

**TOWN OF ULSTER PLANNING BOARD**

February 11, 2020

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, February 11, 2020, at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Dan Furman  
Andrew Stavropoulos  
Alan Sorensen – Planner

John More (alt.)  
Frank Almquist – Vice Chairman

Absent

Anna Hayner  
Gary Mulligan – Chairman

Lawrence Decker

Roll call was taken.

Mr. Almquist was appointed as stand-in Chairman.

Mr. Almquist appointed Mr. Furman and Mr. More as active voting members of the Board.

A motion to approve the minutes from the January 2020 meeting was made by Mr. Stavropoulos, with a second from Mr. Furman; all in favor.

**Old Business**

**Frank Sardo - P-778**  
**362 & 366 Glenerie Boulevard**  
**SBL: 39.11-4-42 & 39.11-4-43**  
**Zone: R30**  
**Lot Line Adjustment Reapproval**

No one appeared on behalf of the application. This is a re-approval of a lot line adjustment that had not been filed with the County Clerk within the sixty-two (62) day requirement.

Mr. Sorensen stated that Mr. Sardo is consolidating two lots and that under SEQR it is a Type II action. Mr. Sorensen stated that this was previously approved and that he recommends re-approval of the resolution.

**Action:** A motion to classify the lot line adjustment as a SEQR Type II action was made by Mr. Stavropoulos, with a second from Mr. More; all in favor. A motion to accept the resolution was made by Mr. Stavropoulos, with a second from Mr. More; all in favor with a roll call vote.

**WHEREAS**, the applicants – Frank Sardo c/o Praetorius & Conrad, P.C. – is seeking a Lot Line Adjustment approval to combine Town of Ulster Tax Parcels SBL 39.11-4-42 and 39.11-4-43; 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 Frank Sardo., dated October 22, 2019;
- Application for Lot Line Adjustment prepared by Frank Sardo, dated October 22, 2019;
- SEQR Short EAF Part 1 prepared by Khatter Elmassalemah, PE., dated November 1, 2019; and
- Lot Line Deletion Map prepared by Praetorius & Conrad, P.C., dated November 1, 2019.

**WHEREAS**, the proposed lot would comply with the minim lot area and 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 is a SEQRA Type II Action pursuant to (NYCRR 617.5 (C) (16)) of the SEQRA Regulations.

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

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

1. The Plat 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.

**Scenic Hudson – P-781**  
**Devil’s Lake Road**  
**SBL: 48.16-3-8.100**  
**Zone: OM**  
**Site Plan Amendment**

Pamela Richardson, Scenic Hudson Attorney, appeared before the Board on behalf of an application to modify the site plan of what was formerly known as the Hudson Landing Promenade. Ms. Anderson stated that she is before the Board tonight hoping that the Board may move the matter to the Town Board for approval.

Ms. Anderson stated that she received comments from Mr. Sorensen and she believes they have addressed most of them. Ms. Anderson stated that there are two outstanding items; one is the easement itself, which will ultimately be reviewed by the Town attorney, Jason Kovacs, and approved by the Town Board. The second item is the landscaping plan which Ms. Anderson stated she was not sure whether that plan would come back to the Planning Board to be reviewed or the Building Department. Mr. Sorensen stated that it would normally come back to the Planning Board but that he understands that with Scenic Hudson’s timeline they were hoping to go to the Town Board to get approval, so the landscaping plan can be a condition of approval, so Mr. Sorensen and Mr. Warren Tutt, Town of Ulster Building Inspector, can approve it administratively.

Ms. Anderson stated that she had also received the comment from the Ulster County Planning Board (UCPB) but that their only comment of substance was the same issue that had been brought up at last months’ meeting regarding parking. Ms. Anderson stated that as previously discussed, this is the beginning of the project and the parking considerations should be taken into consideration due to that. Ms. Anderson stated that the parking has been changed in the recent submittal and the parking is now being proposed on the east side of the right-of-way (ROW) instead of the west side as initially proposed. The reason that has been done is that it allows for less disturbance and less impact on trail grading, which is the preferred approach.

Ms. Anderson asked since it was just a recommendation from the UCPB if the Planning Board needs a super majority to proceed to the Town Board, to which Mr. Kovacs responded that this Board would need a super majority from this Board. Mr. Kovacs stated that the UCPB’s comments were vague and a recommendation, not a requirement.

Mr. Almquist asked if moving the parking to the East side of the trail would give them more room for parking and Ms. Anderson stated that it would not at this time. Ms. Anderson explained that where they are now proposing the parking the area has already been disturbed. Due to identified significant archaeological resources that are on the East side, downslope towards the river, they are unable to disturb the West side without further studies and planning. Mr. Almquist asked how those areas would be protected, to which Ms. Anderson stated that at this time, the

plan is designed to not go near those so there is no impact to that area at this point. Ms. Anderson stated that it is why parking is currently limited in the proposal. Ms. Anderson stated that they are proposing eight (8) standard parking spaces and one (1) handicapped space.

Mr. Almquist if there will be a barrier wall of any sort. Ms. Anderson stated that she believes there is enough distance from the parking area to the trail and at the moment there is not a plan for one.

Ms. Anderson explained that this plan is standard for other segments of the Empire State Trail of similar design.

Mr. Furman asked if the other segments of the trail border a river. Ms. Anderson stated that she doesn't know specifically. Mr. Furman stated that it sounds like once they build what they're proposing it is done and that is what most people are concerned about, including the UCPB, is the parking and no chance for expansion of that. Ms. Anderson apologized, as that was not her intention. Ms. Anderson stated that this proposal is only one portion of their buildout. Ms. Anderson stated that there will be further parking on the property, but where it would be located, she can't say at this time as there isn't a plan in mind. Ms. Anderson stated that there are plenty of opportunities for future parking areas. The other concern is that the trail runs through a neighborhood and they didn't want to overburden the community with additional cars coming in. Ms. Anderson stated that they believe most of the traffic will come and park on the Hutton Brickyard side of the trail, which has a substantially larger parking area. Mr. Furman asked how they came to that conclusion that more people would access the trail from the South and Ms. Anderson stated that the Brickyard parking is more accessible and more obvious, so they believe it will have more traffic. Ms. Anderson reiterated that by no means did she mean to give the impression that there wouldn't be an opportunity for additional parking in the future.

Ms. Anderson stated that there had been a Cultural Resources report done in connection with the prior owner who had wanted to develop and they did identify artifacts in the area, but she can't speak to the specifics of it, but that they are potentially significant. Those artifacts would need to be addressed and protected in any future development of that specific area, but the way the trail and parking is designed at the moment, their plan doesn't disturb that area.

Mr. Sorensen stated that in regard to the UCPB's concern, if Scenic Hudson could show the initial proposed parking to be reserved parking for future development. Mr. Sorensen stated that they do not have to build it at this point in time, but in case it is needed, it would be approved on their site plan. Ms. Anderson stated that since Heather Blaikie, of Scenic Hudson, isn't present and she is the one working on the design, she is not sure if it is a possibility due to drainage. Mr. Kovacs told Ms. Anderson that Scenic Hudson could come back to the Board and request moving their reserved parking to another spot at a future date and asked if that was a possibility. Ms. Anderson stated that it could be, but since she is not involved with the design, it is difficult to say. Ms. Anderson requested that if the Board was prepared to move the project along to the Town Board tonight, they could make the reserved parking a condition of approval and should it not be possible, they would come back before the Board. Mr. Almquist stated that the land West of the trail is flat so there shouldn't be a problem having that as a reserve.

Mr. Almquist asked how the parking areas would be paved. Ms. Anderson replied that she believes at the last meeting they had discussed a type of impervious surface. Mr. Sorensen stated that the reserve parking could be grass with geogrid underneath it. Ms. Anderson stated that she just wasn't sure if it would create an issue or not. Mr. Sorensen stated that the ditch is probably what they're concerned about and Ms. Anderson agreed. Ms. Anderson stated that perhaps four (4) or five (5) spaces as a reserve could be added, but she isn't an architect or designer to know for sure, but if the Board would be willing to proceed with approvals, they can make that a condition and come back before the Board if anything changes.

Mr. Almquist requested that there be some sort of barrier for the parking on the riverside on the East side of the trail, so people don't drive too far forward. Ms. Anderson stated that there is no intention of having a clear opening. Mr. Almquist stated that he has not seen any plans showing a barrier. Ms. Anderson explained that these are the plans of the developer of the Empire State Trail, but she has no doubt that the Board should not have anything to be concerned about. Ms. Anderson stated that she believes there is also a natural physical barrier present due to the slope of the land. Mr. Almquist stated that if there is a downhill slope, there needs to be some sort of barrier and Ms. Anderson stated that it won't be an issue.

Mr. Tutt stated that if the parking is going on the East, they will have to remove an existing gate. Mr. Almquist stated that there is a downward slope where people could just drive into the river without a barrier. Ms. Anderson stated that their intention is to not allow that to happen. Ms. Anderson stated that if you looked at the simulations they show typical trailheads and they show parking spaces and barriers, including concrete blocks and wood bollards. Ms. Anderson stated the barriers would be similar to those. Mr. Almquist stated that the Board can make it a condition of approval that barriers of some sort are put into place to which Ms. Anderson agreed.

Mr. Sorensen stated that the applicant would like to be referred to the Town Board with the recommendation to grant conditional site plan approval with the condition being that the site plan is revised to show the reserve of five (5) parking spaces to the West side of the trailhead, a barrier of some sort of the East side of the trailhead.

Ms. Anderson wanted to clarify that the approval of the easement would be conditional upon satisfying the conditions of approval to which Mr. Kovacs stated yes, the Town Board can grant conditional approval.

**Action:** A motion to refer this matter to the Town of Ulster Town Board with a recommendation to grant Conditional Site Plan Amendment approval for the Proposed Action subject to conditions was made by Mr. More, with a second from Mr. Stavropoulos; all in favor.

**WHEREAS**, the applicants – City of Kingston Office of Grants with The Scenic Hudson Land Trust, Inc. with the consent of Quarry Waters, LLC a subsidiary of The Scenic Hudson Land Trust, Inc., (“Scenic Hudson”) – are seeking Site Plan Amendment approval of an approximately 1.3-mile long trail running generally north/south within lands owned by Quarry Waters, LLC; and

**WHEREAS**, the project is subject to Site Plan Amendment approval by the Town of Ulster Town Board for the 1,000 linear foot segment of the proposed Brickyard Heritage Trail that lies within the Town of Ulster; and

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

- Cover Letter by City of Kingston Office of Planning by Donna Brady dated January 2, 2020;
- Kingston Planning Board Application for Special Permit or Site Plan review dated November 27, 2019,
- Project Narrative prepared by the applicants with link to Scenic Hudson.org received 12/6/2019;
- Full EAF Part 1 prepared by John Schultheis, P.E., City Engineer dated November 27, 2019;
- Deeds of Lands of Quarry Waters, LLC submitted by the applicants dated October 28, 2019;
- Hudson Landing Promenade/Empire State Trail Site Plan Application Location Map by Scenic Hudson;
- Hudson Landing Promenade/Empire State Trail Site Plan Application Photo Locations by Scenic Hudson
- Proposed Easement Map for Hudson River Brickyard Trail by Alta Planning & Design dated 12/16/19;
- Title Sheet for Hudson River Brickyard Trail by Alta Planning & Design dated December 10, 2019;
- Index and Abbreviations for Hudson River Brickyard Trail by Alta Planning & Design dated 12/10/2019;
- Legend Line & Point Symbology for Hudson River Brickyard Trail by Alta Planning & Design 12/10/19;
- Typical Sections for Hudson River Brickyard Trail [Sheets 5-6] by Alta Planning & Design dated 12/10/2019;
- General Notes for Hudson River Brickyard Trail [Sheets 5-6] by Alta Planning & Design dated 12/10/2019;
- Index Plan for Hudson River Brickyard Trail by Alta Planning & Design dated 12/10/2019; and
- General Plans [Sheets 9-22] for Hudson River Brickyard Trail by Alta Planning & Design dated 12/10/2019.

**WHEREAS**, the Town of Ulster Town Board retains the authority to approve the Site Plan Amendment in accordance with the Town Code upon a favorable recommendation by the Town of Ulster Planning Board; and

**WHEREAS**, the Proposed Action required referral to the Ulster County Planning Board (UCPB) pursuant to their referral agreement with the Town of Ulster and the UCPB issued the following Required Modification: “It is recommended that the Town and City take steps to ensure that there is adequate availability of parking at both the southern and northern access points to this portion of the Empire State trail;” and

**WHEREAS**, to address the UCPB's required modification, the Town of Ulster Planning Board asked the applicants to amend the Overall Site Plan to show five (5) reserve parking spaces on the west side of the trailhead, in addition to the spaces being provided on the east side of the trailhead; and

**WHEREAS**, in connection with the prior proposed development of the Property, the City of Kingston Planning Board as lead agency, adopted a SEQRA Findings Statement on April 13, 2009 (the "Findings Statement"); and

**WHEREAS**, in the City of Kingston Planning Board as lead agency, is reviewing the Current Proposed Action in relation to the approved action to determine additional studies that may be warranted to supplement the original SEQRA Findings Statement; and

**WHEREAS**, the Town of Ulster Planning Board considered 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 Town of Ulster Planning Board find the application is sufficiently complete to recommend Conditional Site Plan Approval to the Town Board.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board refers this matter to the Town of Ulster Town Board with a recommendation to 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 submits a revised Site Plan that provides for five (5) reserve parking spaces on the west side of the trailhead, in addition to the spaces already provided on the east side of the trailhead, and should the need arise for the additional parking spaces the applicants shall obtain a building permit and construct such spaces;
5. The Site Plan shall be amended to provide a barrier on the east side of the trail head and parking area to prevent cars from rolling off the embankment;
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;
7. Scenic Hudson submits final, established easements to the Town of Ulster Town Attorney for final approval; and
8. All fees, including consultant fees, shall be paid.

**Tarpon Towers/Verizon – P-780**  
**E. Chester Street Bypass**  
**SBL: 48.66-2-9**  
**Zone: OM**  
**Site Plan/Special Use Permit**

Brett Buggeln, Tarpon Towers, appeared before the Board requesting site plan approval and a referral to the UCPB as a SEQR Unlisted Action for a proposal and partnership with the Town of Ulster to construct a communications tower by the Town Highway Department next to the existing water tanks.

Mr. Buggeln stated that this is a partnership on two (2) levels: the first one being a financial partnership with a lease that will provide revenue to the Town and the second is the use of communications on the top of the tower for use by the Town for their Water Department, Sewer Department, Highway Department, and others. Mr. Buggeln stated that if you look at the drawings, the top of the tower shows several Town owned antennas that will be utilized.

The top of the tower will reach one-hundred and thirty-four feet (134'). Mr. Buggeln stated that their client, Verizon, will provide coverage from that location and it will be at the one-hundred and twenty-foot (120') centerline on the tower. There is enough space on the tower between the Verizon antennas and the Town antennas that there should be no interference.

Mr. Buggeln stated that the site chosen is conducive to their project because for one, there is a water tank there that is over one-hundred and ten (110') to start with and the setbacks can be easily met. To catch a view of the tower at the proposed location would be difficult as it is one-hundred and ninety-five feet (195') from 9W and at an elevation of sixty feet (60'). The side setback for the tower will be two-hundred and sixty-six feet (266') and the rear setback for the tower will be one-hundred and eighty feet (180').

Mr. Buggeln stated that they will access the site using the existing driveway.

Mr. Buggeln stated that this proposal is the result of extensive work finding public and private benefits and there are both at this location. Their intention is getting collocators here, such as AT&T and T-Mobile in the future.

Mr. Furman verified that they would be using the Highway driveway access and not what used to be a gravel treacherous looking path. Mr. Buggeln confirmed they will use the existing Highway Department driveway.

Mr. Michael Moriello, Attorney, stated that he concurs with all of Mr. Sorensen's review notes and that since this is a public/private project, the progression of case law over the years has led to, what he believes, an immunity from Zoning from the Town and in conjuncture with the property developer that immunity can extend. Mr. Moriello stated that he isn't saying they are immune from zoning, but he did do a balance of public interest test and has copies for the record.



Mr. Sorensen stated that the applicant had submitted a digital rendering of what the tower would look like in reference to the water towers and all you notice is the water tower. Mr. Buggeln stated that their proposal was cognizant of the water tanks being replaced in the future. Mr. Buggeln stated that the land is already disturbed ground and that the Highway Department is already using it seasonally for storage of excess dirt, mulch/leaf piles. There will be no land impact since the area is already in use and is conducive for this type of facility.

Mr. Almquist asked how much access is needed for construction and periodically after the site is fully operational. Mr. Buggeln stated that typically sixty to ninety days is intensive in terms of site work that needs to be done. After that, once it's at a steady state, a technician will visit once or twice a month to inspect the tower and check that the locks are properly fixed to the site and to the fencing. Mr. Buggeln stated there will be no water, sewer, or traffic.

Mr. Sorensen went through his project review notes. Mr. Sorensen stated that it was a straightforward application, but does have to be referred to the UCPB. Mr. Sorensen explained that he classified this project as a SEQR Unlisted Action and his recommendation is to classify a SEQR Unlisted Action and refer it to the County for review.

**Action:** A motion to classify this project as a SEQR Unlisted Action was made by Mr. Stavropoulos, with a second from Mr. More; all in favor. A motion to refer the project to the UCPB for review was made by Mr. More, with a second from Mr. Furman; all in favor.

**VA Kingston CBOC – P-782**  
**301 Frank Sottile Boulevard**  
**SBL: 48.8-1-1.212**  
**Zone: RC**  
**Site Plan Amendment**

Delbert Bittinger, SDB Contracting Services, Frank Marquez, Thr3e Design, and Dennis Brink, Valor Healthcare, appeared on behalf of an application for a community-based outpatient clinic which will be located at 301 Frank Sottile Boulevard, the old Pier 1 Import in front of the Walmart store.

Mr. Bittinger stated that there are a couple of amendments they would like to add to the site. The first change will be a fifty-foot (50') flagpole to fly the American flag and the Veterans of Foreign Wars (VFW) flag. The second modification that would be made is a sign above the entrance doors facing the road that you would enter Walmart through. Mr. Bittinger stated that the sign is within the allotted Town requirements for signs. Mr. Bittinger explained that the final exterior change they would like to make is an ADA drop-off point they would like to move to around the corner of the building to the landing area by the doors so patient's in wheelchairs have better access. Mr. Bittinger stated that the doors come with automatic operators, so it makes it easier for the patients. Mr. Bittinger explained that they will make modern renovations to the interior.

Mr. Bittinger stated that they are on an aggressive schedule so they're hoping to get site plan amendment approval tonight and they're hoping everything goes smoothly.

Mr. Almquist asked if they were stopping the Kingston office and Mr. Bittinger stated that they were expanding. The hope is to keep the Veterans in this area from traveling an hour away in traffic and snow and have a local center they can go to. The focus is to take pressure off of main campuses and service people more locally. There will be a pain clinic and a physical therapy clinic at this location. Mr. Bittinger stated that they build these types of clinics for Valor all over the country.

Mr. Sorensen went through his review notes stating the application was complete and everything complies to zoning. The project does not need to be referred to the UCPB. Mr. Sorensen stated he would classify the project as a SEQR Type II action.

**Action:** A motion to grant conditional site plan amendment was made by Mr. Stavropoulos, with a second from Mr. More; all in favor with a role call vote.

**WHEREAS**, the applicant – Frank Marquez with 3 Design (Agent) with the consent of Hudson Valley 2011, LLC (Owner) – is seeking Site Plan Amendment approval to remodel the former “Pier 1 Import” store at the Hudson Valley Mall and establish a Veterans Administration (VA) Community-based Outpatient Clinic (CBOC); and

**WHEREAS**, the applicant is proposing to install a 40.625 sf wall sign on the south façade, install a 50-foot high flagpole in front of the clinic entrance, create a new curb to improve ADA access to the front entrance of the clinic, place bollards in front of the entrance and install ADA compliant curbing and parking spaces along the west side of the building; and

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

- Consent Form signed by Robert T. Schmitt (Owner) consenting to filing of application dated 1/24/20;
- Site Plan Review Application by Frank Marquez (Agent) with Three Design dated January 24, 2020;
- SEQRA Short EAF Part 1 by Frank Marquez (Agent) with Three Design dated January 24, 2020; and
- Site Plan Analysis for Valor Healthcare prepared by 3 Design dated January 24, 2020.

**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 Site Plan provides for sufficient on-site parking and loading spaces for the proposed medical clinic; 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 Town Board, as the Lead 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.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board hereby classifies the Proposed Action as a SEQRA Type II Action, pursuant to NYCRR Part 617.5(c)(9) of the SEQRA regulations and grants Conditional Site Plan Amendment approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details as cited herein;
4. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
5. All fees, including consultant fees, shall be paid.

**Kukuk Farm – P-783**

**71-77 Kukuk Lane**

**SBL: 39.16-4-7.100**

**Zone: OM**

**Site Plan Amendment & Change-of-Use**

John Wasylyk, North Engineers, and Nick Argyros appeared on behalf of their application for a change-of-use within an existing building to grow herbs, specifically arugula, to sell to restaurants.

Mr. Wasylyk stated that the property is a 4.9 acre site and currently has two (2) unused warehouse buildings that the owners would like to utilize to grow indoor plants. Mr. Wasylyk stated that the entire indoor space will be used to grow herbs to sell to restaurants.

Mr. Wasylyk explained that they are making some changes to the exterior of the building.

Mr. Wasylyk stated that there is a large parking area in the rear which had been paved when the buildings were manufacturing plants. Mr. Wasylyk stated that there is existing access off of Kukuk Lane and there is an existing residence on the site.

Mr. Wasylyk stated that he went through the review notes and there are some issues he'd like to address. The first issue is that there was some confusion when he had generated the parking plan because there was nothing in the category for the Office & Manufacturing (OM) Zone, which this parcel is located within. Mr. Wasylyk stated that there are site plan approvals for agricultural operations which are allowed in the OM district and for farming operations which are allowed in the OM district. Mr. Wasylyk explained that there did not seem to be a category which their proposal fit into, in regard to parking. Mr. Wasylyk would like clarification on which category this project would fall under so they can calculate the parking correctly since there is nothing for agricultural use. Mr. Wasylyk stated that on the plans he used the standard which was

one (1) parking space per one-thousand square feet (1,000 sf) of warehouse space. Mr. Wasylyk explained that he used the thousand square feet (1,000 sf) since it was appropriate for a library. Mr. Wasylyk stated that they are proposing forty-four (44) spaces, two (2) of which are handicapped and two (2) for the residents.

Mr. Sorensen stated that on the plans, Mr. Wasylyk had it listed as warehouse space, to which Mr. Wasylyk stated that he listed it as that since there was no farm category. Mr. Sorensen stated that he has difficulty classifying it as an agricultural operation because the property is in the OM Zone which allows their proposal, but the building itself is a manufacturing facility, not a farm. Mr. Argyros stated that the world is approaching a mini ice age, which has nothing to do with global warming, but happens every three to four hundred (300-400) hundred years. As such, there will be very low temperatures in upstate New York until the year 2055. Mr. Argyros explained that most farming in the area will become all indoors, called microfarming. Mr. Argyros stated that they have a megawatt of power there and he can grow arugula at fourteen dollars (\$14) a pound right now. Mr. Argyros stated that it's not just arugula for restaurants, but he can grow for local people as you won't be able to grow outside. Mr. Argyros stated that the temperature drop will make working outdoors difficult and it is a scientific fact that can be googled. Mr. Argyros stated that going indoors can provide New York a way to provide food without having to beg other states. Mr. Argyros believes the future of farming will be indoors. Mr. Argyros explained that New York City has microfarms all over, some in whole buildings.

Another issue Mr. Argyros brought up is people being able to go outside because bacteria levels are rising and the issue of using pesticides when growing outdoors. Growing indoors is a cleaner way to grow food.

Mr. Wasylyk stated that in the project review notes the applicant was proposing to use twenty-nine thousand square foot (29,000 sf) of interior space but that the entire building will be used for growing herbs and vegetables, short of using the twenty-five hundred square feet (2,500 sf) of office space that's there. Mr. Wasylyk stated that the plan was to have two (2) office personnel and two (2) workers managing the plants.

Mr. Sorensen stated that the growing of produce inside the building in an OM Zone is allowed so it's just a matter of how it's classified and then the parking can be determined. Mr. Sorensen stated that there is a mezzanine so the Board would require floor plans showing the layout of the building, which will be needed for building permit purposes, also. Mr. Sorensen explained that the Board would need the layout to determine how the space is allocated to determine parking for the space. Mr. Sorensen stated that the Code does give the Board some discretion when the classification is not clearly defined.

Mr. Sorensen stated that where Mr. Argyros wants to place the outside greenhouses, he recommends the local Fire Department (FD) review the plans in terms of emergency access to the back of the building. Mr. Argyros stated that he could move it to the farm field if that would work better, to which Mr. Sorensen stated that it would.

Mr. Sorensen stated that it would be advantageous for the applicant to come back to a planning workshop, amend the plan to relocate the greenhouses and amend the floor plan showing what's

going on inside and submit a written narrative to that effect. Mr. Sorensen stated that the use is allowed, so that isn't an issue; the classification just needs to be figured out.

Mr. Almquist asked if this production will be soil or hydroponic based and Mr. Argyros responded that they will be using soil.

**Action:** No action was made.

**Paragon & PuroClean – P-784**  
**32-42 Old Sawkill Road**  
**SBL: 48.14-1-12.100**  
**Zone: R30**  
**Change of Use/Site Plan Amendment**

Paul Jankovitz, Architect, appeared before the Board for an application for a change-of-use for the property located at 32-42 Old Sawkill Road. Mr. Jankovitz stated that the property had been before the Board many times in a short period of time for a change-of-use. It had originally been built as a warehouse and office space. It had changed use to a training gym and they would like to now change it back to warehouse/office space.

Mr. Jankovitz stated that the only change they would like to make to the building is the addition of an overhead door on the warehouse and install a black chain link fence with slats in it to screen three (3) roll-offs that will be placed on the property in the front yard. The applicant will landscape that edge of the property.

Mr. Jankovitz stated that there are fifty-six (56) parking spaces present and they will probably use approximately sixteen to eighteen (16-18) spaces daily.

Mr. Jankovitz stated that they are currently located on Washington Avenue, but part of that group will move to this facility and the remainder will stay at their current facility. Mr. Jankovitz stated that the applicant has been looking for a space for a long time and this space is the most suitable for their needs since there is warehouse and office space in a fairly new facility.

Mr. Jankovitz stated that one of the buildings is used by the owner as storage of automobiles and that will remain as is.

Mr. Jankovitz stated the impact to the site is minor in nature.

Mr. Sorensen stated that the project is a SEQR Type II action subject to site plan amendment approval. Mr. Sorensen stated that the project does not have to be reviewed by the UCPB. Mr. Sorensen stated that in 2011 a variance was granted for office/warehouse use and the variance runs with the land. Mr. Sorensen stated that as such, the project can be approved.

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

**WHEREAS**, the applicant – Paul Jankovitz, R.A., with the consent of Big Matt Associates, Inc. (Owner) – has submitted an application for Site Plan approval to change the use of a 6,000 square-foot (sf) former fitness center to an office/warehouse use; 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 materials submitted in support of the Proposed Action includes:

- Application for Sketch Plan Review prepared by Paul Jankovitz, RA dated January 28, 2020;
- SEQRA Short Environmental Assessment Form by Paul Jankovitz, RA dated January 28, 2020;
- Site Plan for Pay It Forward Partners prepared by Paul Jankovitz, RA dated January 28, 2020; and
- Landscaping Schedule and Details prepared by Paul Jankovitz, RA dated January 28, 2020.

**WHEREAS**, on October 5, 2011 the property owner obtained a Use Variance from the Zoning Board of Appeals (ZBA) to allow the use of the existing 6,000 sf building for office/light manufacturing use, which use as permitted by the ZBA runs with the land; and

**WHEREAS**, the Town of Ulster 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 Site Plan provides for sufficient on-site parking and loading spaces for the proposed use; 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 Planning Board 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 for which no further action pursuant to SEQR is required.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board hereby classifies the Proposed Action as a SEQRA Type II Action, pursuant to NYCRR Part 617.5(c)(9) of the SEQRA regulations and grants Conditional Site Plan Amendment approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;

3. Compliance with site plan, design plans and all details as cited herein;
4. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
5. All fees, including consultant fees, shall be paid.

**Swart/Legg Minor Subdivision – P-786**

**51 Swart Lane**

**SBL: 39.12-4-6**

**Zone: R60**

**Minor Subdivision**

Bruce Swart, property owner, appeared on behalf on his application to subdivide his lot into two lots. Mr. Swart explained that the land was left to him and his sister and he'd like to divide the lot into two. Mr. Swart stated that when the lot was left to him and his sister they did not have the funds to do anything with it, but now that he's getting older, should something happen in the future, his children can inherit his piece of land.

Mr. Sorensen stated that Swart Lane is a private road and both lots would maintain road frontage. The one lot is a flag lot that will have a fifty-foot (50') ROW. Mr. Sorensen stated that there is a shared driveway that provides access. Within the flagpole there is a utility easement, but there is ample room to run a driveway through. Mr. Sorensen asked Mr. Swart if he planned to continue to use the existing driveway to which he said yes, but should anything happen, there's room for another driveway.

Mr. Sorensen stated that he classifies this as a minor subdivision and recommends that the Board classify it as a SEQR Negative Declaration Unlisted Action. Mr. Sorensen recommends that the Board waive the preliminary plat public hearing and set the final plat public hearing for March.

**Action:** A motion to classify this project a SEQR Negative Declaration was made by Mr. More, with a second from Mr. Furman; all in favor. A motion to waive the preliminary plat public hearing and scheduling the final public hearing for March was made by Mr. Stavropoulos, with a second from Mr. More; all in favor. A motion to approve the minor subdivision sketch plan was made by Mr. More with a second from Mr. Furman; all in favor.

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary