

TOWN OF ULSTER  
PLANNING BOARD  
July 10, 2018

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, July 10, 2018 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Karl Allison

Lawrence Decker

Gary Mulligan-Chairman

Frank Almquist

Andrew Stravropoulos

Alan Sorensen – Planner

Absent:

Anna Hayner

Troy Ashdown

Roll call was taken.

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

### **Sawkill Country Store– Site Plan**

Dennis Larios, Brinnier and Larios, appeared on behalf Ann and Robert Mitchell, the applicants, to construct a five thousand (5,000) square foot building that will be a country store and a mechanics garage on the corner of Route 209 and Sawkill Road. Mr. Larios stated that they had responded to technical comments that were received from Praetorius and Conrad. Mr. Larios explained that they did a grading change in the back, and added floats and a dry well system. The applicants had met with the County Highway Department and the County is happy with the location and paperwork is currently being filed. There has been more construction details added, but the plans are essentially the same, with just some slight improvements.

Mr. Sorensen stated that the applicant addressed comments from the Planning Board as well as Praetorius and Conrad. Mr. Sorensen inquired about the color of the building, to which Mr. Mitchell stated that they are reviewing a desert sand color that will have dark trim. Mr. Sorensen requested that Mr. Mitchell bring a sample of the color scheme with him to the Town Board meeting. The Mitchell's will be back before the Board for any signage approvals, as the details are not developed yet.

As the building is more than twenty-five hundred square feet in size, the Planning Board has an advisory role and the Town Board has the responsibility for final approval.

**Action:** A motion to forward the project to the Town of Ulster Town Board to grant conditional site plan approval was made by Mr. Allison, with a second from Mr. Almquist; all in favor with a roll call vote.

**WHEREAS**, the applicants – Robert D. Mitchell & Ann Mitchell (Property Owners) – are seeking Site Plan approval to develop a commercial building “Sawkill Country Store” on the subject site, which is situated within the OM-Office Manufacturing Zoning District; and

**WHEREAS**, the proposed uses are allowed within the OM-Office Manufacturing Zoning District subject to Site Plan approval; and

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**WHEREAS**, the Town of Ulster Town Board has the authority to approve the Proposed Action since more than 2,500 SF of new gross floor area is proposed with this Site Plan application, upon a favorable recommendation from the Town of Ulster Planning Board; and

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

- Application for Site Plan Review prepared by Robert D. Mitchell, Jr., dated April 12, 2018;
- Short EAF Part 1 prepared by Robert D. Mitchell, Jr., dated April 12, 2018;
- Project Location Map by Brinnier & Larios, PC, Engineers and Land Surveyors dated 4/2018;
- Site Layout & Grading Plan by Brinnier & Larios, PC, Eng. & Land Surveyors revised July 2018;
- Utility Plan prepared by Brinnier & Larios, PC, Engineers and Land Surveyors revised July 2018;
- Landscape Plan prepared by Brinnier & Larios, PC, Eng. & Land Surveyors revised July 2018;
- Lighting Plan by Brinnier & Larios, PC, Engineers and Land Surveyors revised July 2018;
- Site Details by Brinnier & Larios, PC, Engineers and Land Surveyors revised July 2018; and
- Floor Plan, Elevations and Building Section by Dutton Architecture, PLLC dated March 13, 2018.

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board (UCPB) and the UCPB provided a written response wherein it recommended several required modifications; and

**WHEREAS**, the upon review of the UCPB required modifications, the Planning Board found the Proposed Action, as revised, complies with the UCPB required modifications; and

**WHEREAS**, the Town of Ulster Planning Board, upon review of the entire record determined the Proposed Action is an Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; 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**, the Planning Board, as an Interested Agency, upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose any potentially significant adverse environmental impact; and

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby recommends the Town Board as Lead Agency issue a SEQR Determination of non-significance and grant a SEQR Negative Declaration for the Proposed Action; and

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**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby refers this matter to the Town Board with a recommendation that it grant Conditional Site Plan approval to Robert D. Mitchell & Ann Mitchell 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 final site plan, design plans and all details as cited herein;
4. Applicant addresses all technical comments by the Alternate Town Designated Engineers (TDE) Praetorius & Conrad, PC;
5. Compliance with Ulster County Department of Highways & Bridges with respect to Site Access;
6. Compliance with Ulster County Department of Health and Ag & Markets requirements (if required) for water system;
7. The Town's consulting planner, engineer 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
8. All fees, including consultant fees, shall be paid.

### **Kingsvale Water Company - Site Plan Amendment**

John Davidson, Brinnier and Larios, and Richard Ruge, Project Manager Consultant for New York American Water, appeared on behalf of an application to construct an above-ground water tank for the Kingsvale Water District. The initial application was to construct a water tower that will be twelve (12) feet by twenty-six and a half (26½) feet, and eight (8) feet high. The total height of the tank tower will be fourteen (14) feet tall and the tank itself will be ten (10) feet high, with a thirty-four (34) foot diameter and will be made out of steel panels, on a concrete foundation with a metal dome. The initial tank would hold seventy-five thousand (75,000) gallons. The tank is a glass fused to steel enamel; similar to bathtub enamel. The dome will have a safety railing around it and the tank is all bolted and caulked. The amended plan will have a tank that holds ninety thousand five-hundred (90,500) gallons and the tank itself will be fifteen (15) feet high – the rest of the dimensions will have no change.

Mr. Sorensen stated that the tank is in a secluded area and not visible. This new tank is also a substantial improvement to the water service, company and system and will be beneficial. Since the tanks are being replaced in kind, this project will be declared a a SEQR Type II action, which requires no further SEQR review. The Planning Board is authorized to approve this project.

**Action:** A motion grant initial site plan amendment approval was made by Mr. Almquist, with a second from Mr. Decker; all in favor with a roll call vote.

**WHEREAS**, the applicant – NY American Water dba Kingsvale Water Company – is seeking site plan amendment approval to install a new pump station, a 90,500-gallon atmospheric potable water storage tank, piping, valves and appurtenances; and

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

- Consent Form signed by Carmen Tiermo, President NY American Water dated May 24, 2018;
- Site Plan Application signed by Carmen Tiermo, President NY American Water dated May 24, 2018;
- SEQRA Short EAF Part 1 prepared by Ben Claase, NY American Water dated May 24, 2018;
- Existing Conditions Plan prepared by Brinnier & Larios, P.C., Eng. & Land Surveyors., dated March 2018;
- Site Plan prepared by Brinnier & Larios, P.C., Eng & Land Surveyors., revised July 5, 2018; and
- Details prepared by Brinnier & Larios, P.C., Eng & Land Surveyors., revised July 5, 2018.

**WHEREAS**, a public utility structure is a Special Permit use in the R-10 Residential District, but since the Proposed Action involves the replacement of an existing use, Special Permit approval is not required, just Site Plan Amendment approval; 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 new gross floor area in excess of 2,500 square feet; and

**WHEREAS**, the Proposed Action does not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since an increase in parking is not required and the Proposed Action complies with the local zoning statute; and

**WHEREAS**, the Proposed Action will require Ulster County Department of Health (UCDOH) approval of the proposed water system approvals, which would be a condition of granting Site Plan Amendment approval; and

**WHEREAS**, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is a Type II Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board 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 NY American Water dba Kingsvale Water Company on the above referenced site subject to the conditions, limitations and restrictions set forth below.

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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. Applicant addresses minor technical revisions that may be requested of the Town's Alternative Consulting Engineer;
5. The applicant will be required to secure Ulster County Department of Health approvals prior to pulling a Building Permit to commence construction of the water system improvements;
6. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
7. All fees, including consultant fees, shall be paid.

### **Smoothie King - Site Plan Review**

Bob Viani, Smoothie King Franchisee, appeared on behalf of the application to construct a one thousand, five hundred and ninety (1,590) square foot new Smoothie King (Phase I) and a three thousand (3,000) square foot retail/office building (Phase II) to be located at 1615-1621 Ulster Avenue. There was a SEQR in place as part of the master site development plan for the site, and the project is below the threshold of the SEQR Negative Declaration determination. The applicant provided a full set of plans and elevation renderings which Mr. Sorensen did not have enough time to review prior to the meeting, as he received them at the meeting, but that the Board may review parking and landscaping with the applicant. As the plans were a mostly complete setm the Board recommended to refer this project to the Ulster County Planning Board, Town of Ulster Water and Sewer, Ulster Hose #5, State Department of Transportation, as well as Brinnier and Larios for review.

Mr. Sorensen stated that normally a project of this size would be referred to the Town Board for approval, but since there is already a SEQR in place, the project will be referred back to the Town Board, once the Planning Board has made their approval, to re-declare the SEQR Negative Declaration.

**Action:** A motion to forward this project to the Ulster County Planning Board, Town of Ulster Water and Sewer, Ulster Hose #5, State Department of Transportation, and Brinnier and Larios was made by Mr. Allison, with a second from Mr. Almquist; all in favor.

### **Cross/Wright – Lot Line Revision**

Todd Cross and Rodney Wright appeared on behalf of their application for a lot line revision for their property located on Privatewood Court. The applicants explained that they own 151-161 and 171 Privatewood Court and that they would like to transfer twenty-one thousand one-hundred and fifty-four (21,154) square feet of 171 Privatewood to the smaller parcel, so that both parcels may conform with the square foot requirements of an R-60 Zone. Mr. Sorensen recommend that the Board waive the need for a Public Hearing and declare this project a SEQR unlisted action.

**Action:** A motion to waive the Public Hearing was made by Mr. Decker, with a second from Mr. Stravropoulos; all in favor. A motion to declare this project a SEQR unlisted action was made by

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Mr. Allison, with a second from Mr. Decker; all in favor. A motion to approve the lot line revision was made by Mr. Stravropoulos, with a second from Mr. Decker; all in favor.

**WHEREAS**, the applicants – Rodney Wright and Todd Cross – are seeking a Lot Line Revision (Minor Resubdivision) approval involving Town of Ulster Tax Parcels SBL 39.16-5-33.100 & 35.100; and

**WHEREAS**, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Lot Line Revision (Minor Resubdivision), which is subject to the approval of the Town of Ulster Planning Board; and

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

- Consent Form signed by Todd Cross (owner) dated June 26, 2018;
- Consent Form signed by Rodney Wright (owner) dated June 26, 2018;
- Application for Lot Line Adjustment prepared by Scott Davis, P.E., Peak Eng., dated 6/25/18;
- SEQR Short EAF prepared by Rodney Wright/Todd Cross dated June 26, 2018;
- Lot Line Adjustment Map prepared by Bambi Terrell Meunier, L.S. dated June 21, 2018;
- Lot Line Revision Map prepared by Bambi Terrell Meunier, L.S. revised July 2018; and
- Septic System Design prepared by Peak Engineering dated August 7, 2018.

**WHEREAS**, the proposed lots comply with the bulk requirements of the R-60 Residential Zoning District; and

**WHEREAS**, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves fewer than 5 lots and access roads and structures are not situated within the 100-year floodplain; and

**WHEREAS**, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

**WHEREAS**, a Lot Line Revision Map was prepared by Bambi Terrell Meunier, L.S. revised July 2018 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the revised Map of Lot Line Revision; and

**WHEREAS**, the Planning Board waived the requirement for a public hearing in accordance with Section 161-10 C of the Town Code; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose a potentially significant adverse environmental impact.

**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 hereby issues a SEQR Negative Declaration for the Proposed Action; and

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**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Lot Line Revision (Minor Resubdivision) approval as described above to Rodney Wright and Todd Cross subject to the conditions, limitations and restrictions set forth below.

1. 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 signature of the Chairman of the Planning Board, constituting final approval of the subdivision plat, shall expire 62 days from the date of such approval, unless within such 62-day period, such plan shall have been duly filed by the owner in the office of the Ulster County Clerk, and
4. All fees, including consultant fees, shall be paid.

### **Stewart's shops – Site Plan Amendment**

Ross Galloway, Stewart's Shops, appeared on behalf of the application to construct a five-hundred and ninety-five (595) square foot addition on the side of Catskill Ave. and to place a one hundred and forty-four (144) square foot freezer on the backside of the building. Mr. Galloway stated that Stewart's would like to plant shrubbery and also add LED pump toppers that will display the fuel prices and replace the pumps fascia.

Mr. Galloway stated that Stewart's currently has two variance applications in to the Zoning Board of Appeals, and that he is on August's agenda. Mr. Galloway would need variances for the parking spaces, as well as having the additions within the setbacks.

This project would normally be declared a SEQR Type II action, but since it is less than four thousand (4,000) square feet, it will be considered an unlisted action.

The two involved parties will be the Planning Board and the Zoning Board. Should the ZBA deny these variances, there would be no need to go back to the Planning Board.

The Board reviewed the design and plans. The building expansion will also have the brick that is on the rest of the building. The Board recommends better screening, such as an eight (8) foot stockade fence on the sides that would be bothersome to the surrounding neighbors, such as on the Catskill Avenue side. The Board is also asking that there be landscaping along the fence. The applicant initially wanted shrubbery as fencing, but will do what the Board requires. The Board would like the dumpster, as well as the proposed freezer and expansion, be fenced in. Mr. Sorensen stated that any revisions can be made concurrently so that the project may keep moving forward.

**Action:** No motion was made.

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### **Alan Wagor – Lot Line Adjustment**

Alan Wagor, owner, appeared on behalf of an application to erase two lot lines so that he may make 3 or his parcels one parcel, located at 110 114 and 118 North Drive. In order for Mr. Wagor to get a septic system, he had to combine lots. This adjustment would make the lots conforming.

Mr. Sorensen stated that this project is a SEQR Negative Declaration and that no Public Hearing is required.

**Action:** A motion to declare this a SEQR Negative Declaration was made by Mr. Decker, with a second from Mr. Allison; all in favor. A motion to approve the lot line adjustment with the condition of Menndebach and Eggers submitted a Lot Line Adjustment map was made by Mr. Almquist, with a second from Mr. Stravropoulos; all in favor.

### **Hudson Valley Mall Facade – Site Plan Amendment**

Bob McMorris, Hull Properties, appeared on behalf of the application to change the façade to the cinemas and the mall and new signage for a new tenant at the cinemas. The sign will be an eighteen (18) in letter sign that will name the new cinema owned by NGC Theater. The hope is to enhance the mall façade.

Mr. Sorensen stated that this project is a SEQR Type II action, which needs no further SEQR review.

**Action:** a motion to declare this project a SEQR Type II action was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to grant site plan amendment approval was made by Mr. Almquist, with a second from Mr. Allison; all in favor with a roll call vote.

**WHEREAS**, the applicant – Rob Johnson with Hull Property Group for Kingston Mall, LLC (Owner) – is seeking Site Plan Amendment approval to enhance the building façade for the exterior entrance to the Hudson Valley Mall Food Court and Movie Theater (to be operated by Neighborhood Cinema Group (NCG) Cinemas); and

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

- Consent Form signed by Rob Johnson (Agent) for Hull Property Group dated May 26, 2018;
- Site Plan Review Application by Rob Johnson (Agent) for Hull Property Group dated May 26, 2018;
- SEQRA Short EAF Part 1 by Rob Johnson (Agent) for Hull Property Group dated May 26, 2018; and
- Floor Plan and Building Elevations prepared by Mayotte Group Architecture dated March 8, 2018.

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**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 new gross floor area; and

**WHEREAS**, the Proposed Action does not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan and change in use and all signs will be required to comply with the Town Code requirements; 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 is a Type II Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board 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 Hull Property Group for Kingston Mall, LLC (Owner) 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 shall submit revised Sign Details show wall signs, which comply 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.

### **Prestige Hyundai – Site Plan Amendment**

Charlie Watzka, Prestige Hyundai, appeared on behalf of the application for a façade and sign upgrade for the auto dealership located at 768 East Chester Street Bypass. There is currently aluminum siding that they would like to remove and replace with ACM cladding siding. The parts of the building that they are not siding will be painted. The Hyundai national brand colors are beige and brown colors.

Mr. Sorensen stated that since there are no building additions, this will not need to be referred to the County for approval. Mr. Sorensen stated that the Board will need the sign specifications as well as more details on the exterior building modifications, such as the ACM cladding, and that it will be a part of the conditions of approval. The applicant will attend the August meeting with those details.

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**Action:** A motion to declare this project a SEQR Type II action and approve the building elevation with the condition of details being submitted to the Board was made by Mr. Decker, with a second from Mr. Stravropoulos; all in favor.

**WHEREAS**, the applicant – Rob Dupont with the Consent of Jonathan Brauer c/o Brauer Group (Owner) – is seeking Site Plan Amendment approval to allow Prestige Hyundai to replace the Hyundai Dealership signs, remove the cladding materials on the building facade and put a new paint coat over the existing circa 1950’s masonry block building located at 768 East Chester Bypass; and

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

- Consent Form signed by Jonathan Brauer c/o the Brauer Group dated July 2, 2018;
- Site Plan Review Application prepared by Robert Dupont, dated June 30, 2018;
- SEQRA Short EAF Part 1 prepared by Robert Dupont, dated June 30, 2018; and
- Proposed Sign & Building Rendering prepared by Robert Dupont, Architect, LLC.

**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 new gross floor area; and

**WHEREAS**, the Proposed Action does not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan and change in use and all signs will be required to comply with the Town Code requirements; 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 is a Type II Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board 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 the Brauer Group (Owner) dba Prestige Hyundai 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 shall submit revised Sign Details, which comply 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.

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**Faith House – Site Plan Amendment**

Linda Arzu, Faith House Director, and Steve Whalen, Whalen Architecture, appeared on behalf of an application to open a faith house that is a non for profit organization that will provide housing to pregnant women and women with infants to be located at 62 Vestal Hills Drive. This house would be able to provide four (4) such women and will house two (2) on-site staff members that will provide supervision.

Ms. Arzu stated that her legal counsel does not agree that the Faith House should be considered a group home, as it is not sheltered care for special needs, as defined by the Town of Ulster Town Code. Ms. Arzu stated that our Code does not define Special Needs. Ms. Arzu stated that pregnant women and women with children are not disabled and she believes that the Faith House falls under the Town's definition of a "family" which is defined as a group of persons living together as a single not-for-profit housekeeping unit, whether or not related. Ms. Arzu stated that when she first became interested with the property, she had approached the Town, and on three separate occasions she was told they would not require site plan approval or a special permit as they did not qualify as a group home. On June 25, 2018, Ms. Arzu learned that some of her neighbors were opposed to the Faith House and in reaction to that the Town changed its decision suddenly and told her that they had to go through this process as it was being considered a group home. Ms. Arzu said that in good faith and wanting to comply with all the Town's requirements as well as being a good neighbor, they are going to follow the process, but not waiving any of their legal rights. Ms. Arzu stated that she is more than happy to provide any more documentation or information that the Board might need.

Mr. Rebecca Millouras-Lettre, Town alternate legal counsel, stated that she understood that Ms. Arzu is considering this Faith House as a family and not servicing special needs and that they will be operating as a family, but questioned the amount of time the four women housed will be living there. Ms. Arzu responded that the women may stay up to a year following birth if the mother's choose to raise their child. Ms. Arzu stated that should the women choose to give the baby up for adoption, the women could not stay the full year, but only until Faith House helps them get on their feet.

Mr. Sorensen stated that the reason he thought it should be classified as a group home is that there will be staff on-site and that is what makes it separate from the definition of family. Mr. Sorensen states he feels it is a group home, but he will defer to counsel.

Ms. Arzu stated that Faith House would choose a husband and wife that will be 'house parents.' The house parents main responsibility will be to run the home as a family. They will make sure the women are participating in shopping, meal preparation, cleaning and assisting them in learning to care for their infants. Faith House's intention is to create a family atmosphere and operate as a family.

Mr. Mulligan spoke to the audience and stated that the Board is aware that there are many neighbors present, but that the Board will not be making any decision tonight, that it is not within the purview of the Planning Board. The Town Board would make the decision, should this be classified as a group home. Mr. Mulligan asked if there was an answer this evening to which Ms. Millouras-Lettre stated that her definition of a family in reference to zoning laws and building codes is that they are permanent and this would not be considered a family as it is not permanent

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and that the household dynamic would be changing constantly. There was a brief discussion regarding the definition of families and homes.

Mr. Mulligan stated that the choice for tonight will be if the Board wants to consider Faith House a group home and if so to motion it to the Town Board. Mr. Sorensen stated the Code book happened to be in front of him and that he's not sure if this may ultimately have to go to the ZBA. Mr. Sorensen stated that the Planning Boards needs a clearer direction and that it could be forwarded to the Town Board, but that the determination of whether it falls into a group home or not would need to be made before the Town Board could take any action. There was a brief discussion.

Mr. Mulligan stated that the Board will not take any action at tonight's meeting on this matter, until the Board can have further advisement from alternate Town Counsel.

**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