

TOWN OF ULSTER PLANNING BOARD

January 8, 2019

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, January 8, 2019 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Anna Hayner

Lawrence Decker

Andrew Stravropoulos

Gary Mulligan-Chairman

Frank Almquist

John More (alt)

Frederick Wadnola (alt)

Alan Sorensen – Planner

Roll call was taken.

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

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

A motion to approve the minutes from the December 2018 meeting was made by Mr. Almquist with a second from Ms. Hayner; all in favor.

Safeshoot – Site Plan Amendment

10 Kieffer Lane

48-66-7-20.410

Dennis Larios, Brinnier & Larios, appeared on behalf of the applicant, Ted Musialkiewicz, Kieffer Lane LLC, add an additional five-thousand (5,000) square feet to the mezzanine. In order to support the HVAC units, that had to be placed on the ground instead of the rooftop, concrete pads had to be poured, taking away from the original approved plan parking. The original parking was one-hundred and twenty-one (121) spaces and the addition of the pads took it down to one-hundred and eighteen (118) parking spaces.

Mr. Larios stated that the approved landscaped island that was on the original plans also had to be moved due to that adjustment, but that the new position was in fact better than the old; it is now in front of the building.

Mr. Mulligan stated that after a site visit, he thought it would be a good idea to have some screening placed around the HVAC units to, as they are quite pricey to which Mr. Musialkiewicz stated “that was the plan.”

Mr. Sorensen stated that the applicant provided the revised plan and had sufficient parking for the use and recommended granting site plan amendment approval with the condition of fencing in the HVAC units. Mr. Sorensen read the resolution.

Action: A motion to grant conditional site plan amendment approval was made by Mr. Almquist, with a second from Ms. Hayner; all in favor with a roll call vote.

WHEREAS, the applicant – Safeshoot, LLC., – received Site Plan approval for a change-in-use within an existing 30,996 square-foot building to establish a mercantile facility (retail establishment) with ancillary indoor shooting sports complex with classroom and training, firearms sales, repairs and rentals with 124 on-site parking spaces; and

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

- Consent Form signed by Ted Muscalkiewicz (owner/applicant) dated January 8, 2019;
- Application for Site Plan Amendment approval prepared by the applicant dated January 8, 2019;
- SEQRA Short EAF Part 1 prepared by Ted Muscalkiewicz (owner/applicant) dated January 8, 2019;
- Existing Conditions Plan prepared by Brinnier & Larios, PC dated September 2016, revised 11/4/2016;
- Lighting Plan prepared by Brinnier & Larios, PC dated September 2016, revised 11/4/2016;
- Site Details prepared by Brinnier & Larios, PC dated September 2016, revised 11/4/2016; and
- Site Plan & Landscaping Plan by Brinnier & Larios, PC dated September 2016, revised 11/8/2018.

WHEREAS, the during the course of constructing the proposed development certain changes to the site layout and HVAC Systems where required due to the unique nature of the Proposed Action; and

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the Site Plan amendment for this Proposed Action since the proposed modifications to the existing Site Plan does not result in a new structure or addition of more than 2,500 square feet; and

WHEREAS, the applicant submitted a revised Site Plan, Parking Plan and Landscaping Plan for Safeshoot, LLC prepared by Brinnier & Larios, P.C., dated November 8, 2018; and

WHEREAS, the revised Site Plan provides for 118 on-site parking spaces including four (4) handicap accessible parking spaces; and

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; 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 an Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law;

WHEREAS, the Town of Ulster Planning Board found the proposed amendments to the approved Site Plan would not pose any potential significant adverse environmental impacts since the changes will enhance the site development and ensure compliance with State and federal regulations.

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 issues a SEQRA Negative Declaration for the Proposed Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment approval to Safeshoot, LLC., 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. A security fence is installed around the perimeter of the equipment pad to the west of the building;
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.

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

Caren Lobrutto and David Young, Chazen Engineering, and Luke Mangels, Central Hudson Gas & Electric (CHGE) Real Property Services, appeared on behalf of the application of a site plan amendment approval to expand CHGE's Hurley Avenue substation. The project involves a 2.53 expansion to their existing 5.3 acres substation and will involve rerouting of the existing 345kb 301 transmission line, so that it may connect with the expanded substation lines, and there will be a construction maintenance road.

Ms. LoBrutto introduced Brett Arteta, Section Leader of the Electric Substation Design. Mr Arteta explained that the New York System Operator (NYSO) did a system deliverability study and found that the 301 line that runs from Leeds to Hurley substation, a 345 kb line, is heavily congested and in order to alleviate the congestion they have to install serious compensation, which is what CHGE is proposing.

Mr. Almquist questioned the congestion. Mr. Arteta explained that all the electric generation is originating in Canada and northern New York and they are trying to bring it down to New York City. The 345 lines go through their territory and instead of building more transmission lines, they are trying to find another route to get the power down to the City and other areas.

Ms. LoBrutto stated that the technology being implemented is new and cuts down on required expansion that the substation would have to undertake. Mr. Arteta stated that they are using a company called Smart Wires and will be implementing their devices; smart valve and smart bypass. Through those units they are injecting a voltage at a ninety degree angle that's acting as a capacitance. Essentially, it's like opening up a couple more lanes on a highway, without building new lines.

Ms. LoBrutto introduced David Young who explained the site plan. Mr. Young explained that the site itself is on three (3) separate parcels, so the project will be on three (3) separate parcels. There is currently a access drive that comes off of Hurley Avenue to the site; nothing will be done to this access except the addition of a construction maintenance road that will be on the outside of that existing drive to access the rear. There will be two (2) new dead-end structures, called the 301 re-route, that is on the "transmission-line parcel." Mr. Young stated that the expansion of the substation itself is approximately 2.8 acres of additional gravel area. Mr. Young stated that there will be excavation work done at the site as the new structures will have to be at the same level of the existing structures. CHGE will be cutting in about ten to

twelve feet (10'-12') due to the embankment, and all the material will be taken off site to a registered facility and they will get the appropriate paperwork to the Town.

Mr. Young stated that there are some issues that will need to be taken care of throughout the development of this project. The old Owen W. rail trail runs through that area; behind the former railroad bed and along the existing transmission line. The expansion itself is right out of the floodplain which runs right along the edge of that rail trail. The two (2) dead-end structures will be within the floodplain, with minimal impact to the floodplain; they will get a permit for that. Mr. Young stated that the expansion is close to a neighbor's property line and CHGE is currently in negotiations with the neighbor for a potential easement. CHGE has proposed landscaping options should Trailways agree to the easement. The last issue is that one pole for the 303 line is close to their proposed expansion and will have to be either reinforced or moved.

Wetlands will either be filled or removed for this project. CHGE will be underneath a .01 acre threshold for mitigation of a wetland filling. Mr. Young stated that there is a minor permitting issues that needs to be taken care of, but they will stay under the threshold for mitigation.

Ms. LoBrutto stated that CHGE is seeking four (4) approvals from the Town. The first would be a special use permit to allow the transmission dead-end structures to exceed one-hundred feet (100') in size. The dead-end structures will be sixty feet (60') with a twenty-five foot (25') lightning mast, which would be exempt from the building height requirement since it is a transmission structure, but since it will be over one-hundred feet (100') it requires a special use permit from the Town. Ms. LoBrutto explained that Mr. Young had been mistaken and that there was one (1) new dead-end structure and the other was a replacement. The new dead-end structure and the one dead-end structure to be replaced will not exceed one-hundred and twenty feet, but will be over one-hundred feet (100'). CHGE will also be seeking site plan amendment approval, as well as floodplain permitting and MS4/ Stormwater approvals.

Due to the immergent wetlands, CHGE will be seeking a nationwide permit which is for utility lines and substations and, in association with that, the New York State Department of Environmental Conservation (NYSDEC) 401 Water Quality Certificate. Ms. LoBrutto stated that they may also need an Article15 DEC Stream Disturbance approval for disturbance of bed and bank of the Esopus, but they will know more as the grading becomes finalized. There are no DEC wetlands on the site; any disturbance would be an Army Corp. issue. Ms. LoBrutto stated that they will submit the Agricultural Data Statement since they are within five-hundred feet (500') of a property in an agricultural use and also consult the New York State Historic Preservation Office due to the general permit for Stormwater and potentially wetlands.

Mr. Sorensen stated that the applicant covered everything pretty thoroughly. The project will need to be referred to the County. Mr. Sorensen stated that since the proposed structures will be over one-hundred feet (100') he recommends the proposed action be classified a Type I Action Coordinated Review with Town of Ulster (TOU) Town Board as the lead agency. The TOU Town Board has site plan and special permit approval authority for the proposed action. Mr. Sorensen stated that as the project moves forward the Town's Engineer's, Brinnier & Larios, will need to get involved in the review process. Mr. Sorensen would like to see existing and proposed elevations, as it is hard to understand the scale. Mr. Almquist stated that you cannot see the structures currently from the rail trail. There was a brief discussion.

Action: A motion to refer this project to the Town Board in order to initiate a SEQR Type I Action Coordinated Review was made by Ms. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote.

Ulster County Fire Training Center – Discussion
250 Ulster Landing Road
49.5-1-1.100

Dennis Doyle, Ulster County Planning Board, and Everett Erichsen, Ulster County Division of Fire Services Coordinator, appeared before the Board to update them on plans for the new fire training center. Mr. Doyle stated that he will explain why he is before the Board for approval of a balance of interest test. The County has a limited amount of immunity from local Zoning relative to this project. The County has been engaged trying to establish a shared fire training network since 2016. Mr. Doyle stated that they had conducted a site alternatives analysis on around sixty-five sites in and around the County to where they can locate a single fire training facility. Mr. Doyle stated that given the geographic extent of the County, it was better to think about multiple training facilities to allow the fire services equal access. Part of that was entering into an agreement with the Town of Walker Valley for use of their burn building and the proposal for the Town of Ulster site would be to build a substantial burn building at 250 Ulster Landing Road, where there is currently a fire training facility and burn facility. Mr. Doyle explained that they are also building fire training facilities at SUNY Ulster, as well. The State is paying for about half of the funding as it is a training center. They are looking into offering a four-credit course.

The lot the burn building is being proposed is 59 acres. They have negotiated an easement and a memorandum of understanding with the Town of Ulster which the County achieved lead agency status for in December of 2017. On the proposal for the inter-municipal agreement and easement the County has control of that section of the property which is on the west side of Ulster Landing Road. Mr. Doyle explained that the area they are looking at was a previously disturbed area that was a clay mine and is also used by the fire services as a training facility with a climbing tower. Mr. Doyle showed the Board the layout of the land to give a general idea of where they plan on placing the new structure in comparison to the firing range the police currently use; the current agreement allows that to remain. Mr. Doyle explained that during their construction of the burn building they will have to coordinate shooting days with construction days.

Mr. Doyle reviewed the current site layout with the Board. Mr. Doyle stated that the photos of the area of interest does look like wetlands, but that they had done some wetlands delineation and that his consultants assured him it is not a wet area. The area is expansive which is why they are interested in it. Through the program, the plan is to demolish the existing climbing tower and construct a car extrication pad and there would be substantial improvements on the administration building. The Town's fire services have asked to keep the current burn building for their own practices and use and the County intends to honor that commitment until the new burn building has been constructed and there will then be a conversation as to whether they would like the old one to remain. There is a building currently used for storage and the County plans on continuing to use it for storage.

Mr. Doyle stated that the existing fire pond has now been named a wetland due to lack of drainage. Mr. Doyle believes he can remove the wetland status, but it is not critical to their project; should they choose to use the fire pond they would have the have that title removed. The pond was created for a specific purpose and Mr. Doyle believes that he can have the conversation with the Army Corp of Engineers to have the wetlands status removed.

The burn building will be three (3) stories high, bring it to forty feet (40') tall, made out of concrete with high-temperature lining tiles inside and will contain stair towers; one going all the way to the top of the building and one going to the second story. Mr. Erichsen stated that this is the second burn building of its kind in New York State. He stated that they will be able to burn in every square inch of the building and that only one fire will be burned at a time. Mr. Erichsen stated that they would like to be able to use this building for thirty (30) years or more. Mr. Erichsen explained that the only thing they will be burning in the building, due to National Fire Protection Association (NFPA) standards, is pallets and hay. Office of Fire Prevention and Control (OFPC) and NFPA both have directives on what may be burned during fire trainings. There is basic training, intermediate training, and advanced training. Depending on the training, it would limit how much fuel is being burned; you don't usually see more than three pallets and few bales of hay at the most on an advanced fire. Mr. Erichsen stated that a lot of it will be intermediate training and basic training; basic training contains two pallets and one bale of hay.

There will also be a propane prop, which will contain propane gas and fire workers will be practicing to put out the fire by advancing behind a hose line. There will also be a car fire prop; no old cars will be burned, it is another gas propane prop. There will also be conex boxes will be used to store hay, pallets, and props and plywood. Mr. Erichsen explained that the plywood will be used in a flashover container, which is a behavioral lab which shows the building of a fire to the flashover point. It gives trainees the ability to rate the heat and it's response to the turn-out gear. There will be two conex boxes as a part of this flashover training, one below the other, and the flashover will come from the upper box as you stand in the lower box. Flashover occurs much quicker in the newer structures being built since they are well insulated. Once oxygen is introduced to fire when fire personal try to enter the building, it will produce a flashover. Mr. Erichsen stated that this is one of the best classes out there.

Mr. Doyle explained a bit about Stormwater as they are creating some impervious surfaces. Mr. Doyle showed the Board the Stormwater detention facilities on the plans. Mr. Doyle stated that they are proposing to use the same septic system that is currently present and run a dye test on it to make sure it is okay; if not, they have other possible areas.

Mr. Doyle explains the reason they chose the location for the building that they did is because there is loose clay under the area they had chosen. They have moved the building to the northwest as much as possible to get as close to bedrock as they could. They are now looking into the cost of a pile system as the soil could not support the building, even with a spread foundation. Depending on the cost facilities, the burn building may or may not be in that location. Cost versus gain may bring Mr. Doyle and Mr. Erichsen back before the Board to discuss the building being place in an upper area available.

Mr. Doyle explained that they had a no adverse effect letter from State Historic Preservation Office (SHPO).

Mr. Doyle explained that they had some concern over Perfluorooctanoic Acid's (PFOA) being used on the site and had the well tested. The New York State Health Department deemed the well free of PFOA's and met the standards to meet the NYS public water supply, with the

addition of ozone or chlorination on the well. Mr. Erichsen explained that PFOA's are not allowed to be used in training.

Mr. Doyle explained that during peak hours, there will not be more than thirty cars per hour of traffic, including fire equipment. Generally the peak hours will be evening hours, Monday through Friday. On Saturday's they will be running from Saturday from 9am-4pm and it dies down during summer months when it gets hotter. There is no significant impact to traffic.

Mr. Doyle stated that they sent over one hundred (100) mailings to the neighbors, and around thirty (30) neighbors showed up to the site and the largest concern of the neighbors was the shooting range, not the fire center. The other concern was the markings on the road and fire apparatus; there is one turn on the road that is not well marked and the County will go in and put chevron markings in.

Mr. Doyle explained that they are looking to clear approximately two acres of trees. They had already reached out to Department of Public Works. Mr. Doyle stated that most of the trees to drop are less than ten (10) dbh, most less than five (5) dbh. Mr. Doyle stated that they may end up filling trees by the proposed septic reserve area should they need to use it.

Mr. Doyle stated that they are also looking to construct a pavilion on the site so that the police officers have somewhere with a cover when they use the shooting range and some storage space associated with that.

The total construction time will be approximately five (5) months and their overall total budget for this project is about 4.5 million dollars.

Mr. Doyle explained the balance of public interest test that the County must meet. Mr. Doyle stated that hoping by the end of February of 2019 they would be back before the Board for their position on the balance of public interest tests once they have completed their plans and required documentation.

Mr. Wadnola asked why they would not use the ingress and egress that comes off of 32 and Mr. Doyle stated that they have a shorter, updated road that is satisfactory to their needs. Mr. Wadnola also asked if flames will be coming out of the building as people from the Rhinebeck-Kingston Bridge would call 911 when they see the flames. Mr. Erichsen stated that they notify Ulster County 911 as well as New York State Bridge Authority to let them know that they are conducting fire training.

Mr. Decker asked if they plan on improving the water retention pond to which Mr. Doyle stated that they do not think so. Mr. Doyle explained that they may clean it up but it will all depend on the answer they get from the Army Corp. of Engineers. Mr. Doyle stated that tankers will bring in enough equipment, backup and storage with them that they do not believe they will need it. Mr. Erichsen stated that the NFPA tells them how much water is required to be on site and sometimes bringing water in is easier than using the retention pond that is currently there because they would have to lay five inch (5") hoses down and then drain them, roll them back up and pack them back onto the fire apparatus, which is time consuming. Mr. Erichsen stated that

there are nineteen-hundred volunteers in the County and they take them away from their families for trainings, so they do not want to add additional tasks.

Mr. Doyle wanted to make a comment regarding Central Hudson's proposal. He stated that the County has worked diligently with Central Hudson on the rebuild of the 301 and 303 line and the County has an agreed upon easement across the line to build that rail trail. The County has a 1.8 million dollar rail trail that will go from Washington Avenue to connect to the parking lot on 209. Mr. Doyle stated that Central Hudson has been a pleasure to negotiate with and they have donated that easement to the County and have even moved poles around to accommodate the County's trail.

Action: No action was made.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary