

TOWN OF ULSTER PLANNING BOARD

December 8, 2020

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, December 8, 2020, at 7:00 p.m. via the Zoom application. The following members were present:

Present:

Anna Hayner
Lawrence Decker
Andrew Stavropoulos
Geoffrey Ring – Chairman

Frank Almquist – Vice Chairman
John More (alt.)
John Stowell (alt.)
David Church – Planner

The Pledge of Allegiance was recited.

Roll call was taken.

Chairman Ring introduced himself to the Board.

A motion to approve the minutes from the December 2020 meeting was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor with a roll call vote.

PUBLIC HEARING

Daniel Winn – P-817
240 South Road
SBL : 39.1-5-13.111
Zone : R60
Major Subdivision

Michael Vetere III, Surveyor, and Daniel Winn, property owner, appeared on behalf of an application for a major subdivision to subdivide one (1) lot into four (4) lots.

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

Mr. Vetere stated the applicant is proposing a four lot subdivision. Mr. Vetere explained that proposed lots one and two (1 & 2) will be approximately 2 acres, lot three (3) which has the existing home, will be 3.11 acres and lot four (4) will be 4.6 acres. Lot one and two (1 & 2) will have a common driveway easement with a maintenance agreement. Mr. Vetere stated that they have received the required curb cuts for the proposed easement and proposed driveway. Mr. Vetere stated that they have submitted letters of feasibility for the proposed septic systems. The applicant has also submitted the road maintenance agreement for the Town's approval.

Mr. Vetere stated that he understood there was some questions brought up by the public after the last meeting about the driveway crossing the Federal Wetlands. Mr. Vetere stated that they are not proposing any disturbance to the Federal Wetland although they are allowed to disturb about forty-three hundred square feet (4,300 sf). Mr. Vetere stated that they have been into contact with the DEC and that there are no unique geological features present. There are no rare plants or animals, nor flooding issues present. The parcel is also not within a sensitive Park District. Mr. Vetere stated that they met with a site engineer and they do not foresee any disturbance to the Wetland. Should they disturb more than one tenth of an

acre, a permit from the Army Corp. of Engineers must be applied for, but at this time they do not see a need for it.

Mr. Vetere stated that they have met all the criteria in terms of Zoning and in essence, this project has a minimal number of sensitive topics in consideration with most of the project that come before the Board.

Mr. Church stated that after receiving the neighbor's concerns, he independently confirmed what Mr. Vetere stated regarding wildlife.

Denis O'Regan III, 192 South Road – Mr. O'Regan stated that the wetland is fed from a brook that runs from his land and wants to ensure that the brook will continue to drain to the pond, so it does not backup onto his property. Mr. Vetere stated that the drainage would be benefited by their proposal, as they plan on installing a forty-eight inch (48") culvert pipe in the drainage ditch without disturbance to any vegetation and crossing to the pond so it should dry any wetness up. Mr. Vetere stated that he can put a note on the map that states that Mr. Winn will not impede the water flow from the O'Regan's land and that if there were any issues with drainage, the applicant would rectify the issue. Mr. Vetere stated that he can verify that they will not backup the waterflow as they intend to cross at the highest point.

Chairman Ring confirmed that all the work will be done to the west of the existing utility pole and Mr. Vetere agreed. Mr. Vetere stated that the curb cut is approximately one-hundred and forty feet (140') from the pond to the curb cut.

Mr. Winn stated explained that he will be preserving most of the wetlands and the stone house that is present on the three (3) acre parcel and the pond will be on lot four (4). Mr. Winn believes this subdivision will be an asset to the neighborhood and that he had put a lot of thought on how to subdivide the property. Mr. Winn stated that the proposed houses were sited to not be visible from South Road nor neighbors.

Sharon Cross, 225 South Road – Stated she is adjacent to lots one and two (1 & 2). She stated that there is a rock formation on her lot and one of the proposed wells is close to the formation. One of the septic look like it will be close to an area that looks like it will runoff to the stream on the east side of the project.

Mr. Vetere stated that when they have lots over two (2) acres, the proposed driveway, home site, well and septic can be placed in many different positions since there is a large area. Mr. Vetere stated that they calculated that everything is over one-hundred feet (100') from the creek, as that is criteria that must be met. Mr. Vetere stated that they have perc tested many locations that are possible for the septic. Mr. Vetere stated that the well must be at least one-hundred feet (100') from the proposed septic, but they can put either of those anywhere on the properties.

Mr. Vetere stated that Mr. Cross can consider the rock formation a natural geological privacy buffer as it can never be developed since it is bedrock.

Ms. Cross asked how far it is from her property line to the driveway that goes up to the two (2) lots. Mr. Vetere stated that the shared driveway will be in front of the old barn. The barn will be on lot one (1.)

Betsy & Derrick Nordlander, 209 South Road – Mrs. Nordlander stated that their concern is maintaining a sense of nature, remoteness, ecology and wildlife that drew them to the area. There is a lot of wildlife present and she does not want that economy to be disturbed, such as the old growth trees that are beautiful and have characterized the area. Chairman Ring asked if the Nordlanders had considered purchasing the

property to maintain all the issues they have concerns with. Mrs. Nordlander stated that they have not been in the position to purchase the property.

Mr. Vetere stated that this parcel was originally sixty (60) acres and this is the remaining twelve (12) acres of that which they are proposing to subdivide. Mr. Vetere stated that all the adjoining lots were lots that were previously subdivided out of the original parent parcel.

Mr. Vetere explained that the applicant has met all the zoning requirements and they are trying to keep the lots as private as possible by going above the required acreage for this Zone.

Mrs. Nordlander stated that she understands Mr. Winn is within his rights with this subdivision, but she asks that he would take the remoteness and wildlife into consideration moving forward because it matter to those who live there and probably to his prospective buyers.

Mr. Nordlander stated that they are within the Catskill Park and that is what drew them to the area. Mr. Nordlander stated that in the development of the property, he hopes that he would keep the larger trees to maintain the character of the neighborhood.

Mr. Norlander stated that the house and the septic on lot one (1) is situated very close to his existing barn which is used as a workshop and music studio. Mr. Nordlander stated that they plan on renovating the barn to convert it to a living space and he hopes that Mr. Winn will take into consideration what he is putting next to their property. Mr. Norlander also stated that this same home seems to be situated where one of the oldest and tallest trees is on that property and asks that Mr. Winn consider that.

Mr. Winn stated that this property was on the market several months when he purchased it and when he made his offer, he was up-front about his plans to subdivide the property. Mr. Winn stated that the existing house is so close to the road and he wanted to do some renovations to it, but to justify it monetarily, he would need to create the lots.

Mr. Winn stated that he does not plan on cutting any trees that are not in the septic field or the house site.

Theodore (Ted) & Nadia Nordlander, 209 South Road – Mr. Nordlander asked if it can be made conditional that they will not cut further trees as he wants it on the record on the map since Mr. Winn will not be the final owner of the property and he believes it is important that it is addressed. Mr. Winn stated that he will not incur his properties in that way and he would not expect it of the neighbors.

Mr. Winn stated that he was at the property today looking at specifically lot one (1) and the proposed site is not set-in stone as there are other options, but that he noticed Mr. Ted Nordlander's house is on the opposite end of his property, so the homes are set away from each other. Mr. Winn stated that the way the Nordlanders' property is situated, the residence will be blocked from the proposed lot one (1) residence by the existing barn on their property. Mr. Nordlander reiterated that they plan on converting the barn into living space in the future and would like Mr. Winn to take that into consideration.

Mr. Winn stated that he is deciding on whether to build the homes himself or sell the lots off as buildable lots, but either way, he believes they will be an asset to the neighborhood as they will be built as higher end homes.

Susan Caswell, 261 Main Street – Welcomed Mr. Winn to the community and stated she understands the monetary need. Ms. Caswell wanted to inform Mr. Winn that if you walk the property towards her property there is a stone wall and past the stone wall is an extreme drop off to the waterfall and requested that he inform whomever buys the property that there is that drop off present. Mr. Winn stated that his

property ends prior to the stone wall. Ms. Caswell stated that she understands, but it is more of a safety concern.

Mr. Norlander asked if Mr. Winn planned on removing any of the stone walls present and Mr. Winn stated that he has no plans to. Mr. Vetere stated that the wall lines are the boundary lines, so both parties have a right to the walls and they will not be touched.

Jean & Jim McGarry, 180 South Road and Lester Felton, 174 South Road- Has concerns about lot four (4) in regards to drainage, wells, leech fields and privacy. Mrs. McGarry asked if there is another house proposed on lot four (4) and Mr. Vetere stated that one (1) house is being proposed per lot, so the existing stone house will remain on lot three (3) and that all houses will meet the zoning setback requirements, but they can sit anywhere on the lot beyond the setback area. Mr. Felton asked if lot four (4) would include the pond and the stone wall that abuts the mobile home park within the acreage shown on the map and Mr. Vetere stated yes, it includes the pond and the property line runs along the stone wall. Mr. Winn explained that he believes any house built on that lot will try to maintain privacy, as that is what people want. Mr. Winn stated that when he walked that site and stood in the proposed housing sites, he did not see any other houses in sight.

Mr. Felton stated that from the north end of the pond, one hundred and eighty feet (180') away is nothing but swamp area. Mr. Felton stated that when he built his house in 1975, he had to have a leech field of 40 x 60, so how is the proposed leech field not going to leech into the pond. Mr. Felton stated that he does not own the pond, but he does not want to see it destroyed, either. Mr. Winn stated that he is willing to meet Mr. Felton on-site to go over his proposals. Mr. Winn stated that in order to get a septic system, the County must sign off on it, so it will be built to County's requirements and specifications.

Ms. McGarry asked what the effect of their wells would be as she and her brother have both already had to have deeper wells dug. Mr. Winn stated in his experience, with a pond like that present, there should not be any well issues. Mr. Felton stated that there are people on the Hudson River that have to dig six hundred feet (600') down and still don't reach water, so the pond being there has no effect on their wells.

Mrs. McGarry explained that her and her brother, Mr. Felton, both have stakes in the area, having grown up in it their whole lives. Mrs. McGarry stated that the trees have been there a long time and so have the animals and they are disheartened to have to look down on a proposed residence after so long. Mr. Winn stated that it is important to him that the lots maintain privacy as that is attractive to people.

Mr. Winn asked if they knew the land was up for sale and Mrs. McGarry stated that she knew the house was for sale, not the land, and to think that all of Ruby could just buy up the land to maintain it's remoteness is ludicrous. Mr. Winn reiterated that he is willing to meet with anyone on-site to go over his proposals and Mr. Vetere stated that anyone interested should contact the Planning Secretary, Gabrielle Perea, to schedule a meeting.

Mr. Felton stated that a checkmark on box fourteen (14) on the Short Environmental Assessment Form was not checked. Mr. Vetere stated that it was a mistake made in error, but there is a Federal Wetland present which has been disclosed multiple times, and it is not regulated by State nor the Department of Environmental Conservation (DEC). Mr. Vetere stated that this subdivision is straight forward and that the applicant has met all the zoning criteria.

Mr. Vetere stated that he and his applicant understand all of the neighbors concerns, but if it wasn't for the Federal Wetland it would be a straightforward application. Mrs. McGarry stated that the possibility of what it could turn into is gut wrenching and she hopes that they keep in mind all their concerns moving forward and will be calling to make the appointment to walk the site.

Meghan McGarry, has a family stake of Mrs. McGarry's property at 180 South Road and asked if a Full Environmental Impact Study (FEIS) has been done for the possible outcome. Mr. Vetere stated that the Town of required the Part 1 Short Environmental Assessment Form (SEAF), but that they did have an engineer come out and perform perc tests. Mr. Vetere stated that in this day in age, you would only need a foot of soil for a septic so those tests are not generally required for this proposal by law. Mrs. McGarry asked if the amount of wells comes into play. The septics can not be within one-hundred feet (100') of any wells.

Ms. Cross asked if Mr. Winn will be residing at 240 South Road and Mr. Winn stated he will not be.

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

Action: A motion to schedule the final public hearing for February 2021 was made by Mr. Stavropoulos, with a second from Mrs. Hayner; all in favor with a roll call vote.

OLD BUSINESS

Morgan Coy – P-818
36 Sawkill Road
SBL: 48.14-3-44.240
Zone: OM
Site Plan

Morgan Coy, property owner, appeared before the board for a warehouse facility.

Chairman Ring asked Mr. Church to go over the project. Mr. Church stated that he would prefer Town Sewer, but the property is not currently in the district. The Wastewater Superintendent is aware. Mr. Church stated that there was discussion about the road and parking located on the road which needs to be addressed, along with future parking on the property. There is a flood hazard area that is located on the property and there was speculative discussion about future activity since the parcel is considerably large.

Mr. Church stated that we had received the County comments and those can be reviewed.

The applicant was also informed that he needs to reach out to Cultural Resource Information System (CRIS) because the property is potentially archaeologically sensitive.

Mr. Church explained that we will need some documentation from the Wastewater Department about access to sewer at this property which will require details that have not been received yet.

There was a brief discussion about the proposed road that had been approved years ago.

Mr. Coy stated that he received comments from the County, Sewer and Highway Department. Mr. Coy stated that the County would like to see drainage details, which he has been working with engineers on. Mr. Coy stated that the sewer connection is major and knows it is an issue that needs to be addressed. Mr. Coy stated that he will work with the Sewer Superintendent to discuss the path forward with that.

Mr. Coy explained that he did submit to State Historic Preservation Office (SHPO) before the new year and is waiting on feedback from them.

Mr. Coy explained that there is a small portion of property that the hospital did not sell to him which is the space that snow gets piled up on. Mr. Coy stated that the hospital still owns that piece as they had wanted to keep access for the medical building next door. The hospital did say that if Mr. Coy builds the road connection, at that point, they would give that piece of land to the Town of Ulster. Mr. Coy stated that the road will be built to road standards for the Town, but he is open to suggestions on snow removal or storage on his lands. Mr. Jason Kovacs, Town Attorney, spoke with the Highway Superintendent, and he believes the Town would be interested in that land and asks that Mr. Coy reach out to the hospital as it would be beneficial to all parties. Mr. Coy stated that he will.

Vincent Maggiore, Town Sewer Superintendent, stated that the decision on expanding the Washington Avenue Sewer District to encompass Mr. Coy's property is a Town Board decision. Mr. Church explained that all these comments must be incorporated in the site plan the Town review, in coordination with the Town Board.

Mr. Church recommended that Mr. Coy attend a workshop on the first Wednesday of the month. Mr. Coy stated that he will schedule a workshop with the Planning Secretary.

Action: No action was taken.

NEW BUSINESS

JLM – P-822

1076-1090 Morton Boulevard

SBL : 48.42-3-22

Zone : HC

Site Plan Amendment

Joseph Mesuda, owner, appeared before the Board to add a drive-thru to the old TCBY yogurt location on Morton Boulevard.

Mr. Church explained that detailed comments were received from the Highway and Water Departments and the circulation plan needs to be discussed.

Mr. Mesuda stated that the sewer cleanouts on the left northern side of building, will be lowered to street level and have only been used once in twenty-five (25) years. Mr. Mesuda explained that there is a written agreement with the neighbors on the southside (security company.) Mr. Church explained that if the plan is to use neighboring properties to make parking work, the Town will need copies of those agreements, Mr. Mesuda stated that he can submit those agreements. Mr. Mesuda stated that when he walked the property with the Building Inspector, Warren Tutt, they thought they could put signs for enter and exit in the planters that are present. Mr. Mesuda stated that as for the circulation, he does not know how to go about seeing if there is any difference. Mr. Mesuda stated that the drive thru goes around the back of the building so the traffic will be off the road as about ten (10) cars can fit behind the building.

Mr. Mesuda stated that he spoke with John Reilly, Department of Transportation (DOT), about the drainage and Ulster Avenue, but he said Mr. Reilly did not seem to have any concerns.

Mr. Church stated that the drive-thru makes sense during these times and Mr. Mesuda agreed. The issue is if the drive-thru queues, will it conflict with the parking on-site. Mt. Tutt asked if the proposed parking in the back will be for employee parking. Mr. Mesuda stated that employees will be parked in the back all

day and will not be going in and out. Mr. Mesuda stated that all his leases state that there will be no parking in front except for patrons/customers.

Mr. Tutt stated that the Highway Superintendent said that the applicant is proposing parking where they currently store snow. Mr. Mesuda stated that there is an area that will be preserved for snow storage unless we get a major storm, but if that happens, he has the snow removed. Mr. Mesuda stated that he got two (2) new parking spots in the back when they gave up the side parking. Mr. Mesuda stated that he will put in new striping and lines into the plaza and is willing to do anything to make it all work.

Mr. Maggiore asked what type of restaurant will be going in. Mr. Mesuda is shooting for something like TCBY as he believes there is a need in town, but he will change the grease trap if necessary to comply.

Mr. Church stated that is Mr. Mesuda can meet with his engineer and address all comments and then he should be set. Signage and circulation detail will need to be provided on the site plan. Mr. Tutt stated that he is willing to meet on-site with the engineer and Mr. Church.

Action: No action was made.

Tarpon Towers – P-823
901 Miron Lane
SBL : 48.12-1-21.110
Zone : OM
Site Plan Amendment

Brett Buggelin, Chief Operation Officer of Tarpon Towers, appeared before the Board for a one-hundred- and ninety-two-foot (192') monopole to be located at the transfer station behind the mall.

Mr. Buggelin stated that a couple of years ago he had been before the Board for a similar tower by the Highway Department in partnership with the Town. Mr. Buggelin has been working with T-Mobile and Verizon regarding their needs in this location.

The parcel is long and narrow and is Town owned. The pole will have capacity for the Town antennae if needed and he has T-Mobile and Verizon who are ready to sign leases once the Board is satisfied with the project. There will be a fifty foot by seventy-foot (50' x 70') compound that the pole will be located in.

Mr. Buggelin discussed the submitted documents and stated that they had Federal Aviation Administration (FAA) clearance.

Mr. Buggelin stated that they engineered this tower so that in the unlikely event that the tower collapsed, it would collapse upon itself and not go across the mall road. Mr. Buggelin stated that they did a balloon test for the tower on November 19, 2020 during leaf off conditions. Mr. Buggelin stated that the tower is mostly blocked by the topography of the area.

There is minimal land disturbance and there will be no new driveway, water or sewer. There will be someone who visits the site once a month so the traffic will not be impacted.

Chairman Ring asked if the tower would be lit and Mr. Buggelin stated no, only if it is required by the FAA.

Mr. Tutt stated that the pad that was requested last time was not big enough and the Town is having a hard time fitting the equipment inside, so they are requesting an eight-foot by eight-foot (8' x 8') pad.

Mr. Tutt stated that he also does not have the number of meters listed on the plans, so that will need to be added.

Mr. Tutt stated that paperwork stated that Verizon will have a generator, but it does not show up on the site plan. Mr. Buggelin stated that he will get the plans modified to reflect the correct information.

Mr. Church stated that the Board can initiate SEQR and forward the plan to the County for review. There was a brief discussion regarding the catastrophic failure of the pole and how it was engineered to not tip over.

Mr. Church stated that the fall zone is one-hundred feet, but the lot line is only fifty feet (50'). The southeast corner of the lot is in a potential fall zone. Mr. Buggelin asked if he could go back to the engineer and achieve meeting the fall zone and the property lines as reconfiguring the location of the tower may remedy that issue.

Mr. Church stated that there is legal memorandum that due to the nature of the type of project, it is not subject to needing a variance, but he deferred to Mr. Kovacs to elaborate. Mr. Kovacs stated that since it is on Town property and we had a similar application a couple of years ago by the same applicant, the Town looks at approval from the Planning Board, but the Town is exempt from other requirements.

Chairman Ring stated that the full site plan will need to be submitted by the week of January 25th, so it can be on the agenda for February. Mr. Buggelin stated that he can probably have it all in by the end of the week.

Mr. Church read the draft resolution.

Action: A motion to accept the resolution as read, striking paragraph three (3), was made by Mr. Almquist, with a second from Mr. Decker; all in favor with a roll call vote.

WHEREAS, the applicant –Tarpon Towers, seeks Site Plan approval for construction of monopole public utility structure for co-location of wireless and public service telecommunications facilities; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Planning Board, in coordination with the Ulster Town Board who have authority to lease the site to this applicant, including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

NOW THEREFORE BE IT RESOLVED, the Planning Board, based on a review of the application, determines to be designated as lead agency and to type the application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA).

NOW BE IT FURTHER RESOLVED, the Planning Board formally refers this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

Glidepath – P-824
Route 32
SBL : 48.12-1-19
Zone : OM
Lot Line Adjustment

Erin Hazen, Glidepath, appeared on behalf of an application for a lot line adjustment. Ms. Hazen stated that they are developing an energy storage facility which had been approved and most recently amended in 2019.

As part of development, they purchased land for this project but there was an error in the surveying so not all of the land had been covered by the deed. Tilcon Minerals graciously sold them the property needed to move forward with their project.

Mr. Church stated that Lot Line Adjustments are Type II action under SEQR and so not require a public hearing.

Action: A motion to approve the lot line adjustment was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote.

WHEREAS, the applicant –Glidepath (aka Lincoln Park Grid Support Center, & Lincoln Park DG Real Estate LLC) – is seeking Lot Line Adjustment in accordance with Section 161-9 & 10 and the town of Ulster code; and

WHEREAS, the applicant proposes to correct a surveying error by correcting a lot line and adding +/- 3.216 acres from SBL 48.12-1-19.100 to SBL 48.12-1-20.110; and

WHEREAS, the proposed lots comply with the minimum lot size of the OM zoning district; 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:

- Signed Consent to File Form and Escrow Agreement;

- Application for Lot Line Adjustment;
- SEQR Short Form EAF Part 1; and,
- Map of Proposed Lot Line Revision Between Lands of Lincoln Park DG Real Estate LLC and Lands of Tilcon Materials, Inc prepared by Brinnier & Larios, P.C. dated March 23, 2020; and,
- Description of Lands to be Conveyed to Lincoln Park DG Real Estate LLC dated March 23, 2020.

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves few 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, in accordance with Chapter 161, Section 161-9 the Proposed Action is a Lot Line Adjustment and no public hearing is required; and

WHEREAS, the Planning board classified the Proposed Action as a SEQRA Type II action and no further action is required upon review of the entire record (including SEQR Short Form EAF Part 1 & 2) .

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 subject to the conditions, limitations and restrictions set forth below.

1. The Plat may be filed with the 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

AllSpace Storage – P-825
1693 Ulster Avenue & 1807 Ulster Avenue
SBL: 39.19-3-24 & 39.19-3-15.100
Zone : OM & HC
Lot Line Adjustment

Shawn Curran, appeared before the board for a lot line adjustment to convey ± 2.69 acres to a neighboring lot.

Mr. Church stated this project is a Type II action under SEQR and that the Board can approve the adjustment. There is a sanitary sewer easement that was on the northernmost lot involved and will now be split between the two (2) lots, so the easement must be honored on the site plan that was drawn up by Mr. Kovacs.

Mr. Church read the amended condition of the resolution for approval.

Action: A motion to approve the lot line adjustment was made by Chairman Ring, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

A motion to nominate Gabrielle Perea as the Planning Board Secretary was made by Chairman Ring, with a second from Mr. Decker all in favor.

WHEREAS, the applicant – AllSpace Storage – is seeking Lot Line Adjustment in accordance with Section 161-9 & 10 and the town of Ulster code; and

WHEREAS, the applicant proposes a lot line adjustment between lots 39.19-3-24 (Lot 24) and 39.19-3-15.100 (Lot 15) resulting in ± 2.69 acres added to Lot 24 from Lot 15; and

WHEREAS, the proposed lots comply with the minimum lot size of the OM and HC zoning districts; 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:

- Signed Consent to File Form and Escrow Agreement;
- Application for Lot Line Adjustment;
- SEQR Short Form EAF Part 1; and,
- Lot Line Adjustment Plan Between the Lands of Lynn Elliott LLC and Apoloo Group LLC prepared by Ausfield & Waldruff Land Surveyors LLP, submitted 12/28/2020.

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves few 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, in accordance with Chapter 161, Section 161-9 the Proposed Action is a Lot Line Adjustment and no public hearing is required; and

WHEREAS, the Planning board classified the Proposed Action as a SEQRA Type II action and no further action is required upon review of the entire record (including SEQR Short Form EAF Part 1 & 2) .

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 subject to the conditions, limitations and restrictions set forth below.

1. The Plat may be filed with the office of County Clerk after signed by the chairman of the Planning Board; and
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. The existing sanitary sewer easement granted to the Town of Ulster on August 12, 1970, which was recorded with the office of the Ulster County Clerk on December 11, 1970 in Liber 1252 of Deeds at Page 600, and the existing sanitary sewer easement granted to the Town of Ulster on December 23, 1971, which was recorded with the office of the Ulster County Clerk on March 8, 1972 in Liber 1274 of Deeds at Page 942, shall not be affected by this lot line adjustment and shall continue unimpeded. Reference to said easements shall be noted on the Lot Line Adjustment Map to the satisfaction of the Town of Ulster Waste Water Superintendent and Town Attorney; and
5. All fees, including consultant fees, shall be paid.

A motion to nominate Gabrielle Perea as the Planning Board Secretary was made by Chairman Ring, with a second from Mr. Decker; all in favor with a roll call vote.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary