

**TOWN OF ULSTER SPECIAL TOWN BOARD MEETING (13)**

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July 9, 2019

**CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7:00 PM**

**SALUTE TO THE FLAG**

**ROLL CALL by Town Clerk, Suzanne Reavy:**

TOWN COUNCILMAN JOEL B. BRINK  
TOWN COUNCILMAN ERIC KITCHEN  
DEPUTY SUPERVISOR JOHN MORROW  
TOWN COUNCILMAN ROCCO SECRETO  
SUPERVISOR JAMES E. QUIGLEY 3<sup>rd</sup>

**ALSO IN ATTENDANCE:**

1. Jason Kovacs, Town Attorney
2. Five town residents

**ADDITIONS OR CHANGES TO THE AGENDA**— None

**PUBLIC DISCUSSION ON AGENDA ITEMS** –

1. Regis Obijiski, 170 Ledge Road

On agenda, no conditioned negative declaration but all other documents have “conditioned”. Does that mean that there is a change?

*Supervisor:* It is “conditioned”. The conditioned word is in the “whereas” in the Resolution.

July 9, 2019

**Resolution Adopting Negative Declaration Notice of Determination of Non-Significance  
[Lincoln Park Grid Support Center]**

*Jason Kovacs:* Purpose of this Resolution –

Conditional negative declaration re: Lincoln Park Grid Support Center project. This Resolution does not approve the project. It is pending Planning Board approval. If approved by the Planning Board, the project would return to Town Board for final site plan review and approval.

*Town Clerk* reads last three paragraphs – “**RESOLVED...**”

**RESOLUTION OF THE TOWN BOARD**  
**TOWN OF ULSTER**

**Resolution Adopting Negative Declaration Notice of Determination of Non-Significance [Lincoln Park Grid Support Center]**

**SBL: 48.16-1-1, 48.16-1-2.210, & 48.12-1-20.100**

**WHEREAS**, the Town of Ulster Town Board, the Town of Ulster Planning Board, and its consultant planner have reviewed an application by Lincoln Park DG, LLC d/b/a Lincoln Park Grid Support Center, seeking Site Plan and Minor Subdivision approval for a “battery-only” grid support center with a battery array to provide capacity and ancillary services to the regional electric grid (hereinafter the “Proposed Action”); and

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

- *Consent Form* signed by agent of Kingston Landing Development, LLC dated;
- *Written Narrative* prepared by GlidePath Development, LLC, dated January 31, 2019;
- *Application* for Subdivision Approval by Lincoln Park DG, LLC, dated January 31, 2019;
- *Site Plan Consent Form* by KNG Landing Development, LLC dated January 31, 2019;
- *SEQR FULL EAF* Part 1 by Chazen Engineering & Surveying, P.C, January 31, 2019; and
- *Map of Proposed Lot Line Revisions* by Brinnier & Larios, P.C., dated January 31, 2019.
- *Full Environmental Assessment Form Part 1* by Chazen Engineering & Surveying, P.C, March 29, 2019;
- *G001 Title Sheet* prepared by Chazen Engineering & Surveying, P.C, dated March 26, 2019;
- *G002 Notes and Legends Sheet* by Chazen Engineering & Surveying, P.C, dated March 26, 2019;
- *SV100 Existing Condition* by Chazen Engineering & Surveying, P.C, dated March 4, 2019;
- *C110 Map of Proposed Lot Line Revisions* by Chazen Engineering & Surveying, P.C, dated 2/5/2019;
- *C130 Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated March 26, 2019;

## TOWN OF ULSTER SPECIAL TOWN BOARD MEETING (13)

July 9, 2019

- *C140 Utility Plan* prepared by Chazen Engineering & Surveying, P.C, dated March 26, 2019;
- *C150 Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, dated 3/26/2019;
- *C 530 Site Details* prepared by Chazen Engineering & Surveying, P.C, dated March 26, 2019;
- *C 540 Storm Sewer Details* prepared by Chazen Engineering & Surveying, P.C, dated March 26, 2019;
- *C 550 Erosion & Sediment Control Details* by Chazen Eng. & Surveying, P.C, dated March 26, 2019;
- *C 550 Erosion & Sediment Control Notes* by Chazen Eng. & Surveying, P.C, dated March 26, 2019;

### **Environmental Assessment Studies and Reports:**

- *Stormwater Pollution Prevention Plan (SWPPP)* by The Chazen Companies, dated 3/26/2019;
- *Wetland Delineation Plan* by Chazen Engineering & Surveying, P.C, dated March 25, 2019;
- *Monitoring Well Abandonment Letter* by Sterling Environmental Eng., P.C., dated 3/12/2019;
- *Rare, Endangered, Threatened Species Report* by The Chazen Companies, dated 3/25/2019;
- *Phase 1A Literature Search and Sensitivity Assessment* by Hartgen Archeology, dated 12/2017;
- *Phase 1B Field Reconnaissance Survey* by Hartgen Archeology Assoc., Inc., dated 1/ 2019; and
- *Sound Level Analysis Report* by Chazen Engineering & Surveying, P.C, dated March 22, 2019.

**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 project site has frontage on Miron Lane/Frank Sottile Blvd/NYS Route 32 and is comprised of Town of Ulster Tax Maps as S-B-L: 48.16-1-1, 48.16-1-2.210, & 48.12-1-20.100 The “project site” (defined as the 10-acre situated north of Frank Sottile Boulevard) where the Lincoln Park Grid Support Center is proposed to be constructed consists of second growth forest with several wetlands; and

**WHEREAS**, the project site and is situated within the Town of Ulster OM-Office Manufacturing Zoning District where the proposed use (i.e. utility structure) is allowed subject to Site Plan approval in accordance with the standards set forth in §190-69 Table of Uses and §190-75 of the Town Code. Pursuant to §145-2 the Town Code, the Town Board has the authority to approve the Site Plan for this action upon a favorable recommendation from the Town of Ulster Planning Board; and

**WHEREAS**, on January 8, 2018, the Town Board Declared Itself Lead Agency for the purposes of conducting the review and making such determinations as are necessary with respect to the Proposed Action as required by 6 NYCRR Part 617 of the New York ECL (State Environmental Quality Review Act (“SEQRA”)) and the regulations promulgated thereunder; and

**WHEREAS**, the Town Board classified the Proposed Action as an Unlisted Action pursuant to 6 NYCRR Part 617 of the State Environmental Quality Review (SEQR) Law; and

**TOWN OF ULSTER SPECIAL TOWN BOARD MEETING (13)**

---

July 9, 2019

**WHEREAS**, on February 1, 2019, the Town Board made its Determination of Significance and issued a Positive Declaration for the Initial Proposed Action, which called for the development of a natural gas-fired power plant (with the capability to use on-site low-sulfur diesel if the gas supply is disrupted) and grid support center.

**WHEREAS**, a Scoping Public Hearing was held on February 22, 2018 followed by a comment period from February 22 through March 22, 2018. The Town Board accepted the Final Scoping Document for the Initial Proposed Action on April 18, 2018; and

**WHEREAS**, during the public hearing and thereafter, the Town Board heard the objections to siting a gas-fired power plant at the original proposed location in the Town and the calls by the public for a “battery-only” facility; and

**WHEREAS**, In January of 2019, the applicant amended the Proposed Action to respond to the changing regulatory environment that made a “battery-only” grid support center a viable action on the site. The Current Proposed Action calls for the construction of a “battery-only” grid support center with a battery array to provide capacity and ancillary services to the regional electric grid by absorbing (charging) and generating (discharging) electricity as directed by the grid operator. The natural gas-fired power plant (with the capability to use on-site low-sulfur diesel if the gas supply is disrupted), which was the primary reason for the Positive Declaration on the Initial Proposed Action, was removed from the proposed project. The Current Proposed Action involves significantly less site disturbance, is situated farther away from residences, and does not involve any structures that exceed the permitted height within the OM-Office Manufacturing Zoning District; and

**WHEREAS**, on May 14, 2019, the Town of Ulster Planning Board, at a regular scheduled meeting, formally referred this matter to the Town of Ulster Town Board with a recommendation the Town Board adopt the Negative Declaration Notice of Determination of Non-Significance; now, be it

**RESOLVED**, that the Town of Ulster Town Board revoke in full its prior issuance of a Positive Declaration for the Initial Proposed Action; and be it further

**RESOLVED**, that the Town of Ulster Town Board adopt the Conditional Negative Declaration Notice of Determination of Non-Significance for the above referenced project, subject to final approval and consent of the New York State Historic Preservation Office; and be it further

**TOWN OF ULSTER SPECIAL TOWN BOARD MEETING (13)**

---

July 9, 2019

**RESOLVED**, that the Town Board hereby directs the Town Clerk to distribute notice of the adoption of this resolution as required by Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereunder.

MOTION: Councilman Secreto  
SECOND: Councilman Morrow

ROLL CALL VOTE:

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

**~ End of Public Comment**

**MOTION to adjourn (6:38 pm):**

MOTION: Councilman Kitchen  
SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk