

TOWN OF ULSTER PLANNING BOARD

February 27, 2019

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, February 27, 2019 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Lawrence Decker
Frederick Wadnola (alt)
Alan Sorensen – Planner

John More (alt)
Frank Almquist – Vice Chairman

Absent:

Anna Hayner
Gary Mulligan

Andrew Stravropoulos

Roll call was taken.

A motion to approve the minutes from the January 2019 meeting was made by Mr. More with a second from Mr. Wadnola; all in favor. Mr. Almquist motioned the two alterenates, Mr. More and Mr. Wadnola to stand in place as voting members of the Board for the meeting.

Glidepath – Minor Subdivision and Site Plan Review

Miron Lane/ Route 32/Frank Sottile Blvd.

48.12-1-20, 48.16-1-1, 48.16-1-2.210

David Young, The Chazen Companies, appeared on behalf of the application for a minor subdivision to combine the three parcels into one parcel. There will be two stand-alone pieces of property that are separated by roadways from the main parcel. On one of these separate properties, the proposed battery-powered plant will be constructed further away from the neighborhood than originally proposed. The main parcel will be 109.6 acres, with the smallest of the three (3) lots being .9 acres and the lot that the project will be located will be 10.4 acres.

Mr. Young explained that the project will now be located further away and downhill from the original proposal location. The building will be 30,000 square feet and that there will be inverters on the exterior of said building. The electric will be on wires underground that will run to the substation and stored in batteries. There will be computer-sized stacks of modules that will be in the building, as well. The project is now a battery only and there will be no smoke stacks. The battery is similar to a lithium battery.

Mr. Young stated that there will be stormwater management on either side of the building. Bio-retention areas will drain into either the hillside or wetlands with a spreader. There will be new lines ran to the electric poles that come out of the ground around Kohl's that will connect to those existing lines.

Mr. Young stated there is an archaeology study currently being done.

Mr. Sorensen stated that once the applicant has a complete amended application he recommends referring the matter to Town Board for Site Plan Amendment.

Action: A motion to waive the Preliminary Public Hearing was made by Mr. Decker, with a second from Mr. Wadnola; all in favor. A motion to schedule the Final Public Hearing for the Minor Subdivision was made by Mr. Decker, with a second from Mr. Wadnola; all in favor with a roll call vote.

**Central Hudson Gas & Electric – Site Plan Amendment
435 Hurley Avenue
48.17-1-13.11**

Caren LoBrutto, The Chazen Companies, appeared on behalf of the application of a site plan amendment approval to expand CHGE's Hurley Avenue substation. Ms. LoBrutto stated that there were some changes that had been made to the plans. The applicant will now be keeping the bio-retention basin. The disturbance to the land will be limited to seventy-five feet (75') on either side of the 301 and 303 lines. The gravel road around the property will remain. Ms. LoBrutto stated that further archaeological testing is being performed. Central Hudson and The County have been in discussion regarding the rail trail. Ms. LoBrutto stated that they are in the process of addressing all of Brinnier & Larios's comments.

Mr. Sorensen stated that the Spring Lake Fire Department had a request of keeping the temporary gravel road as permanent emergency access to the property. Ms. LoBrutto stated that she had not reached out to the fire department yet, but that she will explore further. Ms. LoBrutto stated that she's aware that there are emergency access areas to the east and west of the property. Mr. Sorensen stated that the project must go before the Town Board for the purpose of a Public Hearing for the Special Use Permit.

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

WHEREAS, the Applicant – Central Hudson Gas & Electric – is seeking Site Plan and Special Permit approval to expand an existing “utility company structure” (i.e., substation) located at 435 Hurley Avenue; and

WHEREAS, the subject site is situated within the OM-Office Manufacturing Zoning District where a “utility company structure” is an allowed use subject to Site Plan approval; and

WHEREAS, pursuant to Section 190-21 C of the Town Code, the applicant is seeking a Special Use Permit for proposed transmission structures exceeding 100-feet in height; and

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

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

- Cover Letter by Caren LoBrutto, Senior Planner, The Chazen Companies, dated February 8, 2019;
- Application for Site Plan & Special Permit Review prepared by Ivan Hojsak, CHG&E, dated 12/21/18;
- Full EAF Part 1 & Report prepared by The Chazen Companies, dated December 21, 2018;
- Title Sheet prepared by The Chazen Companies, revised February 12, 2019;
- Notes & Legend prepared by The Chazen Companies, revised February 12, 2019;
- Existing Conditions Plan prepared by The Chazen Companies, dated December 21, 2018;
- Map of Partial Boundary Survey (Sheets SV101-103) by The Chazen Companies, dated 2/12/2019;
- Site Plan prepared by The Chazen Companies, revised February 12, 2019;

- Grading, Erosion and Sediment Control Plan by The Chazen Companies, revised February 12, 2019;
- Earthwork Cross-Sections prepared by The Chazen Companies, revised February 12, 2019;
- Site and Storm Details prepared by The Chazen Companies, revised February 12, 2019;
- Erosion & Sediment Control Notes by The Chazen Companies, revised February 12, 2019;
- 301 Transmission Line Proposed Profile by The Chazen Companies, dated 2/12/2019; and
- 301 Transmission Line Proposed Profile by The Chazen Companies, dated 2/12/2019.

WHEREAS, the Town of Ulster Town Board, upon review of the application materials determined the Proposed Action was a Type 1 Action pursuant to 6 CRR-NY 617.4 (b)(6) and 6 CRR-NY 617.4 (b)(10) of State Environmental Quality Review (SEQR) Law; and

WHEREAS, the Town of Ulster Town Board declared its Intent to be Lead Agency for this SEQRA Type 1 Action -Coordinated at its January 17, 2019 meeting and will be the designate itself Lead Agency at is February 21, 2019 meeting; and

WHEREAS, this matter was referred to the Ulster County Planning Board, which issued a NO COUNTY IMPACT decision dated February 7, 2019; and

WHEREAS, the Town of Ulster Planning Board, in its advisory role, finds the application sufficiently complete for the purpose of holding a public hearing on this matter for the required Special Permit.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board herby refers this matter to the Town Board so that it can designate itself Lead Agency, classify the Proposed Action as a SEQRA Type 1 Action and schedule this matter for a Special Permit public hearing.

**Cypress Creek – Minor Subdivision Re-Approval
Off Route 32 and Route 213
56.14-1-24, 56.14-2-18, 56.14-2-36.100**

Noel Swanson, Cypress Creek Renewables, appeared on behalf of the re-approval of the Minor Subdivision that had originally been approved on December 4, 2018. The recommendation was to re-approve the Minor Subdivision.

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

WHEREAS, the Town of Ulster Planning Board granted Cypress Creek Renewables dba Landau Solar, LLC and Landau Solar II, LLC (the “Applicant”) 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, pursuant to §161-14 F of the Town Code an approved plat shall be filed by the subdivider in the Office of the Clerk of Ulster County within sixty (60) days from the

approval date and failure to file the signed approved plat within the required time shall render the approval void without further action by the Board; and

WHEREAS, the applicant did not file the approved plat with the Office of the Clerk of the County in the timeframe required and has requested an “Extension” by the Planning Board to allow them time to file the Final Plat; and

WHEREAS, the Town Planner has recommended to the Planning Board to grant a sixty (60) day extension, which is permissible and appropriate in this instance; and

WHEREAS, no changes are proposed to the approved Final Plat; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby grants a sixty (60) day “Extension” to allow the applicant to file the Minor Subdivision Final Plat subject to the conditions, limitations and restrictions set forth below in the original subdivision approval resolution.

**Ten Broek Commons
1 Commons Drive
39.15-7-16.130**

Joe Beichert, Timely Signs, appeared on behalf of the application for sign site plan amendment approval. Ten Broek is looking to relocate their freestanding sign to a location closer to the driveway and changing it to a monument sign. Ten Broek will be adding directional signs to the property, as well as change their wall signage. The address of Ten Broeck will be included in the new proposed monument sign.

Action: A motion to declare this project a SEQR Type II action was made by Mr. Decker, with a second from Mr. Wadnola; all in favor. A motion to approve the sign site plan amendment was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

WHEREAS, the applicant – Ten Broeck Commons c/o Timely Signs of Kingston (Agent) – is seeking Site Plan Amendment approval to replace a freestanding sign with a double-sided monument sign; mounted letters applied to front wall canopy; and install 2 post and panel directional signs; and

WHEREAS, the Proposed Action is subject to Site Plan review by the Planning Board, since it involves the placement of a freestanding sign in accordance with Section 145-2 A (1) of the Town Code; and

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

- Letter of Authorization signed by Kathryn Perez authorizing Timely Signs as Agent dated 1/14/2019;
- Site Plan Review Application prepared by Jodie McCasland, dated January 14, 2019;

- SEQRA Short EAF Part 1 prepared by Jodie McCasland, dated January 16, 2019; and
- Ten Broeck Exterior Sign Specifications prepared by Timely Signs of Kingston, Inc., dated 1/3/2019.

WHEREAS, the Proposed Action did not require referral to the Ulster County Planning Board pursuant to the referral agreement between the Town and Ulster County since the proposed sign complies to the local Zoning Law; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency (only Involved Agency for Site Plan), upon review of the entire record determined the Proposed Action was a Type II Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law, for which no further action was 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 Ten Broeck Commons 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 provides a final sketch plan showing location of monument sign in compliance with Section 190-33 of the Town Code;
5. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
6. All fees, including consultant fees, shall be paid.

AllSpace Storage
1693 Ulster Ave, Ulster
39.19-3-24

Ken Casamento, The LRC Group, appeared on behalf of the application to expand the existing storage facility. Mr. Casamento explained that in 2001 the site plan was approved and a master plan for four buildings and climate control buildings was approved in 2014. Mr. Casamento stated that the applicant would like to add more units and climate control units.

Mr. Casamento stated that the land disturbance will be under an acre and that the stormwater will be routed southwest to an existing retention pond; there will be some grading done to expand the pond's storage.

Mr. Casamento stated that there will be a chain link fence to provide screening, possibly similar to that of the Highway Department on Hurley Avenue. Mr. Casamento explained that the way the the building are constructed, they are screening in themselves. There is a black vinyl fence currently in existence and Mr. Casamento stated that he will provide the Board will colored renderings for the proposal. Mr. Casamento also explained that to have slatted fencing requires too much maintenance.

The new buildings will not be constructed by the train track side, but on the other side of the property where there is asphalt. There will be more asphalt put down where the proposed buildings are being constructed. There is existing utilities that can be tapped into for the future buildings.

The fire company will have enough maneuverability as before, but the applicant is willing to address any comments that they may have.

Mr. Sorensen stated that he recommends referring this project to the Town Board to initiate lead agency.

Action: A motion to adopt the resolution to refer the project to the Town Board was made by Mr. More, with a second from Mr. Wadnola; all in favor with a roll call vote.

WHEREAS, the applicant – Apollo Group, LLC dba All Space Storage – is seeking site plan amendment approval for the construction of two (2) additional storage units with a total of 24,259 square feet (ft), along with the construction of associated access drives, site lighting and stormwater treatment facilities; 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 Town Board since the Proposed Action involves more than 2,500 sf of new building area; and

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

- Site Plan Application prepared by Darin Page – Apollo Group, LLC dated 1/28/19;
- Site Plan Consent Form prepared by Darin Page – Apollo Group, LLC dated 1/28/19;
- SEQR Short Form EAF prepared by Kelly Libolt – Page Park Associates dated 1/28/19;
- Cover Sheet prepared by LRC Group, Engineering dated January 29, 2019;
- Existing Conditions Plan Sheet by Vincent P. Ausfeld, P.L.S, dated November 19, 2018;
- Site Plan Sheet prepared by LRC Group, Engineering dated January 29, 2019;
- Grading & Drainage Plan Sheet prepared by LRC Group, Engineering dated 1/29/19;
- Utility Sheet Plan prepared by LRC Group, Engineering dated 1/29/19;
- Erosion & Sediment Control Plan prepared by LRC Group, Engineering dated 1/29/19;
- Lighting Plan prepared by LRC Group, Engineering dated January 29, 2019;
- Truck Turning Plan prepared by LRC Group, Engineering dated January 29, 2019;
- Site/Stormwater Details prepared by LRC Group, Engineering dated January 29, 2019;
- Erosion Control Details prepared by LRC Group, Engineering dated January 29, 2019;
- Preliminary Elevations prepared by NEL-STRUCT, LLC dated January 15, 2019; and
- Preliminary Floor Plan for “Building R” by NEL-STRUCT, LLC dated January 15, 2019; and
- Preliminary Floor Plan for “Building S” NEL-STRUCT, LLC dated January 15, 2019.

WHEREAS, the Town of Ulster Planning Board, upon review of the application materials determined the Proposed Action was an Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, Involved Agencies include: Town of Ulster Town Board (Site Plan); and

WHEREAS, Interested Agencies include the Town of Ulster Planning Board (Site Plan), Ulster County Planning Board (NYSGML 239 review), NYSDEC Division of Environmental Permits for Region 3 for consultation regarding Threatened and Endangered Species (Northern Long-eared Bat); U.S. Fish & Wildlife Service for consultation regarding Threatened and Endangered Species (Northern Long-eared Bat); and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board so that it can declare itself Lead Agency for this Unlisted Action SEQRA review.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary