

TOWN OF ULSTER PLANNING BOARD

January 14, 2020

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, January 14, 2020, at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Anna Hayner

Dan Furman

Andrew Stavropoulos

Gary Mulligan – Chairman

Lawrence Decker

John More (alt.)

Frank Almquist – Vice Chairman

Alan Sorensen – Planner

Roll call was taken.

A motion to approve the minutes from the December 2019 meeting was made by Mr. Almquist with a second from Mr. Stavropoulos; all in favor. Mr. Stavropoulos had one correction which was the spelling of his last name.

A motion to re-appoint Frank Almquist as Vice-Chairman was made by Mr. Decker with a second from Ms. Hayner; all in favor.

A motion to re-appoint Gabrielle Perea As the Planning Board Secretary was made by Ms. Hayner with a second from Mr. Almquist; all in favor.

Old Business

Central Hudson Training Center - P-764

2229-2271 Route 9W

SBL: 39.15-4-11

Zone: HC

Lot Line Adjustment Reapproval

Jessica Caserto, Central Hudson representative, appeared on behalf of an application to have the lot line adjustment that was approved in November reapproved so that they may file it with the County Clerk.

Ms. Caserto stated that Central Hudson closed on the property in the beginning of December, but the deed had not been filed until January 6th, so she had the maps printed again reflecting the new ownership. Ms. Caserto stated that no other changes have been made to the maps.

Mr. Sorensen stated that he prepared a draft resolution, but wants to make sure he had the correct revision date on the map within his resolution. Ms. Caserto stated that the revision date is January 10, 2020. Mr. Sorensen stated that is the only amended needed for the resolution. Mr. Sorensen read the resolution.

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

WHEREAS, the Applicant – Central Hudson Gas & Electric (CHG&E) – is seeking Site Plan & Special Permit approval to establish a 40,351 square-foot (sf) Training Academy that will feature offices and classrooms, a separate 31,358 sf indoor training area, and an outdoor “gas village” containing (6) 120 sf residential training buildings, (1) 800 sf commercial training building, (1) 240 sf apartment training building, and simulated electric transmission and distribution pole yards along with a 41,550 sf Electric Transmission and Distribution Primary Control Center on the subject 56.51-acre site; and

WHEREAS, the Applicant is concurrently seeking Lot Line Adjustment approval to swap 1.8- acres with an adjacent parcel, which would be subject to Planning Board review; and

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

- Application for Preliminary Subdivision Plat Approval prepared by Peter Skelly, dated July 29, 2019; and
- Lot Line Revision Plan prepared by Brooks & Brooks Land Surveyors, PC last revised January 10, 2020.

WHEREAS, the proposed lots would comply with the bulk requirements of the HC-Highway Commercial and R-30 Residential Zoning Districts; 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 Town of Ulster Town Board, as Lead Agency issued a SEQRA Negative Declaration on September 19, 2019 on the Proposed Action (Lot Line, Site Plan and Special Permit) and opened and closed its Special Permit public hearing on October 3, 2019; and

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined the Town has 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 Central Hudson Gas & Electric (CHG&E) 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.

Johnson Route 28 - P-775

Route 28

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

Zone: HC

Major Resubdivision

Paul Hakim, representative of Johnson Rt. 28, appeared on behalf of an application for a major resubdivision. Mr. Hakim stated that he submitted amended plans with the required adjustments. Mr. Hakim stated that he is cleaning up the lots as there is an overlap in tenant uses and the buildings.

Mr. Hakim stated that the map was relabeled and the signature blocks have now been added. Mr. Hakim stated that another request that had been made was to mark the lot lines that were going to be deleted as part of the proposed action.

Mr. Sorensen stated that he spoke with Vincent Maggiore, the Town of Ulster Sewer Superintendent. The hotel sanitary sewer easement is addressed on the plans. Mr. Hakim stated that he believes it discharges to the wetlands adjacent. Mr. Hakim stated that it is not a Town easement. Mr. Tutt stated that the concern from the Sewer Superintendent is if the redrawn parcels will stay in the same ownership. Mr. Tutt explained that if owners were to change and there would be separate owners, there would need to be a sewer maintenance agreement. Mr. Hakim stated that all the properties that are leased are combined into the mains and collection that runs through the property. Mr. Hakim stated that the applicant is aware that if there was a sale of property, a sewer easement agreement would need to be in place.

Mr. Hakim stated that it was different when the brothers had control over the businesses there, but now they want a good road maintenance agreement in place for the tenants while one person is in control of all the parcels.

Mr. Sorensen stated that the long-term plan of the Town is to eventually get public sewer service on those parcels and Mr. Hakim agreed. Mr. Hakim stated that they have been having that conversation and they would be willing to contribute towards that. Mr. Hakim stated that there is also a temporary water line across the property which they are willing to give an easement to, since they now own the parcel behind it, which had been in limbo a while.

Mr. Sorensen stated that after speaking with Mr. Maggiore, the Sewer Superintendent had a good idea of where the easement would need to go. Mr. Hakim stated they would love to continue that discussion on the sewer easement. Mr. Sorensen stated that he recommended to Mr. Maggiore to attend the next workshop so it would be easier to figure out the location. Mr. Hakim stated that is logical but is dependent on which way the easement would go. Mr. Hakim stated that the applicant and the hotel would both love to get out of the “sewer business.”

Mr. Sorensen stated that he would try to coordinate with Mr. Maggiore before the workshop to see if he can sketch onto the plan where the proposed sewer easement would go so they can wrap everything up. Mr. Hakim stated he would like to lock in the layout so he can get the meets and bounds worked into the road maintenance agreement, as it’s roughed in at the moment until he gets the proper descriptions to insert. Chairman Mulligan asked if the road maintenance agreement was still in process, which Mr. Hakim stated it was.

Mr. Sorensen stated that the last issue is Camping World, who had expanded their area without approvals. Mr. Hakim explained that Wayne Johnson, who had passed away, had expanded from what he was leasing from his father and uncle onto his property. Mr. Sorensen stated that from the site plan prospective, the problem is that the parking area straddles the boundary and there are supposed to be minimum setback requirements, which are creating an issue. Mr. Sorensen stated that this is an opportunity to clean this up. Mr. Hakim explained that the owner of the abutting property is a different entity, but he could have a discussion about cleaning up those lines.

Chairman Mulligan asked how successful Mr. Hakim has been with reaching out to Camping World. Mr. Hakim stated that he has not received a response and that he would like an enforcement letter to pass on to Camping World. Mr. Tutt stated that he will start with personally visiting Camping World to make them aware of what they need to do to come into compliance. Mr. Hakim stated that they have a net lease with them stating that they have to operate within conformance.

Mr. Tutt asked if there was a list of items that needed to be corrected with Camping World. Mr. Hakim stated that he understood there were four items – the flagpole, the color of the building, one of the signs, and the lighting needs to be shielded. Mr. Hakim stated that they brought that up immediately when it was stated and the “information fell upon deaf ears.” Mr. Sorensen stated that it would be positive if they could get the Camping World issue cleaned up.

Mr. Hakim asked, if instead of changing the lot line to consolidate the parking area to the Camper’s World lot, if they would use a lease or a licensing deal. Mr. Jason Kovacs, Town Attorney, stated that there would either need to be a lot line adjustment or a boundary line agreement.

Mr. Hakim stated that he will work on the road maintenance agreement, the issues that were mentioned regarding Camper’s World, and he will coordinate with Mr. Maggiore and Mr. Tutt to try to get everything put in place so they can get through this process. Mr. Hakim stated that they are working on cleaning up easements and issues that are old that need to be “cleaned up.”

Mr. Hakim stated that the Board had received comments from the UCPB, and since they didn't get an explanation or presentation from him, he didn't have the chance to explain that the site isn't physically changing; traffic flow is staying the same.

Mr. Tutt asked Mr. Hakim to clarify the lot lines on the map so he knows what to tell the leasee's. Mr. Hakim explained the lot line proposal further.

Action: No action was taken.

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

Heather Blaikie, Scenic Hudson Park Planner, and Pam Richardson, Transaction 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. Blaikie stated that the property is now owned by Quarry Waters, a subsidiary of Scenic Hudson. Ms. Blaikie stated that it is staying the same, but being modified for site conditions.

Ms. Blaikie stated that the full trail is 1.3 miles long but the focus for tonight's meeting is the part within the Town of Ulster which is just shy of a quarter mile. Ms. Blaikie showed where the municipal boundary was on the site plan. Ms. Blaikie stated that the trail will be a multi-use trail, so it will be ten foot (10') wide, unpaved trail so pedestrians and bicyclists can use it at the same time.

Ms. Blaikie stated that they are moving forward with the project in order to meet the Empire State Trail which has a deadline at the end of 2020. Ms. Blaikie stated that she is trying to advance this portion of the project in tandem with the City of Kingston.

Ms. Blaikie stated that the original plan and the original location are the same. Ms. Blaikie stated that it was always generally starting on North Street and running through the Hutton Brickyard. Ms. Blaikie stated that it will still start on North Street, but because of flooding, it will no longer follow the shoreline until further down the trail. It will run around the Tilcon property, then run back to North Street and John Street to the end of the property.

Ms. Blaikie stated that there are a few amenities at the end of the trail and the City is also reviewing other trailhead amenity location points. Ms. Blaikie explained that the trail will be ADA compliant since it is a State level trail. As such, the grade of the trail is about five percent (5%).

Ms. Blaikie pointed out the section on North Street that will be mill resurface of the existing roadway that's still there with some trimming. Ms. Blaikie stated that there is a section there that exceeds six percent (6%) grading, but because of the nature of the development, it's maintaining existing infrastructure.

Mr. Tutt asked Ms. Blaikie what the grading was on the northernmost portion of the property as that he has walked it before. Ms. Blaikie stated that the grade at that location the steepest slope was six-point five percent (6.5%), located on sheet twenty-one (21) of the plan set.

Ms. Richardson stated that that segment is on John Street on the current road. Mr. Sorensen stated that is is a very short segment located on John Street. Ms. Blaikie stated that other components on the trail in the City have different approaches to how it is constructed as the road base is non-existent. Most of the trail route follows existing roadways whether or not they're in a public roadway, which hasn't been open to the public in decades.

Ms. Blaikie showed photo samples that correlate to the maps. Photos seven and eight (7 & 8) show the entrances looking south from John Street. Ms. Blaikie stated that there is an old existing mule barn that the trail will go by.

Ms. Blaikie stated that back in 2012, AVR had helped acquire funding through the Department of State (DOS) and the Department of Transportation (DOT) through a federal grant, so there are funds to support the project, particularly in the City.

Mr. Almquist asked, based on what's happening with the Rail Trail and the population of visitor's they're getting, does Scenic Hudson think twelve (12) parking spaces is sufficient? Ms. Blaikie stated that it will not be the only parking area nor access point to the trail and the City is working with Hutton Brickyard to find a way to redevelop some of their parking area, whether it's on their property or next to it. Ms. Blaikie stated that at this point she does not have plans on that, but they are working on other access points and parking locations to feed the trail.

Ms. Blaikie stated that this trail will not be accessible by cars. Ms. Blaikie explained that this is the initial phase of the project and there is potential for other parking areas, but no plans, yet. Ms. Blaikie stated that she doesn't believe the traffic is at a large enough scale at this time

Mr. Tutt asked if right now they are just proposing north and south access, and Ms. Blaikie said yes, for public access from dawn until dusk. Ms. Blaikie stated that north of John Street is the only parking proposed for the Town of Ulster, but there will be parking in the City of Kingston.

Chairman Mulligan stated that the residents who want to take a mile walk along the Hudson may not have enough room to park with the proposed parking spots; it will fill up quick. Mr. Almquist concurred. Mr. Almquist stated that with the nice weather and the Rail Trail opening up, there was one-hundred and fifty cars all day trying to use the parking and he believes the parking spaces should be reconsidered. Ms. Richardson stated that because this is just a segment of the Empire State Trail, the expectation is that a lot of traffic will come in from the South and that there's ample parking available down there.

Ms. Blaikie stated that they are trying to be mindful of the surrounding neighborhood, as well as the Empire State Trail guidelines for trailheads. The guidelines recommend having five to ten (5-10) parking spaces every few miles apart to provide access along the length of the trail. Ms. Blaikie stated this will not be the only access nor the only one indefinitely.

Mr. Sorensen asked if there was room for additional parking if in the future it was needed. Ms. Blaikie stated that there are a lot of historical considerations that they chose to not disturb at this time in order for this trail to be expeditious and easily built. Ms. Blaikie stated that there certainly is potential for parking expansion.

Ms. Blaikie stated that the City only has a certain amount of time to use the funding, so they are trying to get the project expedited. Ms. Blaikie explained that she likes to think of it as a spine to a larger project.

Ms. Blaikie explained that the City has triggered the SEQR process for the entire twelve (12) projects and the Town has followed that Lead Agency. Ms. Blaikie stated that the City has started their review for site plan modification and has been coordinating with the same agencies, including the County Planning Board.

Mr. Decker asked about the grant. Ms. Blaikie explained that the City had applied for it back in 2012 and they had received another extension and they are at the point of “use it or lose it.” Ms. Richardson state that the timeframe is very tight right now so they are trying to get through the trail and construction process. Mr. Decker asked when the grant expires and Ms. Blaikie believes it expires in 2021. Ms. Richardson stated that the previous owner didn’t seem to have plans to move forward with that development so the Coty was worried about losing the grant because it wouldn’t be built. When Quarry Water’s purchased the property, the City was appreciative they wanted to move the project along.

Mr. Sorensen went through his review notes. One issue was regarding police services – the police protection is the Town of Ulster and not the Hamlet of East Kingston, which was referenced. Also, in regards to the Department of Environmental Conservation (DEC) approvals needed, it was asked that on the Environmental Assessment Form (EAF) to specify which approval were needed. In regards to stormwater, since there is a new proposal, drainage is being worked on now. Mr. Sorensen stated that in the plan set, there is a crime prevention through environmental design and landscaping note. Mr. Sorensen asked if there was lighting proposed with this project, as there was a note stating landscaping would not be installed by any lighting. There is no lighting proposed with this application. Mr. Sorensen stated that the reference needs to be addressed. Mr. Sorensen stated that as they get the details on the signage to submit that for review. Mr. Sorensen that items in the plans aren’t listed on the ledger so everything should reflect what will be present. Ms. Blaikie stated that the plan was to design in tandem and get the comments from everyone, but they will address those issues. Mr. Sorensen asked if there will be any trash receptacles or port-o-johns and Ms. Blaikie stated not at this time. Mr. Sorensen asked if there would be carry-in/carry-out signs and Ms. Blaikie stated that they will be typical Empire State Trail signage. Mr. Sorensen asked if any of the non-residential components were still on the table and Ms. Richardson stated that they were still in the “exploratory phase” and will be looking at various options and seeking feedback of what would work here. Ms. Richardson stated that right now they are trying to take advantage of the City’s grants and comply with the Empire State Trail’s deadline and get the base trail approved. After that, it will be a process of figuring out what would best fit at this location and come up with a plan and then come back to the Planning Board. Mr. Sorensen stated that it wasn’t a big issue, but for larger projects, the Town

of Ulster Town Board would have final approval. Since this project is above one acre of disturbance, the Planning Board would have an advisory role and the Town Board would make final approval.

Ms. Richardson asked if this was something that could be done before the City finalizes their review and Mr. Kovacs stated that the SEQR determination must be complete before our Town can take any action. Ms. Richardson stated that it is their understanding that the City will not complete SEQR until February.

Chairman Mulligan asked if their Board would refer their section to the County for review and Mr. Sorensen replied that he believes, for technicality reasons since they are within the five-hundred feet (500') of a municipal boundary line, that it must be reviewed by the County for their portion. Ms. Richardson stated that the County already has a full set of plans.

Mr. Almquist stated that he was involved with this project when AVR had the property and at the site near the river are thousands of cubic yards of ground rock. Mr. Almquist stated that this could be wonderful topping for the trail and it had been intended to be. Mr. Almquist stated that instead of pavement, they should use the ground stone. Ms. Blaikie stated that it was the original idea, but then the City decided that a paved trail would be more ADA accessible. Ms. Blaikie explained the City received the grant from the Recreational Trails Program (RTP) program which is the Federal DOT to pave the trail. Ms. Blaikie stated that she believes there will be another use for that material at another point in time down the road. Ms. Blaikie stated that was the City's early decision that had been made before they came into the project.

Mr. Furman asked how many accesses there will be as part of the project. Mr. Furman stated that he had concerns about the Town of Ulster being one of two access points. Ms. Blaikie stated that the City has plans to develop another parking area or improve their existing parking at Kingston Point. Ms. Blaikie stated that they have the intention to develop the rest of the property as a park with new and additional parking, but they do not know what that looks like as of yet. Mr. Furman stated that with eight (8) parking spots and one (1) handicap spot, that is not a lot of parking, so the concern is cars parked on the side of residential streets in East Kingston. Ms. Blaikie stated that this trail is not a stand-alone trail indefinitely – this is just a starting point.

Ms. Richardson explained that this property is over five-hundred (500) acres and is very complex environmentally and geologically, and was just purchased in October so there's a lot to learn and a lot to go into planning a park that will bring a lot of value and amenities to the communities, but it will take some time.

Mr. Stavropoulos stated that the Secretary mentioned a dropbox link with the plans in it and the link was empty. Ms. Richardson stated that they did submit the plans digitally but that they will coordinate with the secretary to make sure they get sent in a working dropbox.

Ms. Richardson requested that someone sign the cover letter showing that it had been submitted.

Action: Project was forwarded to the County for review; no motion made.

Discussion

Mr. Rick Henningsen, Birnie Bus, was present at this meeting. Chairman Mulligan told him that the project had been approved last month and referred to the Town Board to grant conditional site plan amendment approval.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary