

TOWN OF ULSTER PLANNING BOARD

December 14, 2021

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, December 14 2021, at 7:00 p.m. in the Town of Ulster Town Hall at 1 Town Hall Drive, Lake Katrine, NY 12449. The following members were present:

Present:

Anna Hayner
John More (alt.)
John Stowell (alt.)
David Church – Planner

Frank Almquist – Vice Chairman
Andrew Stavropoulos
Geoffrey Ring – Chairman

Absent:

Lawrence Decker

The Pledge of Allegiance was recited.

Roll call was taken.

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

PUBLIC HEARING

Bair / Milici – P-854
165 Gallis Hill Road
SBL: 47.4-1-23
Zone: R-60
Major Subdivision

Chairman Ring opened the public hearing.

Matthew Towne, Willingham Engineer, appeared before the Board on behalf of an application for a seven (7) lot major subdivision on Gallis Hill Road.

Steven Maggiore, 141 Gallis Hill Road – Parents owned the home since the 1950's and he grew up on Gallis Hill. He explained the neighborhood is a great place to live because of the wildlife, serenity and woods and that it is a quiet and serene location. He is concerned that homes are getting larger, and larger homes equals more tree cutting and he does not want the mountain to be clear cut and visible from main roads. When people come to the Hudson Valley they want to see mountain ranges, not clear cut homes. To add an additional seven (7) homes to the site would depreciate the value of the homes that are present. He believes it would be a detriment to add

additional traffic to a windy road when the existing residents already have to take turns to get up the road during winter months.

A motion to close the public hearing was made by Chairman Ring, with a second from Mr. Almquist; all in favor.

There was no discussion amongst the Board.

Mr. Church read the resolution. Mrs. Hayner wanted to add a stipulation that the ridge cannot be clear cut.

Action: A motion to override the County's required modifications was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor with a roll call vote. A motion to approve the amended resolution was made by Mrs. Hayner, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

WHEREAS, the applicant –Scott Milici and Brooke Bair- is seeking approval for a major subdivision in accordance with Town of Ulster (Town) code titled Subdivision of Land Section 161-10; and

WHEREAS, the applicant proposes to create seven (7) residential lots from an existing lot utilizing shared driveways and a shared private road accessing a Town road; and,

WHEREAS, the proposed lots as presented comply with the minimum lot size and dimensions of the R60 Zoning District; and

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

WHEREAS, the Applicant has provided the following documents to the Town of Ulster Planning Board:

- *Completed Application for Subdivision prepared by Matt Towne, PE dated 8/21/21*
- *Signed Owner Consent Form for Filing by Scott Milici and Brooke Bair dated 8/21/21*
- *Signed Escrow Agreement by Scott Milici and Brook Bair dated 8/21/21*
- *Completed Short Environmental Assessment Form with EAF mapper information, prepared by Andrew Willingham, dated 8/24/21*
- *Memo from Matthew Towne, PE, Willingham Engineering, dated August 31, 2021 describing the application proposal and site conditions.*
- *Sheet of six (6) sheets, all prepared by Willingham Engineering, dated 8/31/21 as follows: Sheet S-1, Preliminary Subdivision Plat, Sheet SP-1, Existing Conditions Plan Sheet SP-2, Grading, Utility & Erosion Control Plan, Sheet SP-3, Grading, Utility & Erosion Control Plan, Sheet SP-4, Private Road Profile & Details Sheet SP-5, Erosion & Sediment Control Details*

- *Milici & Bair Subdivision Stormwater Pollution Prevention Plan (SWPPP) prepared by Willingham Engineering, September 2021.*
- *Memo from Matthew Towne, Willingham Engineering, dated 9/24/21 reporting applicant is still working on driveway and road maintenance agreements, and Ulster County Health Department submission for wastewater disposal systems.*
- *Completed Agricultural Data Statement dated 9/24/21.*
- *Review Memo from Frank C. Petramade, Town Highway Superintendent including four (4) comments.*
- *Referral Review Memo No. 2021-206 from Ulster County Planning Board, dated 10/6/21 and including five (5) comments.*
- *Survey Plat for the Lands of Scott Milici and Brooke Bair, prepared by Margaret M. Hillriegel, Licensed Land Surveyor, dated 3/13/21.*
- *Survey of Lands of Dietz, prepared by Robert L. Campbell, Land Surveyor, dated 8/5/1992 (note this is property contiguous and north / northeast of the applicant property); and,*

WHEREAS, the Planning Board opened and closed a preliminary subdivision public hearing on October 12, 2021 and by resolution granted Preliminary Subdivision Approval, and also held a final subdivision public hearing on December 14, 2021; and,

WHEREAS, based on the application documents provided by the Applicant, the Town of Ulster Planning Board takes the following actions:

NOW THEREFORE BE IT RESOLVED, the Planning Board as Lead Agency has determined that this Application is an Unlisted Action as defined under Part 617 of the State Environmental Quality Review (SEQRA) Law, and that said Planning Board makes a Negative Declaration that this application will not result in any significant adverse environmental impacts under SEQRA ; and,

FURTHER BE IT RESOLVED, that the Planning Board referred this application to the Ulster County Planning Board consistent with NYS General Municipal Law 239, and finds that this application will comply with the Ulster County Planning Board comments titled Health Department, Agreements and Easements, Sustainability, and Visual Impacts (related to limits of disturbance). However, the Planning Board seeks to over-ride the comment on requiring visual impact analysis and on required use of low-reflective glazing and blended color building materials, as well as the comment requiring a Habitat Suitability Assessment; noting, the Planning Board has discussed the use of such glazing and building materials with the applicant, and said Planning Board has also provided the applicant with a memorandum advising them to coordinate with NYS Department of Environmental Conservation and known protocols for the protection of Northern Long-eared Bat and Bald Eagle habitat ; and,

FURTHER BE IT RESOLVED, that the Planning Board grants Final Subdivision approval for this application subject to the following conditions, limitations and restrictions set forth below:

1. The applicant will gain final approval from the Ulster County Health Department; and.
2. The applicant has provided shared driveway maintenance agreements, acceptable to the Ulster Town Attorney, for all shared driveways that are a part of this subdivision application; and,
3. The applicant has provided a Stormwater Pollution Prevention Plan that has been approved by Town Engineer and Town MS4 Officer; and,
4. Design as well as Bond Estimate for all private road connections work to Town Road will be approved by Town Engineer and/or Highway Superintendent; and,
5. The applicant will follow all applicable protocols for the protection of Northern Long-eared Bat and Bald Eagle habitat protection as set by the NYS Department of Environmental Conservation; and,
6. Tree lines as shown on approved Final Plat will be preserved to provide buffers to adjoining lots; and,
7. The Plat may be filed with the office of County Clerk after signed by the Chairman of the Planning Board; and,
8. 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
9. 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
10. All fees, including consultant fees, shall be paid.

OLD BUSINESS

Moe's Motor Cars LLC – P-862
454 Hurley Avenue
SBL: 48.17-1-41.100
Zone: OM
Site Plan Amendment

Chairman Ring wanted to update the Board that he had spoken with the applicant and neighbors. The applicant will be submitting a site plan done by a professional and is hoping to review it at the next Planning Workshop.

Action: No action was taken at this time.

Thompson Technology Park – P-863
39-49 Kieffer Lane
SBL: 48.66-2-20.310
Zone: OM
Site Plan Amendment

TN Thompson appeared before the Board.

There was a brief discussion regarding the comments received from County regarding lighting.

Warren Tutt, Building Inspector, stated that a Letter of Determination from whoever performed the Stormwater Pollution Prevention Plan (SWPPP) must be submitted to cover the County's questions.

Mr. Church read the resolution.

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

WHEREAS, the applicant –; Thompson Technology Park, seeks Site Plan Amendment approval for approximately 5945 square feet of additional warehouse and office space at their existing facility,

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

WHEREAS, the Town Board, in coordination with the Planning Board, declared its intent to be Lead Agency and previously typed the application as a Unlisted Action under the New York State Environmental Quality Review Act (SEQRA); and,

WHEREAS, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board who have responded with a comments; and,

WHEREAS, the Planning Board, in coordination with the Town Board considered all of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of the Ulster County Planning Board, as well as Town consultants and staff; and,

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board recommends that the Town of Ulster Town Board makes a Negative Declaration under SEQRA for this Action; and,

BE IT FURTHER RESOLVED that the Town of Ulster Planning Board recommends Final Site Plan approval with conditions subject to the conditions, limitations and restrictions set forth below.

1. Compliance with any final comments as may be needed from the Town Sewer Department, Highway Superintendent and/or Town Water Department.
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;
4. Compliance with documentation, site plan, design plans and all details as cited herein;
5. All existing and new exterior lighting shall conform to §190-271 of the Town code relevant to outdoor lighting.

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.

NEW BUSINESS

Johnson Route 28 – P-864

128 Route 28 & Route 28

SBL: 48.14-1-38, 48.13-2-21.200 & 48.13-2-21.300

Zone: HC

Minor subdivision

Paul Hakim, property manager, appeared before the Board on behalf of a minor subdivision to correct an encroachment issue that had been previously overlooked.

Mr. Hakim explained that many lines had been moved to reflect the usage of the site but this encroachment had been overlooked and they are back before the Board to correct the issue.

All the proposed lots will be conforming.

A public hearing is required.

Action: A motion to schedule a public hearing was made by Chairman Ring, with a second from Mrs. Hayner; all in favor with a roll call vote.

Samadhi Center – P-865

150 Sawkill Road

SBL: 48.14-2-32.200

Zone: OM

Site Plan Revision

David McNamara and Brian Cafferty appeared before the Board on behalf of their application to occupy the old MRI building on Sawkill Road.

The Samadhi Center is a professional referral center for people who have mental or substance abuse issues and help them get connected with programs that can help them.

Mr. McNamara explained that he had submitted a response to the review notes that were sent out. They are waiting on a survey for their site plan, but currently have aerials of the property.

Mr. McNamara explained that they have a very tight schedule so the mortgage contract can be signed and would like to receive approvals tonight. The mortgage company required approvals prior to lending funds.

Mr. Jason Kovacs, Town Attorney, stated that since it is an existing building, they can make the site plan submittal a condition of approval.

The applicant has thirty (30) days from approval to submit and have the plans approved by the Building Inspector.

No building will take place and they will be refreshing the parking lot lines.

Mr. Church read the draft resolution.

The Board will review the site plan at their next meeting.

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

WHEREAS, the applicant – Samadhi Center - seeks approval to amend site plan for a change of use to operate a professional services and office facility; and

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

- Completed Application for Site Plan Amendment Review prepared by David McNamara, Samadhi Center Inc.
- Map of Survey Prepared for Amygdala Holding LLC, no date.
- Signed Owner Consent Form for Filing, signed by Leonard K. Pickard, MD, dated 11/20/21
- Signed Escrow Agreement, signed by David McNamara, dated 11/30/21
- Completed Short Environmental Assessment Form, dated 11/28/21; 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 Type II under SEQRA and no further action is required related to environmental assessment.

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. Based on discussion at the December 14, 2021 Planning Board meeting and within 30 days of that meeting, submission of a complete, updated site plan map, with exterior lighting details, for review and approval by the Town building inspector and the Town Planning Board.
5. Compliance with any comments from the Town of Ulster Water Superintendent;
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.

Romeo Chevrolet – P-867
1665-1673 Ulster Avenue
SBL: 39.82-2-18.100
Zone: OM
Site Plan Revision

Michel Schatzel, contractor, appeared on behalf of an application for a four-thousand four-hundred and fifty square foot (4450 sf) building addition to the existing Romeo Chevy dealership.

Mr. Schatzel explained that the dumpster enclosure must be moved which will result in the loss of two (2) inventory parking spaces. Sewer traps and the water/grease separator will be moved, as well.

Mr. Tutt stated that there is no impact to stormwater with the proposal and Mr. Schatzel replied that they may have to move one catch basin.

Mr. Church read the resolution referring the project to the Town Board and County.

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

WHEREAS, the applicant – Romeo Chevrolet - seeks Site Plan Amendment approval for an addition at existing automotive facility; and,

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

WHEREAS, the Town Board of the Town of Ulster has final review and approval authority for this application in coordination with the Town Planning Board.

NOW THEREFORE BE IT RESOLVED, the Planning Board recommends that the Town Board designates to be Lead Agency and finds that this application is an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA); and,

NOW BE IT FURTHER RESOLVED, the Planning Board recommends that the 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.

Chairman Ring thanked Mrs. Hayner for her ten (1) years of service on the Planning Board and wished her luck as a new Councilwoman of the Town Board. Mrs. Hayner thanked the Board and stated that she will still attend meetings so she is aware of what is happening in the Town.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary