

## TOWN OF ULSTER PLANNING BOARD

June 11, 2019

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, June 11, 2019, at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Anna Hayner	Lawrence Decker
John More (alt)	Andrew Stravropoulos
Frank Almquist – Vice Chairman	Frederick Wadnola (alt)
Gary Mulligan – Chairman	Alan Sorensen – Planner

Roll call was taken.

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

### Public Hearing

#### **Twin Creeks Major Subdivision – P-751**

#### **Off Old Kings Highway**

#### **SBL: 39.7-13-1.100**

#### **Zone: R-30**

Alan Lord, NY Land and Lakes Development, stated that his company was in contract to purchase the property and that they have created several developments throughout the years. The land sits on the Esopus and Plattekill Creek and is comprised of 82 acres. The applicant would like to subdivide this lot into 21 parcels. Each property would have approximately 1.5-10.9 acres with the homeowners caring for the roads and storm water. Mr. Lord explained that the plan had previously been approved in 2007 by Department of Health and by the Town in 2008; Mr. Lord stated that the proposed plans are exactly the same as what had been previously approved. Mr. Lord stated that archaeology studies had previously been done and that 164 sample holes were dug at that time. Mr. Lord stated that the Department of Health would like septic design updates and the applicant is currently working on those. Mr. Lord stated that there are 4 lots on each the Esopus Creek and the Plattekill Creek; those septic tanks are setback at least double the required distance from the Creek. Mr. Lord stated that the water can be treated with filtration systems to remove any contaminants.

A motion to open the public hearing was made by Ms. Hayner, with a second from Mr. Decker.

Deborah Nuzzo, President of the Glenerie Lake Park Association - stated that her and numerous other families have lived in the area for four to five (4-5) generations. Ms. Nuzzo stated that the Creek holds the community together and that the residents love the Creek, the environment, the wild life, swimming, fishing and canoeing. Ms. Nuzzo stated that the east side of the Creek has problems with ground surface water because there are no sewers in that area; everything in on septic tanks. Ms. Nuzzo stated that some houses are falling down because the foundations are falling apart. The rain water and high water level already has an effect on the surrounding homes. Ms. Nuzzo stated that on the map there is five (5) acres that is dedicated to storm water runoff

and wants to know the effects of this runoff to the creek and the surrounding neighbors. Ms. Nuzzo explained that between the Ashokan reservoir releasing water and the convergence of the two Creeks, the water backs up. Ms. Nuzzo stated that the community is concerned that the twenty-one (21) lot subdivision will not be the last subdivision that happens. Ms. Nuzzo explained that FEMA had to buy out some of the houses on the creek as the water backup made the houses unlivable; these houses are directly across from the proposed project. Concerns over the environmental and archaeological testing not being done since 2008 was also mentioned. Ms. Nuzzo stated that the community is asking for smart, respectful, appropriate building to be done because of their connection to the Creek.

Linda Price, owner of 57 Doris Lane - had concerns over the aquifer that her neighborhood receives their water from. The concern is that when the aquifer runs dry, who will replace their water. Mrs. Price asked if the applicant was the builder and Mr. Lord responded that they sell the lots as vacant land. Mrs. Price asked “what type of buildings would be built and who would the builders be; are the builders aware of the septics, the wells and the creek?” Mrs. Price is also concerned that the creek will be affected by people who are from out of Town and are not aware of the issues with the Creek and the rainwater. Mr. Lord stated that the Department of Health (DOH) would require proper designs in order for the wells and septics to be approved and would also look at the aquifer. Mrs. Price wanted to know the effect on her well. Chairman Mulligan stated that the Board will be looking into the aquifer. Mrs. Price questions if this was to be a gated community to which Mr. Sorensen stated that the applicants intent was a Homeowner’s Association with covenant restrictions and a privately maintained road would be established. Mrs. Price stated that on the plans there is a right-of-way (ROW) that runs along the back of the houses on Doris Lane and wonders if the applicant is proposing a road there. Mrs. Price was upset that the Board had no answers for the audience, to which the Board stated that the purpose of the preliminary public hearing was to hear the communities concerns with the project and that this is the first step in a process and they will have answers as the applicant goes through the approval process.

Linda Fallon, 318 Glenerie Boulevard – stated they applicant submitted the plans in 2008 and got approved for the State Environmental Quality Review (SEQR) and read in documents that “they thought it was still good even with the passage of time”. Ms. Fallon asked if the applicant would have to resubmit for the SEQR review and submit new documentation as the requirements may have changed over the years. Ms. Fallon stated that perhaps if that was done it would alleviate some of the concerns the community has regarding the environmental impact. Mr. Sorensen stated that the applicant would have to abide by current regulations; as an example, in 2008, a storm water pollution prevention plan (SWPPP) was prepared and Department of Environmental Conservation (DEC) regulations regarding the SWPPP have changed since then, so the applicant will have to comply with the current permitting requirements regarding storm water maintenance. Ms. Fallon asked when the Planning Board would come into the review process and Mr. Sorensen stated that the Board approves the subdivision contingent upon the applicant securing DOH approvals for each lot - well and septic system designs, storm water plans and traffic. Mr. Sorensen stated that there is a process the applicant must go through before approved.

Stephanie Reginato, 112 Glenerie Boulevard – stated that she moved to her home in 2002 and was inches from losing her home when the Esopus creek flooded, flooding out Orlando Street.

Mrs. Reginato is very concerned that once these homes are built that the water is not going to shed off onto her property. Mrs. Reginato stated that if these houses are built up and the water does go onto the properties on Glenerie, does she now have to get flood insurance and who would help her pay for the flood insurance? Mrs. Reginato stated that once the Plattekill's water gets going it spews water into everyone's windows on the Creek. Mrs. Reginato asked if there were answers regarding that issue and Chairman Mulligan stated that this was the first step in the approval process but that they will have answers in the future. Mrs. Reginato stated that the cabins next to her home flood and the flooding is an extreme concern for her, her husband and her daughter.

Donald Price, Linda Price's Husband, 57 Doris Lane – Mr. Price stated that an aquifer study needs to be done to make sure there will not affect the entire community.

Ezra Mula, 29 Doris Lane – stated that he grew up at 29 Doris Lane and recently bought back property that his grandfather (Overbaugh) owned. Mr. Mula stated that from a young age his grandfather would drive him through the properties and they have ROW's all through the proposed project property. In the past Mr. Mula had notified the LoBianco's, current owner of the proposed land, and never received a response. Mr. Mula stated that on the plans he sees a fifty foot (50') ROW's long the Esopus Creek. They also have ROW's up behind Doris Lane houses and out to Old Kings Highway and also over to the stone house owned by McCann. Mr. Mula has deeds that were granted to his grandfather and his heirs forever and he has not heard anything regarding his family's ROW's.

Robert Nuzzo, 206 Glenerie Boulevard – stated he owns several properties along Glenerie Boulevard and has questions regarding the building side of the project. Mr. Nuzzo stated that something this commercialized it's huge and is wondering if there will be environmental precautions taken when they dig the foundations and it rains and then the water must be pumped out of the hole – “where is the water going? Are they pumping it into the creek, or are they going to have silt bags, silt fencing or water purification tanks that will happen. Will the applicant be allocating any funds towards this?” Chairman Mulligan stated that would be part of the SWPPP that will be submitted. Mr. Nuzzo stated that since the applicant is not the builder and they would be selling to different owners, how will the building be supervised – one house does their own thing, one house complies, how can this be controlled. Mr. Sorensen stated that every lot that is built would have to apply for a building permit and the building department would oversee the construction of each and every home. Mr. Nuzzo stated that there needs to be eyes on the building at all times in order to be done the right way. Mr. Nuzzo wants assurance that it will be done right and hold someone accountable. Mr. Nuzzo stated that another issue he's having is with his survey lines. His property is at the corner of Doris Lane and the proposed land; the new survey does not match up to the old survey lines which makes the lines staggered. Mr. Nuzzo asked if that one (1) survey will affect the fifty (50) survey's that were previously done in a line down Doris Lane. Mr. Nuzzo asked how it works; that the properties that the homeowners have been paying taxes on for years now, somehow, belongs to the applicant? Mr. Nuzzo stated that this development does not benefit anything except the tax roll. Mr. Nuzzo asked if there were any percolation tests done and Mr. Sorensen responded that the testing still needs to be done and the applicant will have to be in full compliance with state regulations. Mr. Sorensen explained that the Ulster County Health Department (UCHD) must approve their septic system design

before anything is dug or built, which will require perc tests. Mr. Sorensen stated that unless they get their UCHD approvals, the subdivision cannot be approved.

Robert Davis, 15 Jeanette Lane – stated that numerous concerns that have been voiced are concerns of his, as well. Mr. Davis stated that when this project first came about, he had comments then which he will reiterate now. The concern about the aquifer is a common concern and if 21 houses go in it will affect their wells. Is the UCHD interested in the health of the aquifer regarding the overall flow rate of all of the people involved in it if the applicant is seeking to use the same aquifer? Chairman Mulligan stated that they will get those answers. Mr. Davis stated that he is concerned that there is no authority in position to protect the neighboring community from development that will possibly affect their wells. Mr. Davis stated that some of the proposed parcel is within the 100-year flood plain and 500-year flood plain and he hopes that that is being taken into consideration. The plan that he sees has no extension of roads into Doris Lane or North Brigham Lane which as a member of the community, he would like to see no connection between the two communities as people joy ride through his neighborhood as it is. Mr. Davis stated that his community is quiet and when he goes out at night he can see the stars and likes to look at the stars. Mr. Davis stated that there are a couple neighbors that choice to put in street lights, but that if people want a light on, they turn on their lights. If there were plans to put streetlights into their community and infringe upon his ability to gaze at the stars, he would be very unhappy. Mr. Davis stated that there is a drainage ditch that runs by his house and into the proposed property and if something happens that the drainage ditch no longer drains properly, he will have a problem. Mr. Davis stated that everyone assumes that the aquifer flows from where their community is downstream, but aquifers do not necessarily flow in the same direction as the surface water. If the aquifer is flowing from the proposed project towards the community, it has the possibility of directly impacting the well water and flow rates.

Bart Blass, 112-114 Glenerie Boulevard – state he is curious if the larger section of the property by the Plattekill and Esopus Creek will have a retaining wall because it “floods as far as you can see.” Mr. Blass stated that to build within fifty feet (50’) of the creek in order to have a good view, if a retaining wall is built, the water will be pushed back to Glenerie Boulevard, which will be flooded out. Mr. Blass is concerned as to whether the applicant thought about that.

Mark Frederich, 286 Glenerie Boulevard – stated that if there are twenty-one lots being proposed, what’s to say that the lots wouldn’t be further subdivided; are there any restrictions? Mr. Frederich stated that he hopes to have further hearings where the community can get answers as they are not getting any at this preliminary hearing. Mr. Frederich stated that he is sure the Planning Board will listen to the community as the project moves forward.

Joanne Mula, 29 Doris Lane - stated she has a fifty foot (50’) ROW along the creek and other ROW’s. She’s asking is if everything had been approved in 2008, why wasn’t anything fulfilled. Chairman Mulligan stated it could have been economic circumstances. Ms. Mula stated that she wanted to make the Board aware that she had send the owner of these plans a letter showing the ROW’s and deeds dating back to 1941 that assures she has those ROW’s and they are hers and her heirs. Ms. Mula believes this is why it did not go through. Ms. Mula stated she gave the applicant a copy of the deed and the ROW’s in good faith. The LoBianco’s (owner in 2008) will not tell you that they ever received a letter. Ms. Mula stated that they have lived in this location

since the 1960's and also has property on Sawmill Road so she knows the Creek very well. Ms. Mula stated she received a phone call from someone who made her feel that they were the buyer of the property and inquiring, but she now knows they aren't buying the property but are a representative from someone else. Ms. Mula stated that it was important to her father that she keep her ROW's.

Kathy Canzian, 264 Old Kings Highway – stated that her two concerns were already expressed but she would like to put her two cents in. Ms. Canzian stated that everytime a company wants to develop this plot her property line moves by quite a few feet; five to ten feet (5'-10') in her back yard. Ms. Canzian respectfully requests that someone does a proper survey of the entire plot. It doesn't make sense that every time it is surveyed by prospective buyers, the property lines move. Ms. Canzian stated that her second concern is the water. Ms. Canzian stated that there are new systems and technology and if the applicant feels they can then reach water, Ms. Canzian would like them to re-do her well as her well was dug in 1973. Ms. Canzian believes that in all fairness, if the applicant proposes to dig into their aquifer, they should replace their wells and have the same benefit of the new well system.

Jim Balzotti, 126 Glenerie – stated that he and some other neighbors did not receive a notification which he believes an error that should be corrected. Mr. Balzotti stated that the development isn't really the issue here, but that it's because it is on a waterway. Mr. Balzotti stated that the project needs an independent environmental consultant or study to see how this project will affect the waterway because once it's polluted it's gone. Mr. Balzotti stated he appreciates the roles and positions of the Planning Board, but in a way they are like policemen to protect the people and the community and their property values and the developer. Mr. Balzotti stated that he understands that there is not a current impartial impact study done and believes an independent environmental consultant is needed.

Christina Nuzzo asked the Board when they would have answers to the questions the community has as she believed that was the reason for the public hearing. Mr. Sorensen stated that the purpose of the public hearing is to allow the community the opportunity to ask questions and allow the Planning Board to receive input at the beginning of the approval process. Once the applicant completes the required studies, there will be answers. Ms. Nuzzo asked how long that would take, to which Mr. Sorensen stated that would be up to the applicant and their consultants.

The audience questioned whether they will be notified when the answers are acquired, to which Chairman Mulligan stated that there will be notifications sent for the second Public Hearing.

Arthur Boice, 148 Glenerie Boulevard – stated that he grew up the area his entire life. Mr. Boice asked if any wildlife studies had happened or are going to happen. Mr. Boice stated that he has seen bald eagles and black bears and numerous other wildlife in that area and if they clear the land, where is all the wildlife going to go.

Ms. Mula asked where the old studies that were done are available as she believes it is possible that the old studies show that something was there and that's why the project was dissolved in 2011. Jason Kovas, Town of Ulster Attorney, clarified that the proposed project was approved in 2008 and for whatever reason was not built, so after three years it lapsed. The current applicant is

before the Board and the Town is treating the proposal as a brand new application. The Board will order brand new studies including the concerns brought before the Board tonight. The Board will review these studies and then make a decision at some point in the future. The studies that were done should be on file in the building department and are a matter of public record.

A member of the audience asked if there was an amplification system for the next public hearing and Chairman Mulligan stated that they had been in discussions over this for some time and that they will see what they can do. Mr. Mulligan stated that the community can address and additional comments at the next hearing and that the Board should have more information and answers by then.

A member of the audience asked if they would be notified for the second public hearing as a lot of the members present were not notified. The Planning Board Secretary, Gabrielle Perea, stated that she had exported names from the department's system and had sent out notices to neighbors within two-thousand feet (2,000') of the proposed project parcel, but that she will send out to three-thousand feet (3,000') if that will include the neighbors that were missed. Mr. Kovacs suggested that representatives from each of the organizations present contact the Planning Board Secretary prior to the next public hearing so that everyone in the community will be on the same page.

Mary N. McNamara, 22 Finger St – stated that she has been involved with studying issues on the Lower Esopus Creek for the past twelve (12) years and wanted to ask if the modellings regarding floodplains include all the recent storms that have happened in the past twelve years, including 2010 and 2011, where there was an increased amount of erosion and deposits up and down the Creek. Ms. McNamara is also hoping that the modelling being done will include protections for increased precipitation in the area. Ms. McNamara stated that the Plattekill is a very large, steep watershed and the Esopus is also a large watershed and there are issues with sediment depositing all along the streambed which should impact the measurements for modelling. Ms. McNamara also mentioned the FEMA buyouts and that some of those homes were adjacent to agricultural fields, so those areas weren't intensely populated, but they were more vulnerable. Ms. McNamara stated that the area is beautiful; there is a waterfall and the Plattekill and a Waterfall at Glenerie Falls. Ms. McNamara stated that in 2007, 2008 & 2009 a study was done by Milone & MacBroom with funding from the DEC and in that study it stated that the natural impoundment of the Glenerie waterfalls backs up the water and elevates the water level in that section of the Esopus. Ms. McNamara wants it understood that the flooding in the Twin Creek are is a very serious issue.

A motion to close the public hearing was made by Mr. Almquist, with a second from Mr. Decker.

**Action:** No further motions were made.

**Executive Auto – P-739**  
**185-201 Sawkill Road**  
**SBL: 48.14-2-32.430**  
**Zone: OM**

Victor Melville, owner of 185-201 Sawkill Road, appeared on behalf of an application to bring an existing used automobile sales business into compliance. Mr. Sorensen stated that they will discuss the UCPB recommendations for the project. Mr. Melville stated that if he understood the recommendations correctly, he agrees with them and knows what is expected of him to do to comply with them.

Mr. Sorensen stated that the applicant prepared a site plan as requested by the Board; the site plan amendment shows the additional parking spaces on the site, the driveway location and plantings. Mr. Sorensen stated that under SEQR, this project is a Type II action, which requires no further SEQR review. Mr. Sorensen stated that last month the matter was referred to the UCPB for review and the comments came back; there were two required modifications. The first modification is that all lighting is required to be A) LED and be fully shielded, definition adopted by the International Dark Sky Association (IDSA) or B) an approved fixture of the IDSA with cut sheets provided. The second required modification is that a variety of native species should be utilized as opposed to sole use of spreading yews. Mr. Melville stated that there is one streetlight present off of Sawkill Road which mainly illuminates the building itself for security. Mr. Melville is proposing no additional lighting. Chairman Mulligan stated that the UCPB require at least one street tree. Chairman Mulligan stated that the Board will recommend that the street light be changed to a dark sky compliant light and to vary the vegetation/landscaping to include plantings other than yews that will not obstruct sight distance. There was a brief discussion.

Chairman Mulligan stated that these requirements will be a condition of approval but that Mr. Melville must drop off cut-sheets of the description of the light to the building department.

Chairman Mulligan stated that there is a draft resolution to that effect. Mr. Sorensen read the resolution. Mr. Sorensen read the resolution.

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

**WHEREAS**, the applicant – Victor J. Melville dba Executive Auto – is seeking Site Plan approval to bring an existing used car lot located at 195 Sawkill Road into compliance; and

**WHEREAS**, the subject site is situated within the OM-Office Manufacturing Zoning District where a “automotive sales and service” establishment is an allowed use; 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 (no building expansion proposed); and

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

- Written Narrative prepared by Victor J. Melville, dated 2/11/19;
- Consent Form prepared by Victor J. Melville, dated 2/11/19;
- Application for Site Plan & Special Permit Review prepared by Victor J. Melville, dated 2/11/19;
- Short EAF Part 1 prepared by Victor J. Melville, dated 2/11/19; and
- Site Plan prepared by Brinnier & Larios, P.C., dated April 2019.

**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 modifications as follows: 1) All existing lighting is required to be LED and will need to meet the “fully shielded” definition adopted by the International Dark Sky Association (IDSA) or be an approved fixture of IDSA with cut sheets provided, and 2) A variety of native species should be utilized as opposed to the sole use of the spreading yews. Where practicable, if sight distances are not obstructed, the mix of species and types should include a native street tree as well, and

**WHEREAS**, the Town of Ulster Planning Board reviewed the required modifications with the applicant the applicant agreed to amend the Site Plan to address the UCPB’s comments.

**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 Victor J. Melville dba Executive Auto 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 replaces the existing lighting fixture with a International Dark Sky Association (ISDA) fully-shielded lighting fixtures and submits a revised Site Plan showing a variety of shrubs and the planting of one deciduous tree;
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.



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

Dennis Larios, Brinnier and Larios, appeared on behalf an application to construct a Scrub A Dub carwash at 660 Washington Avenue next to the large QuickChek. Mr. Larios explained that the applicant received the Area Variance for the carwash. Mr. Larios stated that he had met with DOT and they agreed to allow the applicant to grade to landscaped slope.

Mr. Sorensen stated that the application is complete enough to refer to the UCPB for their review, but the sign specifications will be needed.

Mr. Larios stated that the glass portion of the building will be facing Washington Avenue and there have a couple proposed directional signs.

Mr. Larios stated that they received comment from Praetorius & Conrad, Town of Ulster's Alternate Engineers, and that there should be no issues addressing those comments.

Mr. Larios stated that there will be varying landscape and wonder if they can keep some of the existing trees, but will be subject to DOT permitting. The lot is an irregular shaped parcel and the state owns the landscaping section of the land, so they will have the final decision.

The proposed swale will take the drainage from the State property and discharge to the State system. The treatments is on the utility plan and shows hydro dynamic separators and skimmer on catch basins. Mr. Larios stated that the water naturally drains into the swale.

The power line is nine to ten feet (9'-10') off of the building. The retaining wall will either be moved or they will excavate. The proposed wall will be on the parcel and not on State property.

Mr. Larios showed the stacking of cars on the site plan. The carwash can clean up to one-hundred and thirty (130) cars per hour at maximum operating speed. The queue holds twenty-three (23) cars before it gets backed-up. There are two lines for the payment kiosks and then they merge into one as you enter the car wash. Mr. Larios stated that the exit looks "clumsy", but it is not. There is room to go in and out by the vacuum stations. Mr. Larios explained that it is a tight site.

This carwash is the only tunnel wash and it suits the area. The carwash runs on high pressure water and friction. The quality of the carwash is important to the applicant.

**Action:** A motion to classify this project a State Environmental Quality Review (SEQR) Type II action was made by Mr. Decker, with a second by Mr. Almquist; all in favor. A Motion to forward this project to the Town Board in order to refer to the UCPB for review was made by Ms. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote.

**AJR Masonry – P-746**  
**2372-2468 Rt. 9W**  
**SBL: 39.12-1-26**  
**Zone: HC**

Scott Lane, Scott Lane Engineering, appeared on behalf of the application for a contractors storage yard. Mr. Lane stated that the public hearing was last week and. Mr. Lane stated that the Board asked what percentage he thought the project was complete and he believes the project is pretty close to complete.

The UCPB came back with comments. The project requires modification for the approved well and septic facilities from the DOH, which can be a condition of approval. The next modification is a change in use to the site with existing curb cut on 9W so the applicant needs to coordinate with DOT to obtain a commercial highway driveway access permit.

Another modification was that outdoor storage must be indicated on the site plan. Mr. Lane stated there will be no outdoor storage aside from possibly a truck or van. There will be no materials kept out side; an on-site will be kept in the proposed building.

The next modification is that any existing outdoor storage left on the site should be removed prior to construction. Mr. Sorensen stated that site cleanup may be a condition of approval. Mr. Lane stated that he believe the UCPB is referring to the storage containers that are present on-site. Mr. Lane requested that it be a condition of approval that the containers be removed once the building is constructed so the applicant may move the materials stored in the containers into the building. Chairman Mulligan wanted to make it clear that the applicant doesn't continue to have the containers there thirty (30) days, sixty (60) days after the construction of the building and Mr. Lane stated he will make sure that the applicant is aware that he must remove the containers within thirty (30) days of completion of the storage building.

There was an advisory comment regarding the garage elevation. Mr. Lane stated that he removed the garage door as the UCPB stated there was a conflict and that elevation now has four (4) windows. There was a brief discussion.

Mr. Sorensen read the amended draft resolution.

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

**WHEREAS**, the applicant – Al Riozzi dba AJR Masonry c/o Scott Lane, P.E., – seeking Site Plan and Special Permit approval to develop a Contractors Storage Yard on the subject site, which is situated within the HC-Highway Commercial 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 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:

- Written Narrative prepared by Scott Lane, P.E., for AJR Masonry, Inc., dated April 9, 2019;
- Consent Form signed by Al Riozzi (Owner) consenting to the filing of the application dated 3/26/19;
- Application for Site Plan Review prepared by Scott Lane, P.E., (Agent) dated March 26, 2019;
- Short EAF Part 1 prepared by Scott Lane, P.E., dated March 26, 2019;
- Sketch Site Plan prepared by Scott Lane, P.E., dated March 26, 2019;
- Site Plan prepared by Scott Lane, P.E., dated April 9, 2019; and revised May 14, 2019; and
- NYS Office of Parks, Recreation and Historic Preservation No Impact Letter dated May 13, 2019.

**WHEREAS**, the Town of Ulster Town Board is the Lead Agency for this Unlisted Action Coordinated Review having circulated its Notice of Intent to serve as Lead Agency pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

**WHEREAS**, this matter was referred to the Ulster County Planning Board (UCPB), which issued a required modifications in a decision letter dated June 5, 2019 as follows: 1) Review and approval of the proposed well land septic facilities by the Ulster County Department of Health will be required, if not already completed, 2) The applicant will need to coordinate with NYSDOT to obtain a commercial driveway/highway access permit, 3) Any outdoor storage of materials or equipment locations will need to be indicated on the site plan. The materials of the surface the materials are placed upon, and details regarding any enclosures of these locations, will also need to be indicated with typical details provided, and 4) As a condition of approval, any existing outdoor storage left on the site should be removed prior to construction; and

**WHEREAS**, upon review of the Ulster County Planning Board's letter, the Town Board determined that Required Modifications (RM) No. 1 and 2 would be conditions of approval, RM No. 3 was moot since the applicant is building the garage to store things inside, and RM No. 4 would be addressed by requiring the applicant to move any remaining outdoor storage inside the new building within 30 days of receiving a Certificate of Occupancy; and

**WHEREAS**, this matter was referred to the NYS Office of Parks, Recreation Historic Preservation, which in a letter dated May 13, 2019 concluded that no archeological or historic resources will be affected by the undertaking; and

**WHEREAS**, the applicant has addressed all the technical comments of the Town Planner and Town Designated Engineer's Brinnier & Larios, P.C.; and

**WHEREAS**, the contractor storage yard requires a Special Permit, which required the Town Board to hold a public hearing; and

**WHEREAS**, the Town Board held the required public hearing for the Special Permit request on June 6, 2019 and closed the public hearing; and

**WHEREAS**, based upon the Town of Ulster Planning Board's and Town of Ulster Town Board's thorough review of the SEQR Short EAF Part 1 and Part 2 (prepared by the Town Planner); along with supporting Site Plan drawings, and detailed studies cited above and condition of full compliance with all applicable regulations concerning development on the project site; has determined the Proposed Action would not have any potentially large impacts due to the project design and mitigation measures, which were designed into the Proposed Action.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board in its advisory role, hereby refers this matter to the Town Board with a recommendation to issue a SEQRA Negative Declaration and grant Site Plan and Special Permit approval for the above referenced action 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 secures Ulster County Department of Health approval for proposed well and septic prior to construction;
5. The applicant secures NYSDOT approval of driveway design prior to construction;
6. Within 30 days of securing a Certificate of Occupancy for the proposed building, the applicant shall move any remaining outdoor storage inside the new building,
7. Compliance with all applicable regulations concerning development on the subject site; ;
8. 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
9. All fees, including consultant fees, shall be paid.

**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.

Mr. Sorensen stated that the Board should make a motion on the lot line consolidation first. Mr. Sorensen read the resolution for the lot line adjustment.

Mr. Kimlin submitted a revised site plan. There will be two (2) ten foot by forty-five foot (10' x 45') propane tanks on the property and a thirty five foot by sixty-five foot (35' x 65') chain link fence now shown on the site plan. Mr. Sorensen stated that the fire apparatus turning radius had also been added to the site plan. Mr. Sorensen stated that as the project moves forward, he wants Brinnier & Larios to review the gravel base of the tanks and truck turning area. Mr. Sorensen stated that the sign details have been submitted which comply with the Town Code. Mr. Sorensen stated that cut sheets were provide but that he had a comment. Mr. Sorensen stated that the landscaping as pending but that the applicant has retained a landscaping architect to prepare a plan. Mr. Sorensen stated that in speaking with the applicant's engineer, the culvert pipe that goes across the property is a forty-two inch (42") diameter reinforced concrete pipe and the applicant will need input from DOT and will need to coordinate with them. There was correspondence with David Corrigan regarding traffic circulation and DOT had previously approved a minor commercial access for a landscaping business and the proposed minor access should apply to this application and the applicant should progress their submission in that fashion and resubmit, which the revised site plan has done. Regarding lighting, the applicant has supplied lighting fixture specifications and cut sheets; the site plan calls for a pole with the height of twenty feet (20') and is IDSA compliant and is situated near the two propane tanks on the interior of the site. Mr. Sorensen stated that the documentation submitted complies with the Town Code and recommends acceptance of the proposed exterior lighting of the project. Mr. Sorensen believes that the applicant is sufficiently complete to be referred to the UCPB for review.

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

**WHEREAS**, the applicant – Maximilian Kimlin (Agent) for Precision Realty, LLC – is seeking a Lot Line Adjustment approval to combine Town of Ulster Tax Parcels SBL 47.2-3-20 and 47.2-3-21; and

**WHEREAS**, pursuant to Section 161-9 of the Town Code, the Proposed Action is classified as a Lot Line Adjustment, 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 Bruno Gross, member of Precision Realty, LLC, dated 4/22/19;
- Project Narrative prepared by Holtz Surveying, undated;
- Application for Preliminary Plat prepared by Maximilian Kimlin, dated April 4, 2019;
- SEQR Short EAF Part 1 prepared by Maximilian Kimlin, dated April 4, 2019; and
- Map of Lot Consolidation by Charles A. Holtz, PLS, dated April 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 not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves fewer than 5 lots and access roads and structures are not situated within the 100-year floodplain; and

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

**WHEREAS**, a public hearing is not required in accordance with Section 161-11.1 (B) of the Town Code; and

**WHEREAS**, the 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 Lot Line Adjustment approval as described above to Maximilian Kimlin (Agent) for Precision Realty, LLC subject to the conditions, limitations and restrictions set forth below.

1. The Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;

2. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and
3. The Final Plat must be filed with the Office of the County Clerk within 62 days of the date Final Plat is approved by the Planning Board; and
4. All fees, including consultant fees, shall be paid.

**Raymour & Flanagan Outlet - P-754**  
**401 Frank Sottile Boulevard**  
**SBL: 48.8-1-34.300**  
**Zone: RC**

No one appeared on behalf of the application. Chairman Mulligan stated that the application is straight forward and the applicant would like to change the signage to purple. All the signs meet Town Code requirements. Mr. Sorensen stated that the color seems to work and he has seen it in numerous places. There was a brief discussion.

Chairman Mulligan stated that the project does not need to be referred to the UCPB and Mr. Sorensen recommends accepting the application package.

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

**Discussion re: Proposed Local Law amending existing Local Law on Utility Company Structures**

Chairman Mulligan stated that the Supervisor, James Quigley III, is looking for comments from the Planning Board before they finalize the proposal into law.

Mr. Almquist asked if there is a definition for utility company structure, to which Mr. Kovacs stated that there is no formal definition at this time, but there will be. The way it would be defined in this proposed law is that any plant that generates electricity or is ancillary to a power generating device or plant that is regulated by the Public Service Commission (i.e. cable, electric, etc.).

Mr. Almquist stated that the way the proposed law reads, he may construct a forty foot (40') tall wind turbine since it doesn't include any air quality permits. Mr. Kovacs stated that Mr. Almquist is correct, but the structure would still be subject to height restrictions and SEQR and site plan approval. Mr. Kovacs stated that this law was brought about because the community did not want seventy foot (70') smoke stacks in their backyard. The law essentially states that we do not allow any pollution emitting smoke stacks in certain zoning districts as described in the proposed law.

The law states that the utility structures are allowed by special use permit and site plan approval *only* if they're *under* thirty five hundred (3,500) square feet in the R10, R30 and R60 zones, and in OM and I they can have utility structures larger than thirty-five hundred (3,500) square feet, but they would need a special use permit and site plan approval.

Mr. Almquist asked what would trigger an air quality permit. Mr. Kovacs stated that DEC requires an air quality permit if any smoke or pollution is emitted into the air by any major structure or plants.

Mr. Sorensen stated that a thirty-five hundred (3,500) square foot structure is as big as Smoothie King and it's something to consider in an R10 district to have something that size. Mr. Kovacs stated that it is unlikely to happen.

**Action:** A motion recommending the Town Board adopt the proposed local law on Utility Company Structures was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

There was a brief discussion regarding the Twin Creek right-of-way issues. Mr. Kovacs stated that the presence of a right-of-way does not prevent the subdivision from going through. Mr. Kovacs stated that the Board does need to know where on the property these easements are located. Mr. Kovacs stated that after the public hearing, there should be some studies done regarding impact on the wells, potential flooding. There was a brief discussion.

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary