

**TOWN OF ULSTER PLANNING BOARD**

December 10, 2019

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, December 10, 2019, at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Anna Hayner

John More (alt.)

Frank Almquist – Vice Chairman

Alan Sorensen – Planner

Lawrence Decker

Andrew Stravropoulos

Gary Mulligan – Chairman

Absent:

Frederick Wadnola (alt.)

Roll call was taken.

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

**Old Business**

**Odilio Aguirre – P- 756**

**990 Flatbush Road**

**SBL: 48.8-2-24.200**

**Zone: OM**

**Site Plan**

Alan Dumas, Brinnier & Larios, appeared on behalf of an application to construct a building for a contractor’s business. Mr. Dumas stated that he has been before the Board for a few months for site plan approval.

Mr. Dumas stated that since the last time he was in front of the Board, the applicant has received State Historic Preservation Office (SHPO) clearance dated November 22, 2019 based upon a report from Diamond Archaeological Consulting dated November 12, 2019. Mr. Dumas stated that they have also received Department of Health (DOH) approval.

Mr. Dumas stated that the most recent inclusions to the plan are the bat habitat and gas line notes to page one of the plans. Mr. Dumas stated that they have added a grading and sewage plan to the second site plan page.

Mr. Dumas stated that his next step is to consult with the Department of Transportation (DOT) with a two-page plan set for the construction of a sixteen foot (16’) driveway that will be within the DOT right-of-way (ROW) as well as the flagging details during the construction period. Mr. Dumas stated that the plan will go to the DOT once all the various bonding insurance requirements are complete; Mr. Dumas is currently working with the applicant’s insurance agent.

Mr. Dumas explained that they also started consultations with Central Hudson regarding a permit they will need from Central Hudson prior to construction. Mr. Dumas stated that they have started to fill out that application. Mr. Dumas stated that based upon discussion in the field, they will finalize the location of the gas line with them and adjust the plans as needed, regarding the retaining wall blocks. Mr. Dumas explained that Central Hudson does not want them loading up on the gas lines so what they will potentially do is figure what the maximum size of their heavy equipment will be and if required, start the landscaped retaining wall down further. Central Hudson's main concern is the physical loading on their gas line. Mr. Sorensen stated that if a change is necessary, they can make it a ministerial change.

Mr. Dumas stated that his client understands that he will not acquire a building permit until he retains the Central Hudson permit.

Mr. Stravropoulos asked if the ROW that had been mentioned at a previous meeting was sited on the plans and Mr. Dumas stated that the landlocked properties behind 990 Flatbush did not have a ROW on the applicants parcel and that their ROW is off of Old Route 32. Mr. Dumas stated that if any of those properties wanted driveway access to those interior properties, they would have to go through the same process his client is going through and ask for approvals from DOT.

Mr. Dumas stated that before he was involved with the project, his company did a survey of the property and went through the deed and all the surrounding deeds and found no easements.

Mr. Sorensen stated that the application is complete. Mr. Sorensen stated the Town Board declared Lead Agency for the special permit approval and approved the special use on October 17, 2019. Mr. Sorensen read the draft resolution.

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

**WHEREAS**, the applicant – Odilio Aguirre – is seeking Site Plan & Special Permit approval to develop a Contractors Storage Yard on the subject site, which is situated within the OM-Office Manufacturing Zoning District; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Planning Board since the Proposed Action involves less than 2,500 sf of new building area; and

**WHEREAS**, pursuant to Chapter 190 of the Town Code, the Proposed Action is subject to Special Permit review and approval by the Town of Ulster Town Board; and

**WHEREAS**, The Town Board granted Special Permit approval on October 17, 2019 and referred this matter back to the Planning Board for consideration of granting Site Plan approval; and

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

- Cover Letter authorizing Diego Celaya & Allan Dumas as (Agents) by Odilio Aguirre dated 6/28/19;
- Cover Sheet for 990 Flatbush Avenue by Diego Celaya dated June 28, 2019;
- Consent Form by Odilio Aguirre (Owner) consenting to the filing of the application dated 6/28/19;
- Application for Site Plan Review prepared by Odilio Aguirre dated June 28, 2019;
- Short EAF Part 1 prepared by Odilio Aguirre dated June 28, 2019; and
- Site Plan for Odilio Aguirre by Christopher J. Zell, LLS and Dennis Larios, P.E., dated June 2019; and revised August 14, 2019.

**WHEREAS**, the Proposed Action is a SEQRA Type II Action pursuant to 6NYCRR Part 617.5(c)(9) of the SEQRA regulations for which no further review is required; and

**WHEREAS**, this matter was referred to the Ulster County Planning Board (UCPB) and in a letter dated August 7, 2019 issued several required modifications and the Town of Ulster Planning Board found the County’s concerns were addressed through refinements in the project design and that NYSDOT approval of site access will be condition of Site Plan approval pending the Town Board’s approval of the Special Permit to allow the use on the site.

**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 approval to Odilio Aguirre 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 secures NYSDOT approval for access from NYS Route 32;
5. The applicant secures a license from Central Hudson Gas & Electric for site work within its right-of-way;
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.

**Wilfredo Monroy - P-757**  
**51 Sawkill Road**  
**SBL: 48.14-3-37.100**  
**Zone: R30**  
**Site Plan Amendment**

Wilfredo Monroy, applicant, appeared on behalf of the application to bring his existing soccer field into compliance for site plan.

Mr. Monroy explained how he reduced the proposed site plan to the existing soccerfield. Mr. Monroy stated that he removed the proposed restrooms and kitchen. Chairman Mulligan stated that when the landlord, Cheryl Scott, and the applicant attended the Planning Workshop Mrs. Scott had expressed that she did not want any new structures and asked Mr. Monroy if that had changed. Mr. Monroy stated that Mrs. Scott approved what he was now proposing before the Board.

Chairman Mulligan stated that the issue at hand is that the proper documentation has not been submitted to the Town Consultant planner for review, so they are having trouble moving forward. Mr. Sorensen stated that there are a lot of additional materials that were needed along with the application that have not been submitted for review. Some of the documents required were a written narrative of the proposed project, how often the field will be used, the number of teams that will attend the events, traffic generation, parking details, water and septic information, a sediment erosion control plan, elevations of the proposed/existing structures, lighting details, etc. Mr. Monroy stated that he had proposed port-o-potty's and removed the lights. Mr. Sorensen explained that the parcel is in an archaeological sensitive area and in October the Board requested that they reach out to SHPO for a consultation, which has not been started. Mr. Sorensen stated that the Board does not have enough information to take any action today. Mr. Sorensen stated that not only is it not a complete application, but he is not even sure what is being proposed.

Mr. Sorensen stated that he has driven by the site a few times since Mr. Monroy applied in August and there is a lot of traffic generation at that site from the activity there so it will need a thorough assessment.

Mr. Monroy stated that he planned on hiring a lawyer, but he could not make it to tonight's meeting.

Chairman Mulligan stated that Mr. Monroy was on October's agenda, but for some reason did not make it which is just delaying the process and the Board can not take an action tonight as there are many outstanding issues.

Mr. Sorensen recommends Mr. Monroy withdraw the application and get an attorney and resubmit a complete application. Mr. Sorensen stated that as time has gone on, there are apparent issues that weren't anticipated that need to be factored into the review.

Mr. Monroy stated that the Board had asked for parking details and Mr. Monroy counted spaces for one-hundred and five (105) spots with room for more, if needed.

Chairman Mulligan stated that in a residential neighborhood, that much traffic and parking is an issue with the neighbors. Mr. Monroy explained that the majority of the neighbors are okay with the soccer field and he has a signed list saying so.

Mr. Sorensen explained that the reason the Town has a site plan review process is to make sure that any development that comes in is in harmony with the surrounding land uses and that any

potentially significant adverse impacts are thoroughly analyzed. Mr. Sorensen stated that the application that was just approved for a sixteen hundred square foot (1,600 sf) office/storage building took nine (9) months and it is a standard procedure to go through the required agencies for review.

Mr. Sorensen recommended that Mr. Monroy get a design professional involved who understands the process.

Mr. Sorensen stated that now that the Board has a better understanding of the number of guests and traffic in that neighborhood, and that the Ulster County Planning Board (UCPB) will ask for traffic impact and it will be a required study. Noise is also a potential issue.

The recommendation to Mr. Monroy is to withdraw his application and submit a new one with the assistance of professionals.

Mr. Sorensen stated that the location is an R30 and it is a recreation use which is allowed subject to a special permit. The Planning Board will be an advisory Board to the Town Board. The Town Board has to first authorize the use, which requires a public hearing. Mr. Sorensen stated since it is a special permit, the Town does not have to allow that use, based on the area and impact of the area, it is not a guarantee that the Town will permit that.

Mr. Decker explained that there is a Planning Board workshop and if he brings his professionals to that workshop, they can discuss the details and since they are more familiar with the process Mr. Monroy can be more informed of the process and the cost that comes with it.

Kathryn Moniz, Building Inspector, verified with the Board that the withdrawal of this application means that the use must cease. Mr. Sorensen confirmed that the use must cease. Mr. Jason Kovacs, Town Attorney, stated that Mr. Monroy is on record formally withdrawing his application. Mr. Monroy may re-apply.

Members of the audience who are neighbors asked what the neighbors can do if the soccer fields are used since it is not an allowed use and the Board told them to call the Building Department. The neighbors asked the Board to please help them as they do not believe the use of the soccer field will cease based on comments heard as the applicant and his supporters left the room.

**Action:** Wilfredo Monroy formally withdrew his application.

**Johnson Route 28 - P-775**

**Route 28**

**SBL: 48.13-2-21, 48.14-1-28, 48.14-1-29, 48.14-1-33, 48.14-1-34.200, 48.14-1-35, 48.14-1-38**

**Zone: HC**

**Major Resubdivision**

The applicant did not appear. Mr. Sorensen stated that the applicant never got revised plans to the Board, so there is no action to take this evening. Mr. Sorensen stated that the project will require a second public hearing, unless the Board waives it. The Board agrees that they will not

waive it as a revised plan was not received and the applicant was not present. There was a brief discussion regarding Camper's World required site plan amendment application. Mr. Kovacs stated that when the Board receives new plans, they can schedule the second public hearing.

**Action:** No action was taken.

**Stewart's Shops – P-770**  
**45 Boices Lane**  
**SBL: 48.42-2-5**  
**Zone: LC**  
**Site Plan Amendment**

Marcus Andrews, Stewart's Shops, appeared before the Board on behalf of an application to renovate the existing Stewart's on Boices Lane and Morton Boulevard. Mr. Andrews explained that they would like to construct an addition, remove the existing canopy and construct new gas canopy that will create a better flow through and around the building.

Mr. Andrews stated that since the last time he was before this Board, an area variance was granted for the canopy and also the addition of a sign detail noting the address being on the post sign.

Mr. Andrews stated a photometric plan was completed incorporating the existing lights on the building, as well as the additional lights on the canopy. Mr. Andrews believes these lights meet the County and Town's standards. Mr. Andrews stated that the candle max of 16.1 is under the canopy and 9.6 throughout the parking area.

Mr. Andrews showed a rendering of existing and proposed conditions.

Mr. Sorensen stated that he had prepared a draft resolution and that he will amend it to reflect the most recent submittals.

Mr. Sorensen read the amended resolution.

**Action:** A motion to accept the resolution as amended was made by Ms. Hayner, with a second from Mr. Decker; all in favor with a roll call vote.

**WHEREAS**, the applicant – Jennifer Howard for Stewart's Shop (Owner) – is seeking Site Plan Amendment approval to construct a 760 square-foot addition to the west side on the convenience store and installation of an enclosed cooler/freezer behind the convenience store; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Planning Board since the Proposed Action involves less than 2,500 sf of new building area; and

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

- Project Description prepared by Jennifer Howard (Agent) for Stewart's Shops, dated August 27, 2019;
- Consent Form signed by Jennifer Howard (Agent) for Stewart's Shops, dated 9/24/2019;
- Site Plan Review Application Jennifer Howard (Agent) for Stewart's Shops, dated August 27, 2019;
- SEQRA Short EAF Part 1 by Jennifer Howard (Agent) for Stewart's Shops, dated August 27, 2019;
- Title Sheet by Stewart's Shops and signed by Scott Edwin Kitchner, L.P.E., revised October 20, 2019;
- Proposed Site Plan by Stewart's Shops signed by Scott Edwin Kitchner, L.P.E., revised 10/20/19; and
- Proposed Landscape Plan by Stewart's Shops by Scott Edwin Kitchner, L.P.E., revised 10/20/2019.

**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 Jennifer Howard for Stewart's Shop (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 submits of Lighting Photometric Plan that complies with the Town Code with International Dark Sky Association (IDSA) compliant fixtures;
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.

**521-599 Boices Lane**  
**SBL: 48.7-2-37.210**  
**Zone: OM**  
**Site Plan Amendment**

Joe Deegan, representative for Edgewater Development, and Rick Henningsen, Birnie Bus Company, appeared on behalf of their application to utilize a portion of the parking lot near United Healthcare for bus storage.

Mr. Deegan stated there will be no fuel oil or repairs done on the site. There will be thirty (30) buses with drivers going out in the morning and coming back and then doing it again at 1:30 in the afternoon. Mr. Deegan stated that they will be tying into an electric power pole for a ten-foot (10') by fifteen-foot (15') trailer that will have electricity for a computer, lights and an AC unit.

Mr. Henningsen stated that there is an entrance and an exit in the back of the parking lot which the buses will use as to not impede on the traffic produced by the surrounding buildings. Mr. Henningsen stated they like this property because its large, open, paved and nicer to operate buses out of. Right now, there are in a lot that is under an acre and this proposal is more advantageous to the bus company having parking a mile from one of the schools. Mr. Henningsen stated that these buses operate for general education and special education.

Mr. Henningsen explained that there will be no bus maintenance done on-site; their maintenance is done in Tillson. There will also be no storage of any chemicals or fuel.

Mr. Deegan stated that right now his building is occupied twenty three percent (23%) with two (2) tenants. Mr. Deegan explained that the agreement with Birnie bus is that they can give them a ninety (90) day termination notice at any time, hoping that sooner or later the whole building will be leased out. Mr. Deegan stated that this can happen in ninety (90) days, or five (5) years, but there is that provision in the agreement.

Mr. Sorensen asked about the vegetarian cheese company that had been approved for that building, but the applicant had "backed out at the eleventh and a half hour," but Mr. Deegan appreciated the reception from the Board.

Mr. More asked if he will be using Stewart's gas since there will be no on-site storage. Mr. Henningsen stated that they will use local vendors. Mr. More asked if there was a fence around the operation? Mr. Deegan stated that it is a parking lot and there is no fencing. Mr. More stated that Spring Lake has a fence and that came about because at quiet times vandalism had been done, so he was wondering if they are going to have surveillance or fencing to prevent that. Mr. Deegan stated that there will be electricity if they are interested in putting up surveillance. Mr. Henningsen stated that they will look into that concern.

Ms. Hayner asked what will happen with the blinking red and yellow traffic light with traffic. Mr. Almquist stated that all the buses going in and out in the morning and afternoon will be a parade. Mr. Henningsen stated that the buses don't all go out/in at the same time. The buses are staggered in their schedules.



Ms. Hayner asked if there were large and small buses, to which Mr. Henningsen stated yes, there will be both; eighteen (18) big buses and about twelve (12) small. Mr. Henningsen stated that it does change, due to special education, so there may even be a van in there depending upon need.

Mr. Henningsen stated that as for fueling, they will be using fuel cards at local stations.

Mr. Decker asked if the parking area will have lights, and Mr. Deegan stated that the lot is lit with existing parking lights and he believes that is why Birnie Bus chose their parking lot.

Mr. Henningsen stated that there will be no signage involved with this project.

Mr. Sorensen stated that because the lease is more than an acre, the Town Board will have final approval. Mr. Sorensen drafted a resolution for site plan amendment approval. Mr. Sorensen stated that a parking compliance table must be placed on the site plan.

Chairman Mulligan recused himself from the vote because Birnie Bus is a tenant of his.

**Action:** A motion to forward the project to the Town Board with the recommendation to grant site plan amendment approval was made by Mr. Decker with a second from Ms. Hayner; all, but one, in favor with a roll call vote.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Rick Henningsen with Bernie Bus Services, Inc., with the consent of Gary Malfitano, 935 Associates, LLC. (Owner) seeking Site Plan Amendment approval to allow 935 Associates, LLC to lease a 2.48-acre area of their 14.469-acre lot to Bernie Bus Services, Inc.; and

**WHEREAS**, the applicant intends to utilize the 2.48-acres for the parking of 30-32 School Buses along with employee parking for up to 32 employees; and

**WHEREAS**, physical changes to the site would be minimal and a mobile office trailer of 140 square feet will be placed on the site; and

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

- Narrative by Gary Malfitano, 935 Associates, LLC., dated November 26, 2019;
- Site Plan Consent Form by Gary Malfitano, 935 Associates, LLC., dated November 26, 2019;
- Site Plan Application by Rick Henningsen for Bernie Bus Services, Inc., dated November 26, 2019;
- SEQR Short EAF by Rick Henningsen for Bernie Bus Services, Inc., dated November 26, 2019; and
- Site Plan of Lands of 935 Associates to be leased to Bernie Bus Services, Inc., by Brinnier & Larios, P.C., dated November 26, 2019.

**WHEREAS**, the Town of Ulster Town Board retains the authority to approve the site plan amendment for this Proposed Action since the proposed action involves a Site Plan involving more than one (1) acre of land; and

**WHEREAS**, the Site Plan provides for sufficient on-site parking and loading spaces for the intended mix on uses on the Subject Site; and

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

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

**WHEREAS**, the Town of Ulster Planning Board, finds there is a sufficient number of on-site parking spaces on the site to lease the 2.48-acre portion of the lot to Bernie Bus Service, Inc., while ensuring sufficient on-site parking for the existing building and current tenant mix.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board herby refers this matter to the Town Board with a recommendation to classify the Proposed Action as a SEQRA Type II Action, pursuant to NYCRR Part 617.5(c)(9) of the SEQRA regulations and grant 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 applicant provides a revised Site Plan with a Parking Compliance Table for the subject site showing compliance with 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.

### **Discussion**

Chairman Mulligan asked the Board if they have seen the trees cleared from the Cypress Creek solar project on Route 32. Chairman Mulligan stated that ten feet (10') isn't much of a buffer as a house next to the project has about five (5) trees between them and the project and for the future they should think about requiring a larger buffer.

Chairman Mulligan referred to the Romeo Kia project, where the Board allowed them to go from twenty feet to ten feet and now there are a lot of issues.

Ms. Hayner stated the problem is that in the winter, no one really knows how bare it will look. Chairman Mulligan wants the Board to think about it for future projects.

Ms. Hayner asked what is going on with Kingston Block and the bright light that shines. The Building Department will look into it.

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary