

## **TOWN OF ULSTER PLANNING BOARD**

June 9, 2020

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, June 9, 2020, at 7:00 p.m. via Zoom. The following members were present:

### Present:

Anna Hayner  
Lawrence Decker  
John More (alt.)  
Gary Mulligan – Chairman  
David Church (Future Planner)

Frank Almquist – Vice Chairman  
Dan Furman  
Andrew Stavropoulos  
Alan Sorensen – Planner

Roll call was taken.

A motion to approve the minutes from the May 2020 meeting was made by Mrs. Hayner, with a second from Mr. Decker; all in favor.

Chairman Mulligan wished Mr. Sorensen all the best in his future endeavors and welcomed Mr. Church as the new consultant planner for the Town of Ulster.

### **OLD BUSINESS**

**Twin Creeks – P-751**  
**Off Old Kings Highway**  
**SBL: 39.7-13-1.100**  
**Zone: R-30**  
**Major Subdivision**

Alan Lord appeared on behalf of an application for a twenty-one (21) lot major subdivision. Mr. Lord explained that he had done some research with his attorney and found the right-of-way (ROW) that had come up in discussion at the preliminary public hearing. Mr. Lord stated that the cul-de-sac was now moved to follow that ROW so that the ROW wouldn't be in the middle of someone's yard and it would follow the road.

Mr. Lord stated that all the originally proposed septics are the same except for one and that the Department of Health (DOH) needs preliminary approval from the Board before they will issue their approval.

Chairman Mulligan stated that in the amended plans he noticed green areas and asked if that was stormwater areas. Mr. Lord concurred that those areas were solely for stormwater and they will remain as part of the (homeowners association) HOA property, along with the naming of the roads. The roads will remain private roads.

Mr. Sorensen stated that this project requires two public hearings. Mr. Sorensen recommended that The Town Designated Engineer (TDE) and Mr. Church review the proposal and decide if they are ready to schedule the final plat public hearing.

Mr. Sorensen showed the initial proposal and the current proposal to the Board and audience. Mr. Sorensen showed where the Plattekill and Esopus were, hence the name 'Twin Creeks.' Mr. Sorensen stated that there is a 90' wide easement which is provided within the HOA.

Mr. Sorensen explained that there are only a couple of differences between what was approved back in 2008 and what is being proposed now; one is the drainage, which would have been deeded to the Town in 2008, but now will be a part of the HOA and the other is the realignment of the cul-de-sacs.

Mr. Sorensen stated that the Ulster County Highway Department (UCHD) is satisfied with the proposed access, but they do require preliminary plat approval prior to issuing their permit approvals. Simultaneously the project is being seen before the DOH for septic system design approvals. The applicant has submitted additional well log information that he recommends be thoroughly reviewed by the TDE.

Councilman Kitchen asked that the Board would notify the Mulas' of any meetings moving forward. Chairman Mulligan agreed.

**Action:** A motion to refer the project to the Town Designated Engineer for review was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor.

**Johnson Route 28 – P-775**

**Route 28**

**SBL: 48.13-2-21, 48.14-1-28, 48.14-1-29, 48.14-1-33, 48.14-1-34.200, 48.14-1-35, 48.14-1-38**

**Zone: HC**

**Major Subdivision**

Paul Hakim appeared on behalf of an application for a major subdivision to clean up the lot lines on the site and create a fifty-foot (50') easement.

Mr. Hakim stated that the last time he was before the Board they had requested that the applicant fix an encroachment issue, so that issue has now been addressed.

Mr. Hakim stated that their goal is to clean up the property lines for the tax bills and doing so better reflects the utilization of the property. Mr. Hakim stated that the applicant will have a road maintenance agreement ready within the next week for submission and review and believes he has addressed all the outstanding issues.

Mr. Sorensen stated that this application had a lot of moving parts but was straight forward. Mr. Sorensen explained that since this is a major subdivision, two (2) public hearings are necessary and the Board can schedule the preliminary public hearing for July. Since a revision to the

Environmental Assessment Form (EAF) is necessary, the Board must hold a preliminary public hearing again.

Mr. Tutt stated that the only issue he had is that he approached Camper's World about going before the Planning Board for their site plan changes, so he will have to go back and find out how they want to proceed. Mr. Hakim stated that he could help with that but that he would need the letter from him showing the outstanding issues which are the flagpole and the non-shielded lighting.

**Action:** A motion to accept the sketch plan and schedule a preliminary public hearing in July was made by Mrs. Hayner, with a second from Mr. Stavropoulos; all in favor.

**John Giannetti Jr. – P-787**  
**18 Cedarwood Lane & 30 Juniper Lane**  
**SBL: 39.35-1-23 & 39.35-1-7**  
**Zone: R30**  
**Lot Line Deletion reapproval**

There was no representation present. The maps had not been filed within the sixty-two (62) day filing limit so the applicant needed the plans reapproved to restart the sixty-two (62) clock to file the maps with the County Clerk.

Mr. Sorensen read from the resolution.

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

**WHEREAS**, the applicant – **John Gianetti c/o Robert L. Campbell, L.S.**, – is seeking *Lot Line Adjustment* approval to combine Town of Ulster Tax Parcels SBL 39.35-1-7 & 23; 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:

- *Cover Letter* by Robert L. Campbell, LS, dated November 17, 2019;
- *Consent Form* signed by John Gianetti, dated February 6, 2020;
- *Application for Lot Line Adjustment* prepared by John Gianetti, dated February 6, 2020;
- *SEQR Short EAF Part I* prepared by prepared by John Gianetti, dated February 6, 2020; and
- *Map of Survey for Lot Line Alteration* prepared by Robert L. Campbell, LS, dated 11/12/2020.

**WHEREAS**, the proposed lot would comply with the minim lot area and bulk requirements of the R-30 Residential Zoning District; and

**WHEREAS**, referral to the Ulster County Planning Board was not required pursuant to

the UCPB Land Use Referral Guide, *since the Proposed Action involves fewer than 5 lots and access roads and structures are not situated within the 100-year floodplain*; and

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

**WHEREAS**, a 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 **John Gianetti** 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.

**Pestmaster – P-789**  
**15 Barbarosa Lane**  
**SBL: 48.14-3-29.100**  
**Zone: OM**  
**Site Plan**

Dennis Larios, Brinnier & Larios, appeared on behalf of an application to construct a new Pestmaster to be located at 15 Barbarosa Lane. Chairman Mulligan asked Mr. Larios to update the Board.

Mr. Larios stated that they had addressed all the outstanding issues and that he was not aware that the meeting was available last month via Zoom. Mr. Larios explained that a church had been approved for this location in 2012 and the proposed project is smaller than what had been approved in 2012. Mr. Larios stated that the owners of Pestmaster need a larger headquarter and operation center so they would like to move their business off Washington Avenue and move to Barbarosa Lane.

Mr. Sorensen stated that the applicant had satisfied all the Ulster County Planning Board (UCPB) comments and recommends the Board refer the matter to the Town Board for final site plan approval.

Mr. Sorensen stated that the UCPB required submission of a photometric plan. The applicant had submitted that information, so it had been recommended that the Board override those required modifications since the lighting was International Dark-Sky (IDA) compliant.

Mr. Sorensen read the resolution.

**Action:** A motion to classify this project a SEQR Negative Declaration action was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to accept the resolution as read was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote.

**WHEREAS**, the applicant – Paul Alley dba Pestmaster c/o Brinnier & Larios, P.C., – is seeking Site Plan approval to develop a 1-Story 6,000 square-foot (sf) office-warehouse building 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 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:

- Consent Form by Kingston Congregation of JW consenting to the filing of the application undated;
- Application for Site Plan Review prepared by Paul Alley (Applicant) dated February 24, 2020;
- Short EAF Part 1 prepared by Paul Alley (Applicant) dated February 24, 2020; and
- Site Layout prepared by Brinnier & Larios, PC dated November 2019; revised March 19, 2020;
- Utility Plan and Sediment & Erosion Control by Brinnier & Larios, PC revised March 19, 2020;
- Landscape and Lighting Plan prepared by Brinnier & Larios, PC, revised March 19, 2020;
- Details prepared by Brinnier & Larios, PC dated November 2019, revised March 19, 2020; and
- Floor Plan and Building Elevations prepared by Dutton Architecture, PLLC dated January 13, 2020; and
- Floor Plan and Building Elevations prepared by Dutton Architecture, PLLC dated March 18, 2020.

**WHEREAS**, the Town of Ulster Town Board, upon review of the application materials determined the Proposed Action was an Unlisted Action pursuant to 6NYCRR Part 617 of State

Environmental Quality Review (SEQR) Law; and

**WHEREAS**, Unlisted Action-Coordinated Review is recommended with the Town Board so designate the Lead Agency;

**WHEREAS**, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide, and in a letter dated April 1, 2020 the UCPB issued a letter with required modifications as follows: 1) A permit from the Ulster County Health Department will be required as a condition of site plan approval, 2) If signage is proposed they will need to be provided to the Town of Ulster Planning Board for review, 3) Lighting levels will need to be calculated for the plan with levels not to exceed the Illuminating Engineering Society (IES) Outdoor Site/ International DarkSky Association (IDSAs) Area Recommended Illuminance Levels (see attached) and those of the Town of Ulster's lighting regulation, and 4) Per the Town Planning Consultant's recommendation, the use of Norway Spruce should be avoided and instead the use of native species that do not lose their lower branches; and

**WHEREAS**, upon review of the Ulster County Planning Board's required modifications, the Town of Ulster Planning Board determined to require the applicant to comply with most required modifications, but determined to override of the requirement for a lighting photometric plan since the light pole meets the Town Code requirement and the proposed fixture is International Dark Sky compliant; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action is an Unlisted Action pursuant to NYCRR 617 of the SEQRA Regulations; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action would not have an adverse environmental impact based upon the proposed plan and mitigation measures and recommended the Town Board issue a Negative Declaration pursuant to (NYCRR 617 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 refers this matter to the Town of Ulster Town Board with a recommendation to grant Site Plan Approval to PestMaster 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 secures UCDOH approval of the proposed septic system on the subject site;

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.

**Combined Energy Services – P-790**  
**2498 Route 9W**  
**SBL: 39.8-1-22**  
**Zone: HC**  
**Site Plan**

Dennis Larios appeared on behalf of an application to construct three (3) – thirty thousand (30,000) gallon propane storage containers.

Mr. Larios stated that DOT gave preliminary approval, but the applicant would need final approval to receive approval from DOT. Mr. Larios explained that the tanks would be used to refuel trucks.

Mr. Sorensen explained that the Town has wanted this site cleared up for years and this project would be a dramatic improvement to what has been seen over the years on the site. Mr. Sorensen stated that he recommends the Board grant site plan approval. The UCPB also recommended the requirement that the applicant submit a photometric plan. The applicant has submitted a lighting plan so Mr. Sorensen recommends the Board override the UCPB required modification.

**Action:** A motion to classify this project a SEQR Type II action was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to override the UCPB required modifications was made by Mr. Almquist, with a second from Mr. Decker; all in favor. A motion to accept the draft resolution was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor with a roll call vote.

**WHEREAS**, the applicant – Michael C. Taylor with The Orchard of Towner Farm, LLC (Owner) c/o Brinnier & Larios, P.C., – 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:

- Consent Form signed by Mike Taylor, with The Orchard of Towner Farm, LLC, dated 2/28/20;
- Application for Site Plan approval by Mike Taylor, w/The Orchard of Towner Farm, LLC, dated 2/28/20;
- SEQR Short EAF Part 1 prepared by Mike Taylor, w/The Orchard of Towner Farm, LLC, dated 2/28/20;

- Existing Conditions Plan prepared by Brinnier & Larios, P.C., dated January 2020, revised 4/28/2020;
- Site Plan prepared by Brinnier & Larios, P.C., dated January 2020, revised April 28, 2020; and
- Details prepared by Brinnier & Larios, P.C., dated January 2020, revised April 28, 2020.

**WHEREAS**, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide, and in a letter dated April 1, 2020 the UCPB issued a letter with required modifications as follows: 1) A permit for a commercial driveway from NYSDOT will be required, 2) If signage is proposed they will need to be provided to the Town of Ulster Planning Board for review, 3) Lighting levels will need to be calculated for the plan with levels not to exceed the Illuminating Engineering Society (IES) Outdoor Site/ International Dark-Sky Association (IDSA) Area Recommended Illuminance Levels (see attached) and those of the Town of Ulster’s lighting regulation, and 4) Per the Town Planning Consultant’s recommendation, the use of Norway Spruce should be avoided and instead the use of native species that do not lose their lower branches as they mature should be utilized in their place; and

**WHEREAS**, upon review of the Ulster County Planning Board’s required modifications, the Town of Ulster Planning Board determined to require the applicant to comply with most required modifications, but determined to override the requirement for a lighting photometric plan since the light pole meets the Town Code requirement and the proposed fixture is International Dark Sky compliant; and

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

**WHEREAS**, the Planning Board 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 Michael C. Taylor with The Orchard of Towner Farm, 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 secures NYSDOT approval of the proposed access to the subject site;
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.

**Catskill Park Self-Storage – P-795**  
**436-448 Route 28**  
**SBL: 47.2-4-11.100/**  
**Zone: HC**  
**Site Plan Amendment**

Khattar Elmassalemah, Praetorius & Conrad, appeared on behalf of an application to construct more self-storage building at an existing self-storage facility.

Mr. Elmassalemah stated that he believes he has addressed most of the comments received in the project review notes. Mr. Elmassalemah stated that they did add the fire apparatus turning radius to the plans but he has not received comments from the fire Chief yet.

Mr. Elmassalemah explained that Central Hudson is on site and has three (3) poles existing and they can get the utility to the new units with the addition of one (1) or two (2) more poles and that they can apply the detail when they apply for a building permit, if it is acceptable to the Board.

Mr. Elmassalemah stated that there is a pylon sign existing on site and there is no new proposed signage.

There will be a controlled gate system, camera system or a combination of both that will provide the site with security.

There is an erosion and sediment control plan already in place and there will be limited disturbance to the land as the site is already disturbed. The TDE requested elevations and the elevation will follow the looks of the other existing buildings in regard to grading.

Mr. Sorensen stated that the proposed units are tucked away and hidden from Route 28 by vegetation and the proposal meets the bulk lot requirements. The lighting meets the IDA compliant and are very modest. Mr. Sorensen stated that the new owner has cleaned up the site quite substantially. Mr. Sorensen stated that the Planning Board has an advisory role. Mr. Sorensen stated that the Board can recommend conditional site plan approval but there will be conditions that must be met. The Board will require details on how access is controlled in and out of the storage units. Mr. Elmassalemah stated that it will be by passcode, but that anyone can access as long as they have the code. Mr. Elmassalemah stated that he will make a note on the final plans showing how the access is controlled.

Mr. Decker asked if the issue of Stormwater was addressed. Mr. Larios stated that he had been in discussion with Mr. Elmassalemah about possibilities and if the Board would leave it open and leave it as a condition to sign off with the MS4 team then it can be addressed as the new owner has not addressed it yet. The site currently drains from front to back and the water cuts through to a small store building which the applicant also owns, which used to be the wooden furniture store. Mr. Larios stated it wouldn't adversely impact the existing conditions but mentioned

voluntary possibilities that are more water quality friendly features. It is difficult to collect the sheet flow and get it to a treatment unit and it is not required by the Town nor State statute as far as Mr. Larios can tell. Mr. Larios stated there is not a lot to discuss, but there are a couple of things to do to make an improvement. Chairman Mulligan stated that as long as the sediment erosion control plan is addressed prior to the Town Board meeting, the UCPB comments will be addressed and that can be a condition of approval.

Chairman Mulligan stated that the UCPB modifications must be addressed. Chairman Mulligan does not believe that the entire site needs a photometric plan but would like the applicant to update the existing lighting on the buildings to dark-sky compliant fixtures. Mr. Elmassalemah stated that the fixtures were put up by Central Hudson but that he can contact Central Hudson to see what the options are. Mr. Gary Ain, storage facility owner, doesn't believe there are any lights on the buildings but that there are five (5) light poles on site and he would be happy to reach out to Central Hudson to see what the options were that are compliant.

The UCPB had concerns over screening of the proposed structures and would like the existing screening to stay. Mr. Ain stated that he will leave the existing screening as is. Chairman Mulligan stated that he saw a couple of trees depicted on the plans, but he believes there is more vegetation on site and Mr. Ain concurred that there is a lot more vegetation on site.

Mr. Sorensen stated that he cannot recall if the existing buildings have been recently painted, but if it hasn't, the cleanup of the front façade should be painted as a condition of approval.

Mr. Sorensen read the draft resolution.

**Action:** A motion to accept the draft resolution was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

**WHEREAS**, the applicant – Catskill Park, LLC with the Consent of Gary Ain (Owner) c/o Praetorius & Conrad, LLC – is seeking Site Plan Amendment approval to construct 222 self storage units totaling 27,000 square-feet (sf) over the existing gravel pad area and previously disturbed area of the site; 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:

- Consent Form signed by Gary Ain (Member), Catskill Park, LLC dated 2/25/2020;
- Site Plan Application signed by Gary Ain (Member), Catskill Park, LLC dated 2/25/2020;
- Short Form EAF prepared by Khatter Elmassalemah, P.E., dated February 25, 2020;
- Existing Site Plan prepared by Praetorius & Conrad, P.C., revised June 8, 2020;
- Proposed Site Plan prepared by Praetorius & Conrad, P.C., revised June 8, 2020;
- Erosion & Sediment Control Plan by Praetorius & Conrad, P.C., dated June 8, 2020;
- Truck Travel Lane and Maneuver Path Plan by Praetorius & Conrad, P.C., dated June 8, 2020;
- Photometric Plan prepared by Praetorius & Conrad, P.C., dated June 8, 2020; and
- Building Elevations prepared by Trachte Building Systems, Inc., dated April 2, 2020.

**WHEREAS**, the Town of Ulster Town Board, upon review of the application materials determined the Proposed Action was an Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

**WHEREAS**, the Town of Ulster Town Board Declared its Intent to be the Lead Agency for Unlisted Action-Coordinated review and more than 30-days have passed since its declaration with no other Involved Agencies objecting to its Lead Agency Status; and

**WHEREAS**, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide, and in a letter dated June 3, 2020 the UCPB issued a letter with required modifications as follows: 1) All outdoor lighting on site should be upgraded to the standards provided for the new self-storage facilities and the proposed photometric plot plan will need to be expanded to cover the entirety of the parcel for local planning board review, 2) Working with NYSDOT, the development of a landscaping plan and associated schedule indicating the number, types, and sizes of the proposed plantings should be provided. Street trees along the site front yard frontage, provided they do not obstruct sight distances, as well as along its driveway should be considered. Any existing vegetation, along the site's front yard behind Speedway and the former furniture business should be maintained in order to help screen the proposed self-storage facility, and 3) The preparation of an erosion and sediment control plan is recommended for this site.

**WHEREAS**, upon review of the Ulster County Planning Board's required modifications, the Town of Ulster Planning Board determined to override of the Ulster County Planning Board's required modifications; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action would not have an adverse environmental impact based upon the proposed plan and mitigation measures and recommended the Town Board issue a Negative Declaration pursuant to (NYCRR 617 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 refers this matter to the Town of Ulster Town Board with a recommendation to grant Site Plan Approval to Catskill Park, 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 addresses all technical revisions required by the Town Designated Engineer;
5. The applicant shall be required to submit a plan for painting the front façade of the existing commercial building, which shall be subject to approval by the Building Inspector and shall have the façade painted prior to issuance of Certificate of Completion by the Building Department;
6. The applicant shall work with Central Hudson Gas & Electric to upgrade the existing pole mounted-fixtures to full-shielded lighting as available by CHG&E;
7. 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
8. All fees, including consultant fees, shall be paid.

**All About Construction – P-797**  
**950 Old Route 9W**  
**SBL: 48.50-5-11.100**  
**Zone: HC**  
**Site Plan Amendment**

Carl Sumliner appeared on behalf of his application to construct a 45' x 45' warehouse for All About Construction.

Mr. Sorensen stated that the applicant was before the Board a couple of years ago for a larger structure and the applicant is now proposing a smaller warehouse.

Mr. Sorensen explained that there is an existing house/office and garage on site. Mr. Sorensen stated that the applicant is proposing lighting fixtures around the building that are dark sky compliant. The parking is sufficient. Mr. Sorensen stated that the proposed building is modest and appropriate for the site.

There is no proposed signage.

Mr. Sumliner has spoken with the Sewer Superintendent, Vincent Maggiore, a while back who had wanted the applicant to tie into the existing sewer line that runs into the office. Mr. Sumliner can tie into the water that runs to the office, as well.

Mr. Sorensen stated that it is a SEQR Type II action and prepared a draft resolution. Mr. Sorensen read the draft resolution.

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

**WHEREAS**, the applicant – Carl Sumliner dba All About Construction with the Consent of 5th Element Properties, LLC (owner) – is seeking Site Plan approval to construct a 2,304 square-foot (sf) warehouse/workshop on the subject site for All About Construction; and

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

- Consent Form signed by Carl Sumliner – 5th Element Properties, LLC., dated March 5, 2020;
- Application for Site Plan Approval by Carl Sumliner dated March 5, 2020;
- SEQR Short EAF Part 1 prepared by Carl Sumliner dated March 13, 2020;
- Building Elevations submitted by the applicant dated April 16, 2020; and
- Site Plan for Warehouse prepared by Barry Price Architecture dated April 21, 2020.

**WHEREAS**, the Planning Board referred the Proposed Action to the Ulster County Planning Board in accordance with NYSGML 239 1 and m review and it opined the Proposed Action had NO County Impact; 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 and planner made via memoranda (which memoranda are incorporated herein by

reference); and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) determined the Proposed Action was a SEQRA Type II Action pursuant to the NYCRR 617.5 (C) (9)) of the SEQRA regulations [i.e., construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities]; and

**WHEREAS**, the Planning Board determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

**NOW THEREFORE BE IT RESOLVED**, the Planning Board hereby grants conditional Site Plan approval to Carl Sunliner dba All About Construction on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with final site plan, design plans and all details as cited herein;
4. Compliance with the Town of Ulster Water and Sewer Department.
5. The Town's consulting planner, engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
6. All fees, including consultant fees, shall be paid.

## **NEW BUSINESS**

### **Goodwin/Whittaker Lot Line Adjustment – P-798**

**411 Warren Street & 105 Sunrise Avenue**

**SBL: 48.50-4-16 & 48.50-4-18**

**Zone: R10**

#### **Lot Line Adjustment**

Mr. Sorensen stated that the applicant is looking to consolidate two (2) lots to fix an encroachment. There is no public hearing required and it is a SEQR Type II action. Mr. Sorensen recommends lot line adjustment approval.

**Action:** A motion classify this project as a SEQR Type II action was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to accept the resolution was made by Mr. Almquist, with a second from Mr. Decker; all in favor with a roll call vote.

**WHEREAS**, the applicants – Norman Goodwin and Christopher & Allyson Whittaker, c/o John H. Decker, L.S., – are seeking Lot Line Adjustment approval to consolidate two lots [Lands of Goodwin S-B-L 48.50-2-10.2 and S-B-L 48.50-4-18] and concurrently convey 0.019-acres or 815 square feet (sf) from the consolidated lots to the Lands of Whittaker [SBL48.50-4-16]; and

**WHEREAS**, pursuant to Section 161-9 of the Town Code, the Proposed Actions are classified as a Lot Line Adjustments, 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 Christopher & Allyson Whittaker dated 3/9/2020;
- Consent Form signed by Norman Whittaker dated March 9, 2020;
- Application for Lot Line Adjustment prepared by John H. Decker, L.S., dated February 26, 2020;
- SEQR Short EAF Part 1 prepared by John H. Decker, L.S., dated March 10, 2020; and
- Lot Line Adjustment Map prepared by John H. Decker, L.S., dated February 26, 2020.

**WHEREAS**, the proposed lots would be more conforming with the minimum lot area and bulk requirements of the R-10 Residential Zoning District as a result of the Proposed Action; 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 Norman Goodwin and Christopher & Allyson Whittaker subject to the conditions, limitations and restrictions set forth below:

1. The Plat may be filed with the 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.

**Joseph Emanuele – P-800**  
**2310-2332 Route 9W, 71, 77 & 79 Old Stage Road**  
**SBL: 39.12-1-7.110, 7.120, 24 & 8**  
**Zone: HC & R60**  
**Minor Subdivision**

Michael Vetere III, Vetere Surveying, appeared on behalf of the application for a minor subdivision. Mr. Vetere explained that the applicant would like to take a portion of three (3) separate parcels (Lands of Hamilton & Muerer which will convey .33 acres, Lands of Wells which will convey .229 acres and Lands of Gaddy which will convey .345 acres) and add them to his parcel at 2310-2332 Route 9W.

The applicant is proposing this subdivision so that he will not have any issues down the road when he applies for site plan amendment approval since there will then be more room on the property and the neighbors will have lot lines further from Mr. Emanuele's structures.

Mr. Sorensen stated that there is a natural separation but to push the lot lines back would extend the buffer. Mr. Vetere stated that there is a change in grade in that area but the area that the applicant would be taking is a portion that has already been cleared out.

Mr. Sorensen stated that this project is considered a major subdivision and will require two public hearings.

Mr. Tutt explained that originally the applicant was before the Board to expand his business. When the lot lines are moved, that residential zone will then cut into the larger parcel created by the applicant. Mr. Tutt made the applicant aware that that portion of the parcel will remain residential and not commercial. Mr. Vetere stated that the applicant is aware that that portion will remain residential and vacant. Mr. Vetere stated that he can make a note on the map to that effect. Mr. Sorensen stated that there should be notes that delineate the zoning districts.

**Action:** A motion to classify this project a SEQR Negative Declaration was made by Mr. Almquist, with a second from Mr. Decker, all in favor. A motion to accept the sketch plan was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor. A motion to schedule the preliminary plat public hearing was made by Mr. Decker, with a second from Mrs. Hayner; all in favor.

**Karen Rua – P-801**  
**35 Swart Lane**  
**SBL : 39.12-4-8.410**  
**Zone : R60**  
**Minor Subdivision**

Karen Rua appeared on behalf of her application to create two (2) separate lots out of her one parcel. One lot will be 10 acres and the second lot will be 3.3 acres. Ms. Rua stated that her shed would be relocated so that it will maintain the setback requirements in the R60 zone. Mr. Sorensen stated that both lots are in compliance with the zoning code.

**Action:** A motion to classify the proposed action as a minor resubdivision and a SEQR Unlisted Action, grant sketch plan approval, waive the requirement of a preliminary plat public hearing and schedule the matter for a final plat public hearing was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor.

## **DISCUSSION**

Kingston Tires was interested in introducing car detailing to their services. Mr. Tutt asked the Board if it is allowed under the original approval and will it be CDC cleaning compliant. Mr. Kovacs stated that this would be under the discretion of the zoning code. If there is an issue, Kingston Tire can appeal it to the Zoning Board. Mr. Tutt stated that he does not have a problem to make sure they are in compliance with the State mandate. The Board believes it is within the purview of the Health Department and not the Planning Board.

Kingswood Plaza originally started as a two (2) story structure, then went to a single-story structure and now they are proposing a partial two-story structure and they were not sure if it needed Planning Board approval again. The Board decided they do need approval for façade change.

Chairman Mulligan asked if there were fines that could be levied towards Camper's World that would require them to step up and come into compliance with their site plan. Mr. Tutt stated that he will go back to Camper's World and let them know that they need to present their proposed plan and how they propose to correct the situation. Mr. Tutt stated that he has done it once but will go out again.

Mrs. Hayner stated that the light on Kingston Block and Masonry that shines on East Chester Street Bypass that was supposed to be fixed when they had gone for site plan amendment approval was never fixed and is still blinding when you drive northbound. Mr. Tutt stated that we will make a complaint and have the issue addressed.

Mr. Almquist stated that the Emanuele project brought up a point that had been an issue for some time. When Zoning came in, the residential areas would start so far back from the main road and on the main road it would be zoned commercial. Mr. Almquist stated that there are many properties in the Town that have the front half of the property zoned commercial and the back half zoned residential which creates a mess. Mr. Almquist stated that a while back, one of the Towns in the south of the County got a grant from the County to fix the zoning issues. Mr. Almquist explained that the process took a while but that it was well worth it in the long run for everyone concerned.

Chairman Mulligan asked what the status of the digital sign law was. Mr. Almquist stated that he had worked with the Chairman of the Zoning Board and given it to the Supervisor approximately six to eight (6-8) months ago and believes the Town Board never scheduled a meeting to approve it into law. Mr. Tutt stated that he will coordinate with both boards Chairmen and see where it stands.



A motion to adjourn was made by Mr. Decker, with a second from Mrs. Hayner; all in favor with a roll call vote.

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary