

## TOWN OF ULSTER PLANNING BOARD

July 9, 2019

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, July 9, 2019, at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

### Present:

Lawrence Decker

Andrew Stravropoulos

Frederick Wadnola (alt)

Alan Sorensen – Planner

John More (alt)

Frank Almquist – Vice Chairman

Gary Mulligan – Chairman

### Absent:

Anna Hayner

Roll call was taken.

Chairman Mulligan stated that since Member Hayner was absent, the Board would appoint Mr. Wadnola as the fifth (5th) member for the purposes of voting.

A motion to approve the minutes from the June 2019 meeting was made by Mr. Almquist with a second from Mr. Stravropoulos; all in favor.

### Old Business

#### **Lincoln Park Grid Support Center – P-691 & P-740**

**Route 32, Miron Ln. and Frank Sottile Blvd.**

**SBL: 48.12-1-20, 48.16-1-1, 48.16-1-2.210**

**Zone: OM**

Dave Young, Chazen Companies, appeared on behalf of the application for a minor subdivision and site plan approval for a battery storage system. Chairman Mulligan asked Mr. Sorensen if he had any comments on the Full Environmental Assessment Form that had been completed and submitted. Mr. Sorensen responded that with regard to SEQR, this action includes the minor subdivision and site plan approval before the Town Board, as the Town Board is the Lead Agency. Mr. Sorensen stated that he believes the Town Board has issued a Conditional Negative Declaration and with this declaration, the Planning Board may now make a decision on the minor subdivision. The Planning Board held the required Public Hearing on the subdivision and Mr. Sorensen recommended the approval of the minor subdivision. Mr. Young inquired if it was necessary to include the applicant approving the extension of the review period in the resolution to which Mr. Sorensen stated he will add a whereas to the amended resolution stating that the applicant granted the Town Board an extension of the sixty-two day decision period following the close of the Public Hearing. Mr. Sorensen read the amended resolution. There was a brief discussion regarding the applicant's next step towards site plan approval.

**Action:** A motion to approve the amended resolution as read was made by Mr. Almquist, with a second from Mr. Decker; all in favor with a roll call vote.

**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**, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Town Board since the Proposed Action involves more than 2,500 sf of new building area; and

**WHEREAS**, pursuant to Chapter 161 of the Town Code, the Minor Resubdivision is subject to review and approval by the Town of Ulster Planning Board, which held the required public hearing on March 12, 2019; and

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

- SEQR FULL EAF Part 1 by Chazen Eng. & Land Surveying, & Landscape Architecture P.C, 3/26/2019;
- G001 Title Sheet for Lincoln Park Grid Support Center by The Chazen Companies, dated 3/26/2019;
- G002 Notes and Legend for Lincoln Park Grid Support Center, The Chazen Companies, dated 3/26/19;
- SV100 Existing Conditions Plan prepared by The Chazen Companies, dated March 26, 2019;
- C110 Map of Proposed Lot Line Revisions prepared by The Chazen Companies, dated March 26, 2019;
- C130 Site Plan prepared by The Chazen Companies, dated March 26, 2019;
- C140 Utility Plan prepared by The Chazen Companies, dated March 26, 2019;
- C150 Erosion & Sediment Control and Grading Plan by The Chazen Companies, dated March 26, 2019;
- C530 Site Details prepared by The Chazen Companies, dated March 26, 2019;
- C540 Storm Sewer Details prepared by The Chazen Companies, dated March 26, 2019;
- C550 Erosion & Sediment Control Details by The Chazen Companies, dated March 26, 2019; and
- C551 Erosion & Sediment Control Notes prepared by The Chazen Companies, 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 Planning Board held its required public hearing on the applicant’s request for the minor re-subdivision; and

**WHEREAS**, the Town of Ulster Town Board as the Lead Agency for this Unlisted Action-Coordinated Review issued a SEQRA Conditioned Negative Declaration for the Proposed Action upon a finding of no impact or an approved Letter of Resolution (LOR) by the New York State Office of Parks, Recreation and Historic Preservation; and

**NOW THEREFORE BE IT RESOLVED**, since the Lead Agency has issued a SEQRA Negative Declaration, the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act (SEQRA) and can take final action on the Minor Subdivision application; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Minor Subdivision approval as described above subject to the conditions, limitations and restrictions set forth below.

1. Applicant provides deed descriptions for the proposed lots;
2. Final Plat and deeds may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
3. 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
4. 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
5. All fees, including consultant fees, shall be paid.

**Scrub A Dub / Kleeschulte Car Wash – P-741**  
**660 Washington Avenue**  
**SBL: 48.14-1-18.100**  
**Zone: HC**

Dennis Larios, Brinnier & Larios, and Douglas & Ann Kleeschulte, owners of Scrub-A-Dub carwashes, appeared on behalf of their application to construct a carwash next to the larger QuickChek on Washington Avenue.

Mr. Larios explained that no further changes had been made and any final revisions will be made to address any Ulster County Planning Board (UCPB) comments and any outstanding issues the

Board. Mr. Sorensen stated that he just received the comments and Mr. Larios reviewed them briefly. Mr. Larios asked the applicant if they had any issues complying with the County's required modifications to which the applicant stated he did not.

Mr. Sorensen summarized stating that the area variance was granted, and DOT approvals, referred to UCPB and the applicant is comfortable complying with the County's required modifications. Most of the Planning Boards comments have been addressed by the previous submission. Mr. Sorensen stated that there were some areas being reviewed by the Town's Alternate Designated Engineers, Praetorius & Conrad, and there may be minor revisions that he is not sure were addressed. Mr. Larios stated that Praetorius & Conrad did have some questions and they had no problem addressing them.

Mr. Sorensen asked if sign details had been submitted. Mr. Larios stated that the details were just received by the applicant and the signs will be on two walls of the building along with some directional signs. The signs were on the drawing that had been submitted. Mr. Sorensen stated that the signs abided by §190.69 of the Zoning Code.

Mr. Larios stated that the access off of Washington Avenue is shared reciprocally with QuickChek and that there is one deed.

Mr. Sorensen stated that there is enough stacking and he is satisfied with the queueing plan. Mr. Sorensen stated that he would request more deciduous with the landscaping. Mr. Larios stated that there are some trees present and that the UCPB had also mentioned the addition of street trees and the applicant will make the street trees deciduous street trees instead of evergreen if the Board prefers that. DOT is open to ideas, but has the final decision in area of planting and type of tree. There was a brief discussion regarding trees.

Chairman Mulligan stated that all issues have been addressed. The action to take tonight would be to classify this project a SEQR Type II Action. Mr. Sorensen read the amended condition resolution.

**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 refer this matter to the Town Board with the recommendation to grant conditional site plan approval was made by Mr. Almquist, with a second from Mr. Stravropoulos; all in favor. A motion to approve the amended conditional resolution was made by Mr. Stravropoulos, with a second from Mr. Wadnola; all in favor with a roll call vote.

**WHEREAS**, the applicant Douglas Kleeschulte c/o Brinnier & Larios, PC is seeking Site Plan approval to develop a car wash on the subject site, consisting of a 3,300 square foot car wash with access from an existing access driveway abutting the Quick Chek establishment and configuration that would allow vehicles going through the car wash to re-enter the Quick Chek store or to exit via the existing access driveway onto NYS Route 28; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Town Board since the Proposed Action involves more than 2,500 sf of new building area; and

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

- Site Plan Consent Form signed by representative with Durling Realty, LLC dated 2/25/2019;
- Application for Site Plan Review signed by Douglass Kleeschute, dated 2/25/2019;
- Short EAF Part 1 prepared by Douglass Kleeschute, dated 2/25/2019;
- Existing Conditions Sheet prepared by Brinnier & Larios, P.C., dated February 2019; revised May 1, 2019;
- Site Layout Plan prepared by Brinnier & Larios, P.C., dated February 2019; revised June 5, 2019;
- Grading Plan prepared by Brinnier & Larios, P.C., dated February 2019; revised June 5, 2019;
- Utility Plan prepared by Brinnier & Larios, P.C., dated February 2019; revised revised June 5, 2019;
- Landscaping Plan prepared by Brinnier & Larios, P.C., dated May 1, 2019;
- Lighting Plan prepared by Brinnier & Larios, P.C., dated May 1, 2019;
- Details prepared by Brinnier & Larios, P.C., dated February 2019, revised May 1, 2019;
- Pavement Markings/Signage Plan by Brinnier & Larios, P.C., dated June 5, 2019; and
- Town of Ulster ZBA Decision granting Area Variance for Front Yard Setback, dated April 10, 2019.

**WHEREAS**, the Town of Ulster Town Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action is a SEQRA Type II Action pursuant to (NYCRR 617.5 (C) (16)) of the SEQRA Regulations; and

**WHEREAS**, 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

**WHEREAS**, the Town Board referred this matter to the Ulster County Planning Board, which issued required modifications in a letter dated July 3, 2019; and

**WHEREAS**, the applicant has agreed to comply with the Ulster County Planning Board's required modifications, which the Planning Board decided would be made a condition of Site Plan approval.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board herby refers this matter to the Town Board with a recommendation to grant Site Plan approval to Douglas Kleeschulte 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. Compliance with the Ulster County Planning Board's required modifications;

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.

**Ulster Hospitality – P-742**  
**1581 Ulster Avenue**  
**SBL: 39.82-2-7.117**  
**Zone: OM**

David Young, Chazen Companies, in place of Larry Boudreau, also of Chazen Companies, representing Chetan Patel, Ulster Hospitality LLC, appeared before the Board for an application to construct a 100-room, four-story hotel that was a part of the master site plan for Ulster Commons approved in 2012. Mr. Young stated that he had received a letter from Mr. Sorensen dated March 11, 2019 and has since responded to that letter and submitted architectural renderings and revised site plan drawings. Mr. Young stated that the applicant applied for an area variance for the porte cochere for hotel clients.

Mr. Young stated that the applicant has added a bypass lane under the porte cochere, which makes maneuverability better.

Mr. Young would like to move the project along and refer it to the Town's Designated Engineers the Fire Department, Town Sewer Department and Town Water Department.

Mr. Sorensen asked if the site plan as amended had been forwarded to the County for review, which it had not. Mr. Sorensen stated that the Board may make that action tonight.

Mr. Young stated that he had the elevation renderings prepared. He presented said renderings to the Board. The building has a standard hotel configuration and has some aesthetic break-up on the front elevation.

The SWPPP will match the original design approved in 2012. There will be four (4) planters that DEC designed and an overflow that will go to the existing bio-retention area or discharged to existing storm water facilities at couple different locations. Mr. Young is making the plans match what was approved on the original SWPPP.

**Action:** A motion to refer the project to the Town Board to refer to the UCPB, the Fire Department, the Town Designated Engineers, Town Water Department & Town Sewer Department was made by Mr. Decker, with a second from Mr. Wadnola; all in favor.

**WHEREAS**, the applicant – Ulster Hospitality, LLC (Chet Patel) c/o Chazen Companies with the Consent of 1561 Ulster Properties, LLC (owner by Jeff Kane) – is seeking Site Plan and Special Permit approval for the development of a 100-room hotel on the pad site that was reserved for a 100-room hotel on the Overall Master Development Plan (OMDP) that was approved by the Town Board; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan and Special Permit review and approval by the Town of Ulster Town Board since the Proposed Action involves more than 2,500 sf of new building area; and

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

- Cover Letter prepared by the Chazen Companies dated June 25, 2019;
- Consent Form signed by Jeff Kane, 1561 Ulster Properties, LLC dated February 27, 2019;
- Site Plan Application by Jeff Kane, 1561 Ulster Properties, LLC dated February 27, 2019;
- Short EAF Part 1 prepared by The Chazen Companies (Agent) dated February 27, 2019;
- Cover Letter prepared by Larry Boudreau, RLA GA NY, Project Manager - Chazen dated 2/27/19; and
- Title Sheet set prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Notes and Legend prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Existing Conditions Plan prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Overall Site Plan prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Site Plan prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Grading Plan prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Utility Plan prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Landscaping Plan prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Site Details prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Stormwater Details prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Grading & Erosion Details prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Water & Sewer Details prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;
- Landscaping Details prepared by Chazen Engineering & Surveying, P.C, dated June 26, 2019;

**WHEREAS**, the Town of Ulster Town Board issued a SEQR Negative Declaration for the approved Overall Master Development Plan (OMDP) for the MHMG-Kingston development on March 1, 2012; and

**WHEREAS**, with the revised submission, the Planning Board finds the application is sufficiently complete for referral to the Ulster County Planning Board.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board hereby refers this matter to the Town Board so that it can refer this matter to the Ulster County Planning

Board (UCPB) for GML 239 l and m review along with referral to the Town Designated Engineer, Water and Sewer Departments, and Ulster Hose No. 5.

**Kimlin Propane – P-749 & P-750**  
**637-647 Route 28**  
**SBL: 47.2-3-20 & 21**  
**Zone: HC**

Maximillian Kimlin appeared on behalf of his application for a lot consolidation and site plan amendment approval for a propane distribution facility. Chairman Mulligan requested Mr. Sorensen go through his project review notes.

Mr. Sorensen stated the use is allowed by right with site plan approval and is a SEQR Type II Action. At the June meeting the Board granted the lot line adjustment to consolidate the two tax parcels. In response to the Planning Boards request, the applicant submitted a landscaping plan which had some preliminary minor comments in response. The applicant had submitted an amended plan that addressed those comments. There was a brief discussion regarding trees. All comments had been addressed. Mr. Sorensen read the amended resolution.

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

**WHEREAS**, the applicant – Maximilian Kimlin (Agent) for Kimlin Ulster, LLC – is seeking Site Plan approval to establish a propane tank storage facility on the subject site; and

**WHEREAS**, the site lies within the HC-Highway Commercial Zoning District, where “wholesale businesses” are permitted by right, subject to Site Plan approval; and

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

- Cover Letter prepared by Willingham Engineering dated June 3, 2019;
- Consent Form signed by Bruno Gross, member of Precision Realty, LLC, dated 4/22/19;
- Project Narrative prepared by Holtz Surveying, undated;
- Application for Site Plan approval prepared by Maximilian Kimlin, dated April 23, 2019;
- SEQR Short EAF Part 1 prepared by Maximilian Kimlin, dated May 14, 2019;
- Site Plan Kimlin Propane prepared by Charles A. Holtz, PLS, dated April 30, 2019;
- Site Plan for Kimlin Energy (Ulster) prepared by Willingham Energy dated June 3, 2019; and
- Landscape Plan for Kimlin Energy (Ulster) prepared by Willingham Energy dated June 28, 2019.

**WHEREAS**, the proposed lot would comply with the bulk requirements of the HC-Highway Commercial Zoning District; and

**WHEREAS**, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide, and in a letter dated July 3, 2019 the UCPB issued a No County Impact statement; 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); an

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action is a SEQRA Type II Action pursuant to (NYCRR 617.5 (C) (16)) of the SEQRA Regulations.

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action is a SEQRA Type II Action pursuant to (NYCRR 617.5 (C) (16)) of the SEQRA Regulations.

**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 Site Plan approval to Maximilian Kimlin (Agent) for Kimlin Ulster, 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. The applicant submits a revised Landscape Plan to include cedar trees in addition to other proposed evergreens;
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.

**Cypress Creek Renewables - P-752**  
**Old Route 32**  
**SBL: 56.14-1-24**  
**Zone: R60**

Noel Swanson, Cypress Creek Renewables, appeared on behalf of the application for site plan amendment to add 6mW batteries to the site. Mr. Swanson stated that the applicant filed their subdivision map in June and had received Mr. Sorensen's project review notes on the amendment. Mr. Swanson stated they had submitted a revised decommissioning plan to include the new equipment and responses to the UCPB's comments. Mr. Swanson stated that he would be happy to answer any questions the Board may have. Mr. Swanson stated that they were waiting on any responses as a result of the 239m review; the neighboring towns were notified.

The Board reviewed the County's required modifications. One modification was to require regular site visits by the Town's stormwater inspector and zoning enforcement officer. As a part of DEC's regulation for stormwater and the State Pollutant Discharge Elimination System (SPDES) permit that the applicant must get before construction; they are required to have an independent party inspect the site every seven (7) days while the soils are still exposed. Mr. Swanson got further clarification from his construction team and what the County is referring to is the fact that this community is an MS4 community so the Town has its own SWPPP inspector. Mr. Swanson stated that in the past with MS4 communities, he would forward the inspection notes from the independent inspector to the Town's SWPPP inspector, who is also welcome to attend the visits.

Chairman Mulligan stated that the issue really stems from what happened in the Town of Kingston with the erosion of soil. Chairman Mulligan asked how the applicant plans on preventing what happened in Kingston from happening with this project. Mr. Swanson stated the intent is to have a tight stormwater design and regular inspections and if anything were to happen it would be immediately reported and rectified. Mr. Swanson stated that is a high priority to the applicant that their calculations are in good order. Mr. Almquist stated that the County does not want a repeat of what happened in the Town of Kingston so they are airing on the side of caution. Mr. Swanson stated that in addition to sending the reports to the Town SWPPP inspector, the applicant usually holds a pre-construction meeting so everyone on site will be introduced and the lead person doing the reports can attend said meeting.

Chairman Mulligan stated that the other issue is the training of the local fire department. Chairman Mulligan stated that in his notes he saw that Bloomington Fire Department had this training done and asked Mr. Swanson if that was correct. Mr. Swanson stated that the fire department did receive training and provided confirmation received from the fire Chief. Mr. Swanson stated that his colleague, Bryan Stumpf, met with them and reviewed the emergency action plan and a presentation on what the batteries look like and the monitoring system.

Mr. Swanson stated that the County had requested funding for special equipment and he does not believe it is necessary because the recommended action is to maintain a safe distance from the location. There's a remote monitoring system with fail-safe safety measures so it can self-regulate. Mr. Swanson said that should anything happen, the system is supposed to regulate itself.

Mr. Sorensen stated that if the Board is satisfied, the Board would need to override the UCPB's requirement for funding for special equipment.

Mr. Sorensen read the amended resolution.

**Action:** A motion to classify the project as a SEQR Type II action was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to approve the amended resolution was made by Mr. Almquist, with a second from Mr. Stravropoulos; all in favor.

**WHEREAS**, the applicant received Site Plan, Special Permit, Minor Resubdivision and Open Development Area approval to construct, operate and maintain: (1) a 2 Mega Watt (MW) Solar Energy Facility and; (2) a 4 MW Solar Energy Facility, both to be located at 2986 - 3040 NYS Route 32; an

**WHEREAS**, the applicant is now seeking a Site Plan Amendment approval to pair each of these solar PV systems with an energy storage system (a 2 MWac/4 MWh system for Landau and a 4 MWac/8MWh system for Landau II); and

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

- Cover Letter by Noel Swanson, Cypress Creek Renewables, dated February 26, 2019;
- Application for Site Plan Review by Cypress Creek Renewables (Agent) dated May 2, 2019;
- Consent Form & Agent Authorization signed by Isadore Landau, Landowner dated September 18, 2016;
- Site Layout & Materials Plan Landau Solar LLC, by Langan Engineering dated February 21, 2019;
- Site Layout & Materials Plan Landau Solar II LLC (1), by Langan Engineering dated February 21, 2019;
- Site Layout & Materials Plan Landau Solar II LLC(2), by Langan Engineering dated 2/21/2019;
- New York Department of Environmental Conservation Letter dated March 13, 2019; and
- Emergency Action Plan for Landau Solar, LLC and Landau Solar II, 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 of more than 2,500 square feet; 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, and

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board (UCPB) pursuant to NYSGML Section 239 l and m and in a letter dated June 5, 2019, issued required modification as follows: “As a condition of approval, the Town should require the applicant to fund regular site visits by the Town’s own stormwater inspector. The results of these visits should be provided to the Town’s stormwater officer/zoning enforcement officer. Any deviation/violation of the SWPPP should immediately be reported and remedies implemented”; and

**WHEREAS**, the Town of Ulster Planning Board opined to override the Ulster County Planning Board required modification.

**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 Cypress Creek Renewables dba Landau Solar, LLC and Landau Solar II, 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. 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
5. All fees, including consultant fees, shall be paid.

**Susan Caswell - P-755**  
**261 Main Street**  
**SBL: 39.1-5-7**  
**Zone: R60**

Susan Caswell, owner of 261 Main Street, appeared on behalf of her application for a minor subdivision. Ms. Caswell would like to divide her lot into two lots; one 6.27 acres and 1.67 acres. Ms. Caswell stated that as she gets older, she cannot keep affording the taxes and would like to make the parcel two separate lots with side-by-side driveway access. Ms. Caswell stated that her parents and her sister live here and that she would like to stay in the Town of Ulster, but would live more comfortably if she did the subdivision.

Ms. Caswell stated she had the surveyor draw a survey line down the driveway so, should she choose to sell in the future, she would not have to have a driveway agreement.

Mr. Sorensen stated that the project is a two (2) lot minor subdivision and is straight forward. The project would be classified a SEQR Unlisted Action. Mr. Sorensen stated that many years ago, when the second residence was built, the applicant had come in and had a sketch plan showing the ability to subdivide in the future, which was a requirement; the proposed configuration reflects that. Mr. Sorensen stated that the only issue that he sees, which is minor, is the setback between the one-story building and the play area must be thirty feet (30'), and at one point it's about twenty-four (24'); the line needs to be shifted over a few feet and it would then met all bulk requirements.

There was a discussion regarding the driveway and whether a driveway agreement would be necessary, as Ms. Caswell owns both lots. Ms. Caswell stated that the driveway looks like it's one common driveway, but the driveway is about thirty feet (30') wide so there are two driveways. It was reiterated that down the road should Ms. Caswell should choose to sell, there

may be an issue. Ms. Caswell stated that if necessary, she'd put a strip of grass down the middle of the driveway.

Mr. Sorensen stated that the only thing changing on this parcel is the lot being split into two, so he recommends a SEQR Negative Declaration and waive the requirement for a preliminary plat hearing and to set the final plat public hearing on August 13, 2019.

**Action:** A motion to declare this project a SEQR Negative Declaration was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to waive the preliminary public hearing and set the final public hearing for August 13, 2019 was made by Mr. Decker, with a second from Mr. Almquist.

**Odilio Aguirre - P-756**  
**990 Flatbush Road**  
**SBL: 48.8-2-24.200**  
**Zone: OM**

Jason Kovacs, Town Attorney, recused himself from this project.

Allan Dumas, Brinnier & Larios, and Diego Celaya, Architect, appeared on behalf of the applicant, Odilio Aguirre, to construct a two-bay metal building for his construction business. The building will consist of an office and shop for Mr. Aguirre. Mr. Dumas stated that the main building will be forty feet by forty feet (40' x 40') and an eighteen foot by eighteen foot (18' x 18') addition to be an office and staff conference room. The primary use for this structure will be storage of equipment and vehicles. The owner runs a home improvement business and this would make a good use of a shop and office setup. The property is located on Route 32 by 199 next to the gravel parking lot DOT has.

Mr. Dumas stated that there will be a canopy in the front of the building with a walkway leading up to the canopy. Mr. Dumas stated that they are proposing eight (8) parking spaces, including one (1) handicap space; only four (4) spaces are required. The current access to the property is through an existing dirt road and access behind the property is off Old Route 32 that was cut-off when Route 199 was constructed. Mr. Dumas stated that the space tends to be a place that people dump things; the applicant will be cleaning that up.

Mr. Dumas stated that they consulted with NYSDOT on site access and they will use the existing dirt road, making it sixteen feet (16') wide. Mr. Dumas stated that once they move forward with the Planning Board the applicant will submit a formal application with the DOT.

The applicant is proposing a few locations for security lighting which will be motion-sensor activated lights. The lights will be a Hubbell Swing Series wall pack, which are a full-cutoff light.

Mr. Dumas stated that there is only one place on site that a well, septic and sewage reserve. The soil is satisfactory for a sewage system, sewage reserve and a well and can meet the required setbacks as well as the Department of Health's (DOH) required setbacks. The wet area is being

considered a swale. The percolation test done in the middle of the property weren't that great, so they avoided anything in the middle of the property. They will be constructing a shallow trench system. Like DOT, the applicant will formally submit the plans to DOH once the project moves forward with the Planning Board aspect so as not to be duplicative.

Mr. Dumas stated that since it is DOT property, the proposed sign must sit a ways back from the road. Mr. Sorensen recommended landscaping around the sign, so the applicant proposes a stone wall where seasonal plants can be planted. Mr. Sorensen had also recommended some trees, so the owner requested six (6) cherry trees to break up the view from road to building.

Mr. Dumas stated that on page two of the plan submittal, he noted general construction details such as sidewalks, retaining wall, guardrails, and utility trenches.

Mr. Celaya stated that the building would be wood-framed all around with vent insulation, proposed slab on grade with proper drainage. Mr. Celaya stated that he does not believe the applicant would be doing any washing of vehicles as he does light construction with no skid steers or any vehicles like that. There will be mop sinks and lavatories for the employees. Mr. Celaya stated that he believed in the plans submitted the siding was going to be steel, but the owner wants vinyl siding instead. Both roofs will have the same slope and have asphalt shingles. Both the siding and the shingles will be a light brown, tan or beige in color. There is employee access in the front and side of the building and the office access would be in the rear.

Mr. Dumas stated that the applicant has already purchased the property after spending a lot of time with the engineers, the town, DOH and DOT prior to purchase. The proposed layout is the only layout that would work for this location.

Mr. Wadnola asked if the ingress and egress exist and stated that there are no curb-cuts off of Route 32. Mr. Dumas stated that the applicant will have to pave a DOT approved sixteen foot (16') driveway on the existing dirt road to maintain access since there is a guardrail present. Mr. Dumas stated that there are only a few employees so there would not be a lot of traffic on and off the site.

Mr. Almquist asked if the not-legal parking lot was a part of the property, to which Mr. Dumas stated it was not. The parking lot was informally developed and is used as a park and ride.

Mr. Sorensen stated that he believed it was a well thought out plan for the site and the building will be attractive. Mr. Sorensen stated that the project is a SEQR Type II action and recommends the Board classifies it as such. Mr. Sorensen stated that the Planning Board has the authority to approve the site plan and the Town Board has the authority to approve the Special Use Permit. Mr. Sorensen recommends that the Board refers the application to the UCPB and also to the Town Board to refer the Special Permit to the UCPB and schedule a public hearing for the Special Use Permit application.

**Action:** A motion to classify this project a SEQR Type II action was made by Mr. Decker, with a second from Mr. Wadnola; all in favor. A motion to refer this project to the UCPB for review was made by Mr. Almquist, with a second from Mr. Decker; all in favor. A motion to refer this

project to the Town Board to set a public hearing for a Special Use Permit and also refer it to the UCPB was made by Mr. Stravropoulos, with a second from Mr. Almquist; all in favor.

**WHEREAS**, the applicant – Odilio Aguirre – is seeking Site Plan & Special Permit approval to develop a Contractors Storage Yard on the subject site, which is situated within the OM-Office Manufacturing Zoning District; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Planning Board since the Proposed Action involves less than 2,500 sf of new building area; and

**WHEREAS**, pursuant to Chapter 190 of the Town Code, the Proposed Action is subject to Special Permit review and approval by the Town of Ulster Town Board; and

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

- Cover Letter authorizing Diego Celaya & Allan Dumas as (Agents) by Odilio Aguirre dated 6/28/19;
- Cover Sheet for 990 Flatbush Avenue by Diego Celaya dated June 28, 2019;
- Consent Form by Odilio Aguirre (Owner) consenting to the filing of the application dated 6/28/19;
- Application for Site Plan Review prepared by Odilio Aguirre dated June 28, 2019;
- Short EAF Part 1 prepared by Odilio Aguirre dated June 28, 2019; and
- Site Plan for Odilio Aguirre by Christopher J. Zell, LLS and Dennis Larios, P.E., dated June 2019.

**WHEREAS**, the Proposed Action is a SEQRA Type II Action pursuant to 6NYCRR Part 617.5(c)(9) of the SEQRA regulations for which no further review is required; and

**WHEREAS**, with this submission, the Planning Board finds the application is sufficiently complete for referral to the Ulster County Planning Board (UCPB) and for the Town Board to schedule a public hearing on the request for a Special Permit and refer the Special Permit request to the UCPB.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board hereby refers this matter to the Town Board so that it can refer this matter to the Ulster County Planning Board for GML 239 l and m review and schedule this matter for a Special Permit public hearing.

**Willy's Landscaping and Soccer Fields - P-757**  
**51 Sawkill Road**  
**SBL: 48.14-3-37.100**  
**Zone: R60**

Wilfredo Monroy appeared on behalf of his application to bring his existing business and soccer fields into compliance. Mr. Monroy has a landscaping business on one part of the property and a soccer field used by leagues on the other portion of the property.

Mr. Monroy stated that he would like to put a fence up around the entire property. Mr. Monroy would also like to add lighting poles and an irrigation system by the soccer field. Mr. Monroy stated that he is proposing a septic system to install bathrooms on site. Mr. Monroy stated that he would like to place a gravel parking lot, also. There are already four (4) shelters on site and he would like to add a kitchen building, as well.

On the landscaping side of the property he would like to construct a rock salt shed and also create a line of construction materials such as mulch, gravel, stone and bluestone.

Chairman Mulligan asked where the applicant is proposing the gravel parking. Mr. Monroy responded that he would like the gravel parking by the soccer field and showed the Board where on his plans. Chairman Mulligan asked how many people attended these soccer games. Mr. Monroy stated that there are sixteen (16) teams on the league and each team has approximately sixteen through twenty (16-20) people. The leagues usually play from 8am to 8pm on a Sunday. Chairman Mulligan asked if all sixteen (16) leagues played on the same day, and Mr. Monroy stated that they did but that they aren't all there at the same time as each team plays at a different time; some stay all day but some leave after two (2) hours. Mr. Monroy stated that during finals it's possible for more cars to be present as everyone wants to watch the finals. Mr. Monroy showed on the plans where the soccer leagues members currently park. Mr. Monroy was asked if the members ever park on Old Sawkill, to which he stated that some have. Mr. Monroy believes there is sufficient parking.

Mr. Monroy would like lighting for night soccer matches. Mr. Decker asked if Mr. Monroy wanted to fence in the whole property, and Mr. Monroy stated yes. Mr. Monroy stated that he would like a six to eight foot (6'-8') chain-link fence.

Mr. Decker stated that on the landscaping side of the property there is a lot of wood present and asked if the applicant planned on doing something with all the wood. Mr. Monroy explained that he has firewood logs that he still needs to split for firewood and that the stumps will be removed. Mr. Monroy plans on processing the wood chips and making natural mulch out of it. Once this has been done the items will be removed.

Chairman Mulligan asked if Mr. Sorensen to go through the review notes. Mr. Sorensen stated that there are two uses being proposed; the soccer field which is recreational use and then the contractor storage yard. The soccer field is a special use so it would have to be granted Site Plan approval from the Planning Board and a Special Use Permit from the Town Board. The contractor storage yard is not permitted so it requires a use variance and has made an application

to the (Zoning Board of Appeals (ZBA). Mr. Sorensen stated that before the Planning Board can consider the landscaping business, it would need the use variance granted. Mr. Sorensen stated that he does have preliminary notes should the landscaping business come back before the Board.

Mr. Sorensen stated that the Planning Board would access on-site parking requirements and ensuring there's sufficient on-site parking. Mr. Sorensen stated that this project would be a SEQR Unlisted Action. The applicant submitted the SEAF Part I and Mr. Sorensen recommended an Unlisted Action Coordinated Review with the Town Board as Lead Agency. Mr. Sorensen stated that the site plan proposes the construction of a ten-thousand (10,000) square foot building, a seven-thousand five hundred and twenty-five (7,525) square foot covered equipment shed, a thirty six hundred (3,600) square foot covered salt storage shed, and a ten-thousand two-hundred and fifty (10,250) square foot landscaping materials storage area. Mr. Sorensen stated that in his preliminary review on the parcel viewer, the property falls within the Federal Emergency Management Agency (FEMA) hundred (100) year floodplain so that is an issue that as the application moves forward will have to be addressed. The proposed kitchen and bathrooms appear to be in the FEMA five-hundred (500) year floodplain, so that issue must also be addressed as the application moves forward. Mr. Sorensen stated that the applicant is proposing an irrigation for the soccer fields and details on that will need to be submitted. Within the R30 zone, there is a front setback of thirty feet (30'), a side setback of twenty feet (20') and a rear setback of twenty-five (25'). This particular property has three (3) front setbacks since it's surrounded by three (3) roads. As such, the buildings, as proposed, would have to be moved further towards the interior of the site to meet the setback requirements.

Mr. Sorensen stated that the septic design is going to require approvals from the DOH. Site circulation and site access will need to be reviewed by the Ulster County Highway Department (UCHD), as well as the Town of Ulster Highway Department (TOUHD). Stormwater will need to be reviewed by the Town's Designated Engineer for erosion and sediment control since a lot of construction is being proposed. Mr. Sorensen believes the site disturbance is less than an acre, but as the application moves forward he would like that to be quantified. Mr. Sorensen stated that as the application moves forward elevation renderings and a landscaping plan must be submitted for review. Also to be submitted in the future will be fence details, sign details if signs are proposed. Mr. Sorensen stated he ran the EAF mapper and two consultations will be required; one with State Historic and Preservation Office (SHPO) and also the DEC for threatened and endangered species of the northern long eared bat and bald eagles that have habitats in the vicinity. Mr. Almquist stated that there are bald eagles nesting less than a mile from the location.

Mr. Sorensen explained that the maximum lighting height is twenty feet (20') and the lights must be down-lit, so the applicant cannot have stadium lighting for the field. Mr. Sorensen stated that the Board would want a better understanding of the seasonal nature of the soccer fields such as what months it was running. Mr. Monroy stated that the season usually started in March/April and runs through November.

Mr. Decker asked if the building will be pre-engineered metal building and Mr. Monroy responded yes.

Chairman Mulligan stated that the challenge for him is how to determine parking for a soccer field and asked if it was in the Town Code. Mr. Sorensen stated that it isn't set in the code but can look and that the issue had been brought up before for the Kingston Area Soccer League located on Kukuk Lane so he would have to review his notes from that project, Mr. Sorensen believed he used an (Institution of Transportation Engineers (ITE) parking generation standard. Mr. Sorensen and Mr. Kovacs stated that the Kingston Area Soccer League was different in that it was more for children ages five to fifteen (5-15) and this proposal is an adult soccer league. Mr. Monroy stated that he would like to extend his program to children.

Mr. Sorensen asked how many days a week soccer is played and Mr. Monroy replied just one day which is Sunday. Mr. Monroy stated that sometimes there are smaller groups that want to use the field other days for fun, but it is a very small group.

Chairman Mulligan asked the applicant if he had any questions and he did not but thanked the Board. Chairman Mulligan stated that the next step is to wait and see the result of the Use Variance and go from there.

**Kingston Block – P-702**  
**19 Kieffer Lane**  
**SBL: 48.66-2-20.210**  
**Zone: OM**

No one appeared on behalf of the application for a site plan amendment renewal. Mr. Sorensen stated that the applicant still owes ten-thousand dollars (\$10,000) to the drainage district as their contribution. Chairman Mulligan stated that they could approve the site plan renewal, contingent upon payment of the ten-thousand dollars (\$10,000) to the district drainage system.

**Action:** A motion to approve the site plan renewal with conditions was made by Mr. Stravropoulos, with a second from Mr. Almquist; all in favor.

### **Discussion**

Mr. Almquist stated that he got a call from Supervisor Quigley after the battery seminar held at the Ulster County Community College thanking all the Board members that attended (three members) along with a couple members of the building department.

A letter received from Linda Price regarding the Twin Creeks subdivision was handed out to the Board members for review. The Twin Creeks preliminary public hearing was held and closed and the applicant submitted a narrative granting the extension of the sixty-two (62) days to make a decision on the preliminary plan.

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary