

TOWN OF ULSTER PLANNING BOARD

December 4, 2018

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, December 4, 2018 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Anna Hayner
Frank Almquist
Andrew Stravropoulos
Alan Sorensen – Planner

Karl Allison
Lawrence Decker
Gary Mulligan-Chairman

Roll call was taken.

A motion to approve the minutes from the November 2018 meeting was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

CBR Properties – Major Subdivision

Daniel McCarthy, Preatorius & Conrad, appeared on behalf of the applicant, CBR Properties, to subdivide a property located at 132 Potter Hill Road. The property is 11.25 acres, and the applicant would like to subdivide that into two lots; one a 60,000 square foot lot with an existing house and driveway, and the other a 9.87 acre vacant lot that has existing woods and wetlands.

A motion to open the Public Hearing was made by Mr. Almquist, with a second from Mr. Allison; all in favor. There was no public comment. A motion to close the Public Hearing was made by Ms. Hayner, with a second from Mr. Almquist; all in favor.

Mr. Sorensen stated that this application was straight forward and that both lots comply with the minimum lot requirements in that Zone. Mr. Sorensen stated that this project does not need to be referred to the Ulster County Planning Board (UCPB) and that the Planning Board waived the requirement for a preliminary Public Hearing.

Action: A motion to declare this project a Negative Declaration was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to accept the resolution was made by Mr. Almquist, with a second from Mr. Decker; all in favor with a roll call vote.

WHEREAS, the applicant – CBR Properties, Ltd. – is seeking a Minor Resubdivision approval to subdivide Town of Ulster Tax Parcel SBL 39.12-3-22 into two (2) lots; and

WHEREAS, the Proposed Action involves subdivision of the 11.251-acre property into two (2) lots as follows: Parcel No. 1 consisting of 9.874-acres, which includes the vacant lands and wet area in the southwest corner of the subject site, and Parcel No. 2 consisting of 1.377-acres (60,000 sf) with the existing house and driveway.

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

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

- Consent Form signed by Ray Rabenda – CBR Properties, Ltd., dated October 8, 2018;
- Application for Lot Line Adjustment prepared by Praetorius & Conrad PC, dated 10/15/18;
- SEQR Short EAF Part 1 prepared by Daniel J. McCarthy dated October 15, 2018; and
- Sketch Plan by Praetorius & Conrad PC, Professional Eng. & Land Surveying dated 10/10/18.

WHEREAS, each of the proposed lots would meet the minimum lot area and dimensional requirements for the R-60 Residential Zoning District; and

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

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

WHEREAS, the Planning Board waived the requirement for a preliminary public hearing in accordance with Section 161-10 B of the Town Code and properly noticed and held a public hearing on the Final Plat on December 4, 2018; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose a potentially significant adverse environmental impact.

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues a SEQR Negative Declaration for the Proposed Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Minor Subdivision approval as described above to CBR Properties, Ltd. subject to the conditions, limitations and restrictions set forth below.

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

Cypress Creek – Minor Subdivision and Site Plan

Crystal Eggers, Langan Engineering, and Bryan Stumpf, Cypress Creek Renewables, appeared on behalf of the application of a minor subdivision and site plan for a solar farm. The applicant is proposing to re-subdivide the 156.24-acre site (consisting of Town of Ulster Tax Lots S-B-L: 56.14-1-24, 56.14-2-18 and 56.14-2-36.1) into one lot consisting of 46.446 acres the second lot consisting of 109.324-acres. The

applicant is concurrently seeking Site Plan, Special Permit, Minor Resubdivision and Open Development Area approval to construct, operate and maintain: (1) a 2 Mega Watt (MW) Solar Energy Facility and; (2) a 4 MW Solar Energy Facility, both to be located at 2986 - 3040 Route 32, on parcels near the hamlet of Eddyville, as well as a PILOT Agreement with the Town of Ulster.

Mr. Sorensen stated that the Town Board had held a special meeting initiating a SEQR Negative Declaration and also had reviewed drainage areas on the subject site; there was zero net runoff effect on the proposed action. Mr. Sorensen stated that if the Board had any concerns over any wetland issues that now would be the time to ask their questions. There were no further questions.

The Town Board is designated as lead agent in this proposal, and Mr. Sorensen recommends the Planning Board recommends this proposal to the Town Board for site plan, special permit, and Open Development Area (ODA) approval.

Mr. Tom Puchner, legal counsel from Phillips Lytle, stated that they have submitted the tests that were done to the State Historic Preservation Office (SHPO) and are waiting to hear back on the final details, but no artifacts have been found on the site; Karen Mack from TRC Solutions had a verbal discussion with the Town Board.

Action: A motion to accept the resolution for the Resubdivision was read was made by Ms. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote. A motion to accept the resolution referring the proposal to the Town Board for Special Permit and ODA approval was made by Mr. Decker, with a second from Ms. Hayner; all in favor with a roll call vote

2-Lot Minor Subdivision Approval

**CYPRESS CREEK RENEWABLES
dba LANDAU SOLAR, LLC AND LANDAU SOLAR II, LLC
2986 - 3040 Route 32
Town of Ulster, Ulster County, New York
S-B-L: 56.14-1-24, 56.14-2-18 and 56.14-2-36.1**

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Cypress Creek Renewables dba Landau Solar, LLC and Landau Solar II, LLC (the “Applicant”) seeking Minor Subdivision approval to re-subdivide the 156.24-acre site (consisting of Town of Ulster Tax Lots S-B-L: 56.14-1-24, 56.14-2-18 and 56.14-2-36.1) as follows: Proposed Lot No. 1 consisting of 46.446 acres and Proposed Lot No. 2 consisting of 109.324-acres; and

WHEREAS, the Applicant is concurrently seeking Site Plan, Special Permit, Minor Resubdivision and Open Development Area approval to construct, operate and maintain: (1) a 2 Mega Watt (MW) Solar Energy Facility and; (2) a 4 MW Solar Energy Facility, both to be located at 2986 - 3040 Route 32, on parcels identified as S-B-L: 56.14-1-24, 56.14-2-18 and 56.14-2-36.1, near the hamlet of Eddyville, as well as a PILOT Agreement with the Town of Ulster (collectively, the “Proposed Action”); and

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

WHEREAS, in accordance with Chapter 161 of the Town Code, the Planning Board has the authority to approve the Minor Subdivision; and

WHEREAS, the following materials related to the Minor Subdivision were provided by the Applicant for review:

- Consent Form & Agent Authorization signed by Isadore Landau, Landowner;
- Application for Preliminary Subdivision approval by Cypress Creek Renewables dated 9/18/2018;
- SEQRA Full EAF Scoping Document prepared by Cypress Creek Renewables dated July 18, 2018;
- Minor Subdivision Plat Sheet 1 by Lawson Surveying & Mapping dated September 17, 2018;
- Minor Subdivision Plat Sheet 2 by Lawson Surveying & Mapping dated September 17, 2018;
- Minor Subdivision Plat Sheet 3 by Lawson Surveying & Mapping dated September 17, 2018;
- Minor Subdivision Plat Sheet 4 by Lawson Surveying & Mapping dated September 17, 2018; and
- Minor Subdivision Plat Sheet 5 by Lawson Surveying & Mapping dated September 17, 2018.

WHEREAS, at its September 2018 meeting the Planning Board waived the requirement for a preliminary public hearing on 2-lot Subdivision; and

WHEREAS, in accordance with Section 161-13 (A) of the Town Code, the Planning Board held a final plat public hearing on October 9, 2018 and there were no objections to the proposed subdivision; and

WHEREAS, the Planning Board considered all of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultant planner & engineers made via memoranda (which memoranda are incorporated herein by reference) and accepted the proposed layout of the 2-Lot Subdivision and recommended Open Development Area approval by the Town Board; and

WHEREAS, the Town of Ulster Town Board, as Lead Agency, through review of the SEQR Full EAF Part 1 (prepared by applicant) and Full EAF Part 2 (prepared by the Town Planner); along with FEAF Scoping Document and Full EAF Part 3 (prepared by the applicant) along with supporting Site Plan drawings, SWPPP and detailed studies contained therein and condition of full compliance with all applicable regulations concerning development on the project site determined the Proposed Action would not have any potentially significant adverse impacts due to the project design and mitigation measures, which were designed into the Proposed Action; and

WHEREAS, the Town of Ulster Town Board determined the Proposed Action described above would not have any significant impacts on the environment and a Draft Environmental Impact Statement will not be prepared; and

WHEREAS, the Town of Ulster Town Board adopted a SEQR Negative Declaration.

NOW THEREFORE BE IT RESOLVED, since the Lead Agency has issued a SEQR Negative Declaration, the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act (SEQRA) and can take final action on the Minor Subdivision application; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Minor Subdivision approval as described above subject to the conditions, limitations and restrictions set forth below.

1. Applicant provides deed descriptions for the proposed lots;
2. Final Plat and deeds may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
3. 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
4. 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
5. All fees, including consultant fees, shall be paid.

Recommendation to Grant Site Plan, Special Permit and Open Development Area Approval

**CYPRESS CREEK RENEWABLES
DbA LANDAU SOLAR, LLC AND LANDAU SOLAR II, LLC
2986 - 3040 Route 32
Town of Ulster, Ulster County, New York
S-B-L: 56.14-1-24, 56.14-2-18 and 56.14-2-36.1**

WHEREAS, the Town of Ulster Planning Board and its consultant planner and engineers have reviewed an application by Cypress Creek Renewables dba Landau Solar, LLC and Landau Solar II, LLC (with the consent of Isidore Landau for Eddyville Corp) (the “Applicant”); and

WHEREAS, the Applicant is seeking Site Plan, Special Permit, Minor Resubdivision and Open Development Area approval to construct, operate and maintain: (1) a 2 Mega Watt (MW) Solar Energy Facility and; (2) a 4 MW Solar Energy Facility, both to be located at 2986 - 3040 Route 32, on parcels identified as S-B-L: 56.14-1-24, 56.14-2-18 and 56.14-2-36.1, near the hamlet of Eddyville, as well as a PILOT Agreement with the Town of Ulster (collectively, the “Proposed Action”); and

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

WHEREAS, the following materials related to the Minor Subdivision were provided by the Applicant for review:

- Consent Form & Agent Authorization signed by Isadore Landau, Landowner;
- Application for Preliminary Subdivision approval by Cypress Creek Renewables dated 9/18/2018;
- SEQRA Full EAF Scoping Document prepared by Cypress Creek Renewables dated July 18, 2018;
- Minor Subdivision Plat Sheet 1 by Lawson Surveying & Mapping dated September 17, 2018;
- Minor Subdivision Plat Sheet 2 by Lawson Surveying & Mapping dated September 17, 2018;
- Minor Subdivision Plat Sheet 3 by Lawson Surveying & Mapping dated September 17, 2018;
- Minor Subdivision Plat Sheet 4 by Lawson Surveying & Mapping dated September 17, 2018; and
- Minor Subdivision Plat Sheet 5 by Lawson Surveying & Mapping dated September 17, 2018.

WHEREAS, the following materials related to the Site Plan and Special Use Permit were provided by the Applicant for review:

Landau Solar, LLC Civil Set:

- (C-100) Title Sheet prepared by Langan Engineering revised September 7, 2018;
- (C-150) Existing Conditions and Demolition Plan by Langan Engineering revised September 7, 2018;
- (C-200) Site Layout and Materials Plan prepared by Langan Engineering revised September 7, 2018;
- (C-300) Grading & Drainage Plan 1 prepared by Langan Engineering revised September 7, 2018;
- (C-301) Roadway Profile prepared by Langan Engineering revised September 7, 2018;
- (C-400) Erosion & Sediment Control Plan 1 prepared by Langan Engineering revised September 7, 2018;
- (C-401) Phasing Plan prepared by Langan Engineering revised September 7, 2018;
- (C-500) Details (1 of 3) prepared by Langan Engineering revised September 7, 2018;
- (C-501) Details (2 of 3) prepared by Langan Engineering revised September 7, 2018;
- (C-502) Details (3 of 3) prepared by Langan Engineering dated September 7, 2018;
- (C-600) Overall Site Layout Plan prepared by Langan Engineering revised September 7, 2018;
- (L-100) Landscape Plan 1 prepared by Langan Engineering dated September 7, 2018;
- CB-101 Subdivision Plan prepared by Langan Engineering dated September 7, 2018;
- Alta/NSPS Land Title Survey by Lawson Surveying & Mapping dated December 29, 2017;
- Stormwater Pollution Prevention Plan for Landau Solar, LLC by Langan Eng., revised 9/7/17; and
- Wetland Delineation Report prepared by Environmental Resources Management, Inc. dated 11/18/17.

Landau Solar II, LLC Civil Set:

- (C-100) Title Sheet prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture (hereafter referred to as “Langan Engineering”), revised September 7, 2018;
- (C-150) Existing Conditions and Demolition Plan 1 by Langan Engineering revised September 7, 2018;
- (C-151) Existing Conditions and Demolition Plan 2 by Langan Engineering revised September 7, 2018;
- (C-200) Site Layout and Materials Plan 1 prepared by Langan Engineering revised September 7, 2018;
- (C-201) Site Layout and Materials Plan 2 prepared by Langan Engineering revised September 7, 2018;
- (C-300) Grading & Drainage Plan 1 prepared by Langan Engineering revised September 7, 2018;
- (C-301) Grading & Drainage Plan 2 prepared by Langan Engineering revised September 7, 2018;
- (C-302) Roadway Profile prepared by Langan Engineering revised September 7, 2018;
- (C-400) Erosion & Sediment Control Plan 1 prepared by Langan Engineering revised September 7, 2018;
- (C-401) Erosion & Sediment Control Plan 2 prepared by Langan Engineering revised September 7, 2018;
- (C-500) Details (1 of 3) prepared by Langan Engineering revised September 7, 2018;
- (C-501) Details (2 of 3) prepared by Langan Engineering revised September 7, 2018;
- (C-502) Details (3 of 3) prepared by Langan Engineering dated September 7, 2018;

- (C-600) Overall Site Layout Plan prepared by Langan Engineering revised September 7, 2018;
- (L-100) Landscape Plan 1 prepared by Langan Engineering dated September 7, 2018;
- (L-200) Landscape Plan 2 prepared by Langan Engineering dated September 7, 2018;
- CB-101 Subdivision Plan prepared by Langan Engineering dated September 7, 2018;
- Alta/NSPS Land Title Survey by Lawson Surveying & Mapping dated December 29, 2017; and
- Stormwater Pollution Prevention Plan for Landau Solar II, LLC by Langan Eng., revised Sept. 7, 2017.

Environmental Assessment Studies and Reports:

- Final Full Environmental Assessment Form (FEAF) Scoping Document prepared by Cypress Creek Renewables, LLC dated July 18, 2018 and revised November 13, 2018;
- Full Environmental Assessment Form (FEAF) Part 3 for the Landau Solar Site prepared by ERM dated November 16, 2018, which included the following studies:
- Appendix A – Site Plans – Landau Solar, LLC by Langan Engineering revised September 7, 2018;
- Appendix B – Site Plans – Landau Solar II, LLC by Langan Engineering revised September 7, 2018;
- Appendix C – Wetland Delineation Report by Environmental Resources Management, Inc; dated 11/18/2017;
- Appendix D – Ecological Community Report by Environmental Resources Management, Inc (ERM); dated 11/15/18;
- Appendix E – IPaC Trust Resources Report dated November 15, 2016;
- Appendix F – NYNHP Letter prepared by Colleen Lutz dated September 8, 2017;
- Appendix G – Cave Bat Acoustic Survey Report by Environmental Resources Management, Inc; dated 10/31/2018;
- Appendix H1 – Viewshed Analysis Map with Trees prepared by Langan Engineering;
- Appendix H2 – Viewshed Analysis Map without Trees prepared by Langan Engineering;
- Appendix H3 – Cross Section Visual prepared by Langan Engineering;
- Appendix H4 – Landau Balloon and Photo Locations prepared by Langan Engineering;
- Appendix H5 – List of Visual Changes prepared for Cypress Creek Renewables by Langan Engineering;
- Appendix I – Phase 1A Cultural Resources Survey Report by Karen Mack & Jennifer Larlee (TRC) dated 8/26/2017;
- Appendix J – Phase 1 Environmental Site Assessment Report by ERM, Inc; dated 10/31/2018.

WHEREAS, the Town of Ulster Planning Board and Town Board, upon review of the SEQR Full EAF Part 1, determined the Proposed Action was a Type 1 Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, on January 8, 2018 the Town Board indicated its intent to declare itself lead agency with respect to the Proposed Action; and

WHEREAS, notices of the Town Board’s intent to declare itself lead agency with respect to the Proposed Action were sent to all involved and interested agencies as required by the Environmental Conservation Law (“ECL”) of the State of New York and no involved agency objected to the Town Board declaring itself lead agency with respect to the Proposed Action; and
Landau Solar, LLC and Landau Solar II, LLC

WHEREAS, on March 15, 2018, the Town Board Declared Itself Lead Agency for the purposes of conducting the review and making such determinations as are necessary with respect to the Proposed Action as required by 6 NYCRR Part 617 of the New York ECL (State Environmental Quality Review Act (“SEQRA”)) and the regulations promulgated thereunder; and

WHEREAS, based upon the Town of Ulster Planning Board’s and Town of Ulster’s Town Board’s through review of the SEQR Full EAF Part 1 (prepared by applicant) and Full EAF Part 2 (prepared by the Town Planner); along with Full EAF Part 3 and FEAF Scoping Document (prepared by the applicant) along with supporting Site Plan drawings, Stormwater Pollution Prevention Plan (SWPPP), and detailed studies cited above and condition of full compliance with all applicable regulations concerning development on the project site has determined the Proposed Action would not have any potentially large impacts due to the project design and mitigation measures, which were designed into the Proposed Action.

WHEREAS, at a special Town Board meeting on December 4, 2018 the Town of Ulster Town Board determined the Proposed Action described above would not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared; and

WHEREAS, the Town of Ulster Town Board adopted a SEQR Negative Declaration; and

WHEREAS, the Town Board held the required public hearing for the applicant’s Special Permit request and have fully complied with the procedural requirements of the State Environmental Quality Review Act.

WHEREAS, the Town of Ulster Planning Board has approved the 2-Lot subdivision for the Proposed Action and finds the Site Plan, Special Permit and ODA requests are ready to approve.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board with a recommendation to grant Site Plan, Special Permit and Open Development Area approval for the above referenced action subject to the conditions, limitations and restrictions set forth below:

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details as cited herein;
4. Compliance with all applicable regulations concerning development on the subject site;
5. Acceptance of the Decommissioning Bond in the amount approved by the Town Designated Engineer and Form as approved by the Town Attorney;
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.

Alan and Karen Wagor – Lot Line Adjustment

The applicants were not present, but the Board may continue. There was no discussion amongst the Board, as this had been approved prior and needed re-approval. Mr. Sorensen recommended re-approval.

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

WHEREAS, the applicant – Alan and Karen Wagor – is seeking a Lot Line Adjustment approval involving Town of Ulster Tax Parcels SBL 39.7-10-7, 8, & 9; and

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

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

- Consent Form signed by Alan Wagor dated June 19, 2018;
- Application for Lot Line Adjustment prepared by Alan Wagor, dated June 19, 2018;
- SEQR Short EAF prepared by Alan Wagor, dated June 19, 2018; and
- Site Plan for Septic System by Medenbach & Eggers, Civil Eng. & Land Surveying dated 6/19/18.

WHEREAS, the proposed lot would comply with the bulk requirements of the R-30 Residential Zoning District; and

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

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

WHEREAS, a public hearing is not required in accordance with Section 161-11.1 (B) of the Town Code; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose a potentially significant adverse environmental impact.

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues a SEQR Negative Declaration for the Proposed Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Lot Line Adjustment approval as described above to Alan Wagor subject to the conditions, limitations and restrictions set forth below.

1. The applicant provides a Lot Line Adjustment Map showing the proposed Lot Line Adjustment; and
2. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
3. 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

4. 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
5. All fees, including consultant fees, shall be paid.

Gregory Berardi – Lot Line Adjustment

Michael Vetere III appeared on behalf of the applicant, Greg Berardi of Old Stockade Development, to correct and encroachment issue between two lots; 803 Ulster Avenue and 797 Ulster Avenue. Mr. Vetere explained that Mr. Berardi would like to convey through sale a small portion of his parcel to Tania DeCicco, owner of 797 Ulster Avenue, so that the encroachment issue of a concrete wall and a deck can be resolved. Mr. Vetere explained that both parties have reached an agreement to decrease the non-conformity and have no encumbrance on either property owner.

Action: A motion to issue a SEQR Negative Declaration for this project was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to grant the lot line adjustment was made by Ms. Hayner, with a second from Mr. Allison; all in favor with a roll call vote.

WHEREAS, the applicant – Old Stockade Development – is seeking a Lot Line Adjustment approval involving Town of Ulster Tax Parcels SBL 48.58-4-14 & 15; and

WHEREAS, the Proposed Action involves the relocation of the boundary line between the two parcels so that no new lot is created; and

WHEREAS, the Proposed Action was prompted by the inadvertent encroachment of an addition on SBL 48.58-4-15 (Lands of Tana Decicco) onto 48.58-4-14 (Lands of Greg Berardi); and

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

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

- Consent Form signed by Greg Berardi - Old Stockade Development dated November 29, 2018;
- Application for Lot Line Adjustment prepared by Greg Berardi dated November 30, 2018;
- SEQR Short EAF Part 1 prepared by Michael C. Vetere, P.L.S., dated November 30, 2018; and
- Sketch Plan showing frame encroachment by Tana Decicco and new lot line undated.

WHEREAS, the lots would continue to comply with the bulk requirements of the HC-Highway Commercial Zoning District, since both lots are existing non-conforming lots of record; and

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

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

WHEREAS, a public hearing is not required in accordance with Section 161-11.1 (B) of the Town Code; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose a potentially significant adverse environmental impact.

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues a SEQR Negative Declaration for the Proposed Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Lot Line Adjustment approval as described above to Old Stockade Development subject to the conditions, limitations and restrictions set forth below.

1. The applicant provides a Final “Lot Line Adjustment Map” showing the proposed Lot Line Adjustment and a deed description of the subject lots; and
2. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
3. 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
4. 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

All fees, including consultant fees, shall be paid.

Dennis Launer for Farmer’s Insurance – Site Plan Amendment

The applicant, Dennis Launer, was unable to make it to the meeting as he was out of town, but the Board was able to continue without him being there. Mr. Launer would like to conduct business, Farmer’s Insurance, out of the space between Metro PCS and Sweet Frog on Ulster Avenue. Mr. Sorensen stated that this would be considered a change in use and the Board concurred that there has been many businesses that have gone into this space over the last few years and he hopes that this one lasts. Mr. Sorensen stated that there is sufficient on-site parking. The Board made a request to add an additional handicap space since there is only two on-site currently. Mr. Sorensen recommended the Board approve the change of use.

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

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Dennis Launer dba Farmer’s Insurance with the consent of Mark Catalinotto (owner) seeking Site Plan approval for a change-in-use to establish a Farmer’s Insurance professional office on the subject site, which is located at 1100-1104 Ulster Avenue (U.S. Route 9W) and situated within the RC-Regional Commercial Zoning District; and

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

- Consent Form signed by Mark Catalinotto (owner) dated November 29, 2018;
- Cover Letter prepared by Dennis Launer agent for Farmer’s Insurance dated 11/29/2018;

- Site Plan Application by Dennis Launer agent for Farmer's Insurance dated 11/29/2018;
- SEQR Short EAF Part 1 prepared by Dennis Launer dated November 29, 2018;
- Proposed Sign Details by SDDI Signs, Savage, MN, undated; and
- Site Plan prepared by Brinnier & Larios, P.C. dated July 5, 2000.

WHEREAS, the Planning Board has the authority to review and approve the Proposed Action in accordance with Chapter 161 of the Town of Ulster Code; and

WHEREAS, the applicant submitted a complete application for the Proposed Action; and

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

WHEREAS, the Planning Board upon review of the entire record (including State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form Part 1 and Part 2 found the Proposed Action was a Type II Action pursuant to NYCRR Part 617 of SEQRA.

NOW THEREFORE BE IT RESOLVED the Planning Board has determined they have complied fully with the procedural requirements of NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA); and

FURTHER BE IT RESOLVED, the application by Dennis Launer dba Farmer's Insurance for Site Plan Amendment approval as described above is granted, subject to the conditions, limitations and restrictions set forth below.

1. The applicant submits a revised Site Plan prepared by a licensed professional showing occupancy and layout of tenant spaces within the existing building (i.e., Sweet Frog, Farmer's Insurance and Metro PCS) and adds third handicap accessible space;
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;
4. Compliance with site plan, design plans, building elevations and all details as cited herein;
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.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary