-758**  
**860 Ulster Avenue**  
**SBL: 48.58-6-1.110**  
**Zone: HC**

Rebecca Elder, Butler Rowland Mays Architects, in place of Larry Boudreau, representing the Town of Ulster Library's Tracy Priest, appeared before the Board for an application to construct a four-hundred and sixteen (416) square foot addition as a reading room. They would like to extend the library to add a more acoustically dynamic space for quiet reading outside the library. Mr. Elder stated there will be no new programs going into the space.

Ms. Elder stated that the addition will be set back fifty-seven feet (57') from the front property line. The project will not extend to any stormwater management area and will only disturbing a site that's not in use that is approximately seven feet (7') from the existing sidewalk. The addition is about twenty-eight (28') feet by fifteen feet (15')

Ms. Elder stated that the current parking lot is over the required necessary parking spaces and since no new traffic will be created they will not add any more parking spaces.

The addition will have poly-ash siding in a burgundy tone to blend in with other buildings along Albany Avenue and brighten up the building.

Mr. Almquist asked if the applicant planned on any landscaping around the property. Ms. Elder responded that in their contract the contractors must re-do any plantings that are there, and any additional landscaping will be up to the library's discretion. They will be removing floodlights that are faced upward towards the front of the building which will bring down the harshness. The sign may be lit from behind by light hallow-lit underneath the actual letter of the sign; it won't be projecting or neon.

Ms. Elder stated that they also plan to re-do the existing Exterior Finish Insulation System (EFIS) to fix the parts that are old and patchy. They are including the burgundy in their trim so the addition will tie into the original building.

Mr. Sorensen stated that this project is a SEQR Type II action which requires no further SEQR review. Mr. Sorensen stated that he believes it would have to go to the County for review. Mr. Jason Kovacs, TOU Attorney, stated that this would be a Balance of Public Interests Test and the Board will classify it as such so the project may move forward. Ms. Elder stated that the project has been out to bid and there are contractors eager to start before weather comes in.

**Action:** A motion to classify this project a SEQR Type II action was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to grant amended site plan approval was made by Mr. Decker, with a second from Mr. Stravropoulos; all in favor.

**WHEREAS**, the applicant – Ulster Public Library (Owner) – is seeking Site Plan Amendment approval to construct a 416 square-foot single-story addition to the west side (front) of the existing library building. The proposed addition would be utilized as a reading room; and

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

- Consent Form signed by Anne A. Davis, Ulster Public Library, dated July 17, 2019;
- Site Plan Review Application by Tracy Priest, Director for Ulster Public Library, dated July 17, 2019;
- SEQRA Short EAF Part 1 by Tracy Priest, Director for Ulster Public Library, dated July 19, 2019; and
- Colored Elevation Renderings;
- Cover Sheet prepared by Butler, Rowland, and Mays, Architects, LLC dated June 3, 2019;
- Structural Notes prepared by Butler, Rowland, and Mays, Architects, LLC dated June 3, 2019;
- Overall Floor Plan, Existing Conditions, Removal by BRM Architects, LLC dated June 3, 2019;
- Addition Plans prepared by Butler, Rowland, and Mays, Architects, LLC dated June 3, 2019;
- Elevations prepared by Butler, Rowland, and Mays, Architects, LLC dated June 3, 2019; and
- Lighting Plan prepared by Butler, Rowland, and Mays, Architects, LLC dated June 3, 2019.

**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 Town of Ulster Planning Board, as Lead Agency (only Involved Agency for Site Plan), 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.

**WHEREAS**, the Planning Board reviewed the nine (9) part criteria for determining whether Library’s plans were “exempt” from local zoning regulations, and determined they were.

**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 determines the Proposed Action is exempt from local zoning regulations.

**UPS Store – P-759**  
**400 Kings Mall Court Suite 250**  
**SBL: 48.42-3-5**  
**Zone: RC**

Scott Dutton, Dutton Architecture, appeared on behalf of an application to relocate the UPS Store from their current location to the empty shell that was half of the old Modell's space in the King's Mall.

Mr. Dutton stated that there will be a small façade change. There is no door currently and the applicant is proposing a new entrance door and about ten feet (10') of sidewalk connecting to that door.

Mr. Dutton stated that UPS's sign vendor will be responsible for the signage as they are deciding whether to install a new sign or move the existing sign to the new location.

Mr. Sorensen stated this is a straight forward application and recommends classifying this project as a SEQR Type II action and recommends site plan amendment approval with the condition of the sign details being provided without having to be seen before the Planning Board, again. Mr. Sorensen read the resolution.

**Action:** A motion to classify the project as a SEQR Type II action was made by Mr. Almquist, with a second from Mr. More; all in favor. A motion to grant conditional site plan amendment approval was made by Mr. Almquist, with a second from Mr. More; all in favor with a roll call vote.

**WHEREAS**, the applicant – Dutton Architecture, PLLC with the consent of Kingston Real Estate, LLC (Owner) – is seeking site plan amendment approval to move the existing UPS Store from the southwest corner of the mall to a vacant space near the Home Goods retail store; and

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

- Consent Form signed by David Wright, as Authorized Agent of Kingston Real Estate, LLC dated 7/30/2019;
- Site Plan Application signed by Scott P. Dutton, RA with Dutton Architecture, LLC dated July 30, 2019;
- SEQRA Short EAF Part 1 prepared by Scott Dutton with Dutton Architecture, LLC dated June 6, 2018;
- Land Title Survey prepared by Tectonic Engineering & Surveying Consultants, P.C., dated 5/24/12;
- Cover Sheet prepared by Scott P. Dutton, RA with Dutton Architecture, LLC dated July 30, 2019;
- Proposed First Floor Plan by Scott P. Dutton, RA with Dutton Architecture, LLC dated July 30, 2019; and

- Existing and Proposed Elevations by Scott P. Dutton, RA with Dutton Architecture, LLC dated 7/30/2019.

**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 all signs will be required to comply with the Town Code requirements; and

**WHEREAS**, the Town of Ulster Planning Board, as Lead Agency (only Involved Agency for Site Plan), 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 Kingston Real Estate, LLC (Owner) 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 applicant shall submit sign package details, which comply with Section 190-33 of the Town Code, prior to the signature of the Plan Set by the Planning Board Chairman;
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.

**Goodwill Store - P-760**  
**1306-1308 Ulster Avenue**  
**SBL: 48.8-1-33**  
**Zone: RC**

Paul Boegemann, Paul Sign Company, appeared on behalf of the application for a sign site plan amendment change their signage. Goodwill would like to place a sign on the existing pylon that is on the property where the old Blockbuster sign used to be. Mr. Boegemann stated that his company was stopped while installing the sign and told he needed to get a permit. Mr.

Boegemann was told that so much time had lapsed since the Blockbuster sign was present that they would now need approval for the proposed sign.

Mr. Sorensen stated that this project is a SEQR Type II action. Mr. Sorensen stated that wall signs are consistent with the existing signs, but that the TOU has a 9W Corridor Enhancement Plan in place to replace pylon or pole signs with monument signs along the corridor. Mr. Sorensen recommends that the pole sign be replaced with a monument sign and if the sign was already fabricated it may be placed on a pedestal or a monument sign to comply with that policy.

The proposed sign is four by ten (4' x 10'), which is compliant. Mr. Boegemann stated that Goodwill is asking if the pole sign can be grandfathered in as they don't want to make any significant financial investments into the property because they are not sure how long they will be at that location. Mr. Boegemann asked if they end up having to install a monument sign, what the height restrictions on said sign are. Mr. Boegemann stated that the signs are fabricated and they were stopped while they were being installed. Mr. Sorensen stated that they can remove the poles and fabricate the sign base in the same location. Mr. Sorensen referred to Five Guys as they had a similar situation having to remove poles and place the sign on a foundation. Mr. Sorensen stated that the address must be on the sign. Mr. Sorensen stated that the maximum height of the monument sign is eight feet (8'). Mr. Boegemann stated that there is a 'for rent' sign currently on the pole so there would be zero visibility for the proposed sign. Mr. Boegemann stated that Goodwill wouldn't do that and would leave the pole sign blank and it would be an eye sore. Mr. Decker stated that it is currently an eye sore and Mr. Boegemann responded that at least it's now painted and the signs can go up.

Chairman Mulligan stated that this change has been required of all applicants. Five Guys, Smoker's Choice and numerous other businesses has had to remove their poles signs and install a monument sign. Mr. Sorensen stated that if they mount the sign at eight feet (8') on the existing poles and create an aesthetically pleasing foundation that's cost-effective to create a monument sign, that would work. Mr. Sorensen stated that once they have a sign plan, he and the building inspector, Kathryn Moniz, can review them.

**Action:** A motion classify this project a SEQR Type II and conditionally approve the sign site plan amendment was made by Mr. Decker, with a second from Mr. Almquist; all in favor with a roll call vote.

**WHEREAS**, the applicant – Paul Boegemann with Paul Sign Company with the consent of Hasan Biberaj, as Authorized Agent of Melach Partners, LLC (Owner) – is seeking site plan amendment approval to replace the existing “Goodwill” sign package on the Goodwill Store and to install a new 40 square-foot pole sign panel; and

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

- Consent Form signed by Hasan Biberaj, as Authorized Agent of Melach Partners, LLC dated 7/13/2019;
- Site Plan Application signed by Paul Boegemann with Paul Sign Company dated July 14, 2019;

- SEQRA Short EAF Part 1 prepared Paul Boegemann with Paul Sign Company dated July 16, 2019;
- Aerial Reference Maps prepared Paul Boegemann with Paul Sign Company dated June 28, 2019; and
- Sign Specifications prepared Paul Boegemann with Paul Sign Company dated June 28, 2019..

**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 all signs will be required to comply with the Town Code requirements; and

**WHEREAS**, the Town of Ulster Planning Board, as Lead Agency (only Involved Agency for Site Plan), 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 Paul Boegemann with Paul Sign Company with the consent of Hasan Biberaj, as Authorized Agent of Melach Partners, LLC (Owner) 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 former pole sign is to be replaced with a monument sign in compliance with Section 190-33 of the Town Code;
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.

**Vetere / Andretta Major Subdivision - P-761**  
**97 Ulster Landing Road**  
**SBL: 48.8-2-4**  
**Zone: R30**

Michael Vetere III, Michael Vetere Surveyors, appeared on behalf of an application of a major subdivision to split a parcel into four parcels; the proposed parcels will be 6.5, 4.5, 3.5 and 3 acres.

Mr. Vetere stated that he wanted to address the review notes one at a time. They are approaching the septic system design and is wondering if a letter from a PE stating that the septic designs are feasible on the site will work, as they have no way to know where a future homeowner would want to place their house and their septic system. Mr. Vetere stated that he has run into this issue before and is hoping to get clarification on how to approach that issue. Mr. Vetere stated that should he need to get DOH approvals, that's fine but would like to keep it open.

Mr. Vetere stated that as per the stream class, the parcel is not a part of any stream class.

Mr. Vetere stated that he made a note on the plans regarding the Northern Long-Eared bat and believes the dates of being able to clear should work perfectly for them.

Mr. Vetere has been in contact with the Department of Public Works (DPW) and they said there should be no problem with a separate curb cut for each lot. Mr. Vetere stated they will install culvert piping if it is required and will set that up with County.

Mr. Vetere stated that he looked online regarding archaeological studies and he will be applying for that review.

Mr. Vetere stated that there is a house present that is caving in that will be torn down, but they will be waiting until they can get a machine in there to do that after October 31<sup>st</sup>.

Mr. Vetere stated that he looked at the topographic mapper online and it's pretty accurate. Mr. Vetere stated there is about a four percent (4%) grade drop on a large portion of the parcel, so it's reasonably flat. Mr. Vetere stated because of the layout, there should be no issues with septic.

Mr. Sorensen stated that, at a minimum, the Board will require a feasibility letter for the septic. Mr. Vetere stated that in Saugerties he does it a lot. A feasibility letter covers the septic, showing that it's possible for a bigger lot because it devalues the face value when you're told you have to build a septic in a certain area. Mr. Vetere stated that he doesn't mind getting the approvals, but it will mandate the future owner's to have their house situated in a certain area. Chairman Mulligan asked if it was possible to sell a lot without County septic approvals, to which Mr. Vetere stated he is not sure if that is true, as he has been able to do so many times with the letter of feasibility. Mr. Sorensen stated that the reason approval is needed is so someone doesn't buy a lot and then realize they cannot have a septic on that lot. Mr. Sorensen stated that he would need time to research this proposal.

Mr. Vetere state he would like to keep the project moving forward as he knows this project will require two (2) public hearings.

Mr. More asked what the water source would be, to which Mr. Vetere stated all the lots will have wells and septics. Mr. Vetere stated that if the topography allowed, they could have seventeen (17) lots as per zoning, but they're going for four (4) lots.

**Action:** A motion to declare the Planning Boards intent to be Lead Agency in an Unlisted Action Coordinated Review, grant Sketch Plan approval, and schedule a Preliminary Plat Public Hearing was made by Mr. Decker, with a second from Mr. Stravropoulos; all in favor.

**Urban Precast - P-765**  
**6-8 Kieffer Lane**  
**SBL: 48.66-2-2.210**  
**Zone: OM**

Luis and Liz Mello, Urban Precast engineer, appeared on behalf of the application to construct a five-thousand, one-hundred and four (5,104) square foot area on the west side of the building that will include a one-thousand, seven-hundred and fifty (1,750) square foot materials storage area, a conveyor system and a ramp area. Mrs. Mello stated that trucks will back into a covered area and be able to dump the materials in the storage area being proposed. Mrs. Mello stated that full vehicular access is still maintained throughout the site.

Mr. Sorensen stated that the application is straight forward and the PB has the authority to approve it. The project is a SEQR Type II action.

Mr. Almquist asked if it is a noisy operation, and Mrs. Mello stated yes, you do hear the dumping of the gravel which they are doing in a smaller location on-site currently, but it is done for a very short period of time. Mr. Mello stated that their proposal makes it easier for the applicant's to control the temperature of the material when it's in an enclosed storage space as compared to in the elements, especially during winter months. Having the materials temperature maintained eliminates a step of what they currently do, which is heat the materials up to the temperature needed to process them.

**Action:** A motion to classify this project a SEQR Type II action and grant Site Plan Amendment approval was made by Mr. Almquist, with a second from Mr. More; all in favor.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Urban Precast seeking Site Plan Amendment approval to make site improvements within a 5,104 square-foot (sf) area on the west side of the building that will consist of truck ramps and bins for the storage of sand and gravel; and

**WHEREAS**, the proposed "Material Storage" building would total 1,750 sf in size giving the Planning Board the authority to approve the Site Plan amendment; and

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

- Site Plan Consent Form signed by David Auringer – property owner - Pending;
- Site Plan Application prepared by Elizabeth Mello, P.E., Brooker Eng., PLLC Pending;
- SEQR Short EAF signed by David Auringer – property owner - Pending;
- Building Addition Plan prepared by Elizabeth K. Mello, P.E., dated August 16, 2019; and
- Aggregate Storage Details prepared by Elizabeth K. Mello, P.E., dated August 16, 2019.

**WHEREAS**, pursuant to Section 161-9 of the Town Code, the Planning Board has the authority to approve the Site Plan application, since less than 2,500 SF of new gross floor area is proposed with this application; and

**WHEREAS**, pursuant to NYCRR Part 617.5(c)(9) of SEQRA, the "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities" is a Type II Action; and

**WHEREAS**, the proposed addition is more than 500-feet from the Ulster County Planning Board's jurisdiction and referral to the UCPB is not required for this SEQRA Type II Action; and

**WHEREAS**, the Planning Board, upon review of supporting application materials and SEQR Short EAF Part 1 determined the Proposed Action was a SEQRA Type II Action for which no further review pursuant to SEQRA was required.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board has determined the Town has 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 grants Conditional Site Plan Amendment approval for the Proposed Action 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. Approval is granted to allow the limited striping of the site at this time, subject to the owner agreeing to provide additional spaces within three (3) months notice of the Building Department of the need for more spaces.
5. The applicant consents to signing an agreement to participate in the stormwater improvement district when one is created for the area surrounding the subject site and the deposit of \$10,000 with the Town of Ulster towards the creation of a stormwater district.
6. 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
7. All fees, including consultant fees, shall be paid.

**LHV Precast - P-766**  
**530-600 Ulster Landing Road**  
**SBL: 40.13-1-34.110**  
**Zone: OM**

Paul Jankovitz, Architect, appeared on behalf of Jim Willis for LHV Precast to construct a thirty-six hundred (3,600) square foot building. Mr. Jankovitz explained that business has grown and the timing to construct the previously approved larger building will disrupt their work. Mr. Jankovitz stated that the applicant still wants the larger proposed building, but needs the smaller one in the meantime.

Mr. Willis explained that business has grown and they can't find the right time to put the shovel in the ground. Mr. Willis stated that they have storm water on the original site plan which he is taking care of and will be complete in the next two (2) weeks. Mr. Willis stated that there is outside discharge that is a concern with the Environmental Protection Agency (EPA) and he's working with them to have it remedied. Mr. Willis stated that, as for the original site plan, a lot of the work in the front has been done. Mr. Willis stated that a lot of the storm water had also been put in but they haven't had time to start on the larger building that had been approved.

Mr. Jankovitz stated that this addition is contained within the site and cannot be seen from the road. The addition will be built as a "lean-to" to one of the adjacent structures.

Mr. Sorensen stated that he had reviewed these plans as the thirty-six hundred (3,600) square foot building being the substitution for the fourteen thousand (14,000) square foot building that was already approved in 2016. Mr. Sorensen clarified that the applicant wanted both buildings. Mr. Jankovitz stated that they want the fourteen thousand (14,000) square foot one at a later date, but need the thirty-six hundred (3,600) square foot building to move forward with business for the time being. Mr. Willis stated that he had gotten one extension on the site plan and then pulled a building permit.

Mr. Jankovitz stated that they're aware that the application must go back before the UCPB for review, but they do not want to lose their footing with their approvals.

Mr. Decker asked what the time frame on remedying the storm water would be, and Mr. Willis stated that the EPA has him on a time frame. Mr. Willis stated LHV addressed the immediate issues and are still working on it. Once the storm water units are in place, the EPA will be satisfied. Mr. Willis stated that they are looking at approximately ten to twelve (10-12) weeks until he receives the building.

There was a brief discussion regarding the applicants options on how to proceed. The applicant decided to keep both buildings on their plans and have the project referred to the Town Board to forward to the UCPB for review.

**Action:** A motion to refer this project to the Town Board for the purpose of the Town Board to refer it to the UCPB was made by Mr., Decker, with a second from Mr. Almquist; all in favor.

**Kingwood Plaza– P-767**  
**1204 Ulster Avenue**  
**SBL: 48.8-1-36**  
**Zone: RC**

Paul Jankovitz, Architect, appeared on behalf of the application to amend the previously approved fourteen thousand, four-hundred (14,400) square foot retail complex to a smaller seventy-two hundred (7,200) square foot retail complex. Mr. Jankovitz stated that the owner decided that it would be too difficult to lease the second story space, so the building is now proposed to be a single story structure.

Mr. Jankovitz stated that the footprint of the building will remain the same. The only change would be to lessen the parking on the upper level as it is unnecessary with the scale back and will give the owner a spot for snow dumping in the winter or possible landscaping. Mr. Jankovitz explained that the piping and catch basins are in place and the water and sewer are being installed.

Mr. Jankovitz stated that the traffic flow had been changed so now it is reversed traffic from the original plan. Mr. Jankovitz stated that it would clean up the intersection that was always difficult to an engineer and will make the roads meet better. Mr. Jankovitz stated that they have a defined landscaped island, stop bars, stop signs and one-way signs. Mr. Jankovitz stated that since it is one-way traffic, twenty-four feet (24') is not required, but they are providing it.

Mr. Jankovitz stated that the property sits above Five Guys and they will have an extensive structural guardrail and a four foot (4') high chain-link fence. The drop from Kingwood to Five Guys is at least a six foot (6') drop so they want to make sure it's safe.

Chairman Mulligan asked where employees will be parking, to which Mr. Jankovitz stated that they employer will be pointing them in the direction of the upper level parking and they can walk down to the lower level; there will be stairs similar to what Dallas Hot Weiner's in Lake Katrine has. The handicap parking is on the lower level.

Chairman Mulligan asked if there had been proposed lighting and Mr. Jankovitz stated there was. Mr. Jankovitz stated that they found a lot of people crossed from the mall to 9W and vice-verse so the lighting will protect the people walking across the site.

The building is one-hundred and twenty feet (120') long and sixty feet (60') wide. There will be curving at the entrance and then striped all the way up. There is also a trench drain at the foot of the driveway. Mr. Jankovitz stated that most of the storm water will be contained and leached out into the soil based upon the drainage and storage vessels. Mr. Jankovitz stated that they have weekly inspections every Friday to inspect storm water.

Chairman Mulligan asked if the owner has tried reaching out to Five Guys regarding an easement to their site and Mr. Jankovitz stated that the applicant has tried but Five Guys would lose parking and they are not interested in losing any parking.

**Action:** A motion to refer this project to the Town Board to grant Site Plan Amendment approval and reaffirm its SEQR Negative Declaration was made by Mr. Almquist, with a second from Mr. Stravropoulos; all in favor.

### **Discussion**

Chairman Mulligan stated that Executive Auto had an issue with the lighting. The property owner rents the lights from Central Hudson and do not have dark-sky compliant lighting. Chairman Mulligan stated that there is glare coming from the existing lighting and requested that cut-sheets from Central Hudson showing the existing lighting specs. Supervisor Quigley stated that he found it hard to believe that the LED fixtures Central Hudson has been replacing aren't dark-sky compliant, as he has them in the vicinity for the entrance to Route 209 from Enterprise Drive.

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary