

TOWN OF ULSTER PLANNING BOARD

March 10, 2020

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, March 10, 2020, 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.)
Alan Sorensen – Planner

Frank Almquist – Vice Chairman
Dan Furman
Gary Mulligan – Chairman

Absent:

Andrew Stavropoulos

Roll call was taken.

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

Chairman Mulligan appointed Dan Furman as an acting member of the Board.

PUBLIC HEARING

Swart/Legg Minor Subdivision – P-786

51 Swart Lane

SBL: 39.12-4-6

Zone: R60

Minor Subdivision

Bruce Swart appeared on behalf of his application to subdivide his and his sister's property into two lots.

A motion to open the public hearing was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor. There was no public comment. A motion to close the public hearing was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor.

Mr. Sorensen explained that the applicant is looking to divide their 7.9 acre property into two lots; proposed lot one being a 2.6 acre parcel and proposed lot two being a 5.179 acre parcel. Each lot would comply with the minimum lot size required by the zoning district and recommends minor subdivision approval.

Mr. Sorensen read the resolution.

Action: A motion to classify this project a SEQR Negative Declaration was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor. A motion to approve the minor subdivision was made by Mr. Almquist with a second from Mr. Decker; all in favor with a roll call vote.

WHEREAS, the applicants – **Bruce Swart and Virginia Legg** – are seeking *Minor subdivision* approval in accordance with Section 161-10 and of the Town of Ulster Code; and

WHEREAS, the applicants propose to subdivide the subject 7.9-acre parcel into two (2) lots as follows: Proposed Lot No. 1 with an area of 2.686 acres, which will encompass that portion of the subject site closet to Swart Lane, which includes an existing one-story house with on-site well and septic and shared gravel driveway from Swart Lane, and 2) Proposed Lot No. 2 with an area of 5.179-acres that will encompass the remaining lands and is proposed as a “flag lot” with a 50-foot wide flag pole; and

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the R-60 Residential Zoning District; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is classified as a *Minor Subdivision*, 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 to File Form* signed by Bruce Swart and Virginia Legg, dated February 2, 2020;
- *Application for Preliminary Subdivision* by Bruce Swart and Virginia Legg, dated 2/5/2020;
- *SEQR Short EAF Part 1* prepared by Bruce Swart and Virginia Legg, dated 2/5/2020; and
- *Minor Subdivision Map* prepared by John H. Decker, L.S., dated December 1, 2019.

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, in accordance with Chapter 161, Section 161-9 the Proposed Action is a Minor Subdivision and the Planning Board must hold at least one (1) public hearing before it can take final action but can waive the requirement for a preliminary public hearing; and

WHEREAS, at its February 11, 2020 meeting the Planning Board granted Sketch Plan approval and waived the requirement for a preliminary plat public hearing and scheduled this matter for a Final Plat public hearing on March 10, 2020; and

WHEREAS, at its March 10, 2020 meeting the Planning Board opened the public hearing and thereafter closed the public hearing; and

WHEREAS, the Planning Board classified the Proposed Action as a SEQRA Unlisted Action and upon review of the entire record (including SEQR Short EAF Part 1 & 2) issued a *SEQRA Negative Declaration* after concluding the action did not pose any large or significant adverse environmental impacts.

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 2-Lot Minor Subdivision approval as described above to **Bruce Swart and Virginia Legg** 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.

OLD BUSINESS

Tarpon Towers/Verizon – P-780

E. Chester Street Bypass

SBL: 48.66-2-9

Zone: OM

Site Plan/Special Use Permit

Nate Keenan, Tectonic Engineering, appeared on behalf of an application to construct a cell tower near the Town of Ulster Highway Complex. Mr. Keenan stated that the project had been forwarded to the County Planning Board (UCPB) and that their recommendation was to move the utility easement to a disturbed area so as not to cause more disturbance. Mr. Keenan stated that the engineers looked into it and they believe the original proposed location is best as if it was moved it would be too close to a water main.

Mr. Sorensen recommended that the Board issue a SEQR Negative Declaration for this project. Mr. Sorensen stated that the applicant submitted a visual assessment and the water tank was more visual than the cell tower.

Mr. Sorensen stated that he recommends that the Board override the County's modifications due to circumstances. There is an existing path, but that path is the water main to the water tank.

The applicant will be clear cutting the utility route and it will be ran underground so to keep the disturbed area narrower.

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 classify this project as a SEQR Negative Declaration was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor. A motion to override the County’s recommended modifications was made by Mr. Decker, with a second from Mr. Alquist; all in favor.

WHEREAS, the applicant – *Tarpon Towers II, LLC dba Verizon Wireless with the consent of the Town of Ulster (Owner)* – is seeking Site Plan approval to install and operate a new unmanned 134-foot tall wireless communications facility at property owned by the Town of Ulster for the Town of Ulster Water Department; and

WHEREAS, the proposed “utility company structure” is an allowed use in the OM-Office Manufacturing Zoning District, subject to Site Plan by the Planning Board.; and

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

- *Consent Form* signed by James E. Quigley, 3rd, Supervisor dated January 2, 2020;
- *Site Plan Application* signed by Steve Matthews, Tectonic Engineering (Agent) dated 1/30/2020;
- *SEORA Short EAF Part 1* prepared by Tony Serrano II., Project Engineer, dated 1/24/2020;
- *Adjoiners Plan* prepared by Tectonic Eng. and Surveying Consultants, dated December 23, 2019;
- *Setback Plan* prepared by Tectonic Eng. and Surveying Consultants, dated December 23, 2019;
- *Overall Site Plan* prepared by Tectonic Eng. and Surveying Consultants, dated December 23, 2019;
- *Site Detail Plan* prepared by Tectonic Eng. and Surveying Consultants, dated December 23, 2019;
- *Elevation & Orientation Plan* by Tectonic Eng. and Surveying Consultants, dated December 23, 2019; and
- *Photographic Log and Photo Simulations* prepared by Tectonic Eng. and Surveying Consultants.

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the Site Plan application in accordance with the provisions of the Town Code; and

WHEREAS, the proposed placement of the cell tower complies with the setback requirements of the OM-Office Manufacturing Zoning District; and

WHEREAS, the Proposed Action required referral to the Ulster County Planning Board (UCPB) pursuant to their referral agreement with the Town of Ulster and the UCPB issued the following Required Modification: “The applicant, working with the Town and Town water

authority should review an alternate location that has been previously been clear-cut for the 10' utility easement rather than disturb more area and clear-cut additional existing vegetation);” and

WHEREAS, to the Town of Ulster Planning Board reviewed the UCPB’s required modification and determined the required modification was not feasible or desirable given the existing site conditions; and

WHEREAS, to the Town of Ulster Planning Board determined to override the UCPB’s required modification since it was not feasible or desirable given the existing site conditions; and

WHEREAS, the Town of Ulster Town Board, as the Lead Agency, upon review of the entire record determined the Proposed Action is a *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and based upon the Visual Analysis, and review of the Short EAF Part 1 and 2 and Plan Set determined the Proposed Action did not pose any large impacts to the environment and issued a SEQRA Negative Declaration.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan Amendment approval for the Proposed 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 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.

Kukuk Farm – P-783
71-77 Kukuk Lane
SBL: 39.16-4-7.100
Zone: OM
Site Plan Amendment

John Wasylyk, North Engineering & Design Associates, appeared on behalf of the application for a change-in-use within an existing 35,374 square-foot (sf) warehouse building to grow herbs for sale to restaurants

Mr. Wasylyk stated that he had attended a workshop and believes he addressed all the outstanding issues. Mr. Wasylyk stated that he brought the requested narrative with him and read it to the Board.

Mr. Sorensen stated that the project has been classified as an agricultural use and the site plan had been revised to show one parking space per employee and the required parking for the house. Mr. Sorensen stated there is an expansive paved surface on-site so while the applicant is showing forty-four (44) spaces they could easily accommodate another thirty (30) spaces.

Mr. Sorensen stated that this project is classified a SEQR Type II action and because of the greenhouse addition the approval becomes the purview of the Town Board with the Planning Board as an advisory Board. Mr. Sorensen stated that this project did not need to be reviewed by the UCPB because it did not require additional parking.

Action: A motion to refer the project to the Town of Ulster Town Board for site plan amendment approval for the change in use was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

WHEREAS, the applicant – *Press Leap, LLC – David Moyal (Owner) c/o North Engineering & Design Associates* – has submitted an application for *Site Plan* approval for a change-in-use within an existing 35,374 square-foot (sf) warehouse building to grow herbs indoors for sale to restaurants and to construct 3,000 sf of new green houses on the site; and

WHEREAS, the project consists of growing arugula and herbs indoors using 31,642 square-feet of Gross Floor Area within the 33,970 square-foot building; and

WHEREAS, the proposed use is an Agricultural Operation as defined in the Town Code, which is an allowed use in the OM-Office Manufacturing Zoning District subject to site plan review and approval by the Town Board since more than 2,500 sf of new building area is proposed (i.e., 3,000 sf of greenhouses); and

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

- *Consent Form* signed by David Moyal (Owner) authorizing North Engineering (Agent) dated 1/26/20;
- *Application for Sketch Plan Review* prepared by David Moyal dated January 26, 2020;
- *SEQRA Short Environmental Assessment Form* by John Wasyluk-North Eng. dated January 23, 2020;
- *Site Plan for Press Leap, LLC* prepared by North Eng. & Design Assoc. dated January 26, 2020; and
- *Site Plan for Press Leap, LLC* by North Eng. & Design Assoc. revised February 28, 2020; and
- *Floor Plan (Sheet 2) for Press Leap, LLC* by North Eng. & Design Assoc. dated February 28, 2020.

WHEREAS, the Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan; and

WHEREAS, the Site Plan provides for sufficient on-site parking and loading spaces for the proposed use; and

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

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board with a recommendation to classify the Proposed Action as a SEQRA Type II Action pursuant to NYCRR Part 617.5(c)(9) of the SEQRA regulations; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board with a recommendation to grant Conditional Site Plan Amendment approval for the Proposed 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 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.

NEW BUSINESS

Ulster Commons IV – P-791
1561 Ulster Avenue
SBL: 39.82-2-7.111
Zone: OM
Sign Site Plan Amendment

Jeff Kane and Mel Grillo, Kirchoff Property Management, appeared on behalf of an application for a secondary monument sign for Caremount's Urgentcare.

Mr. Kane stated that Ulster Commons is operating successfully. Caremount is proposing a monument sign, similar to the existing sign on the property, to be located by the entrance in front of the strip mall. Mr. Kane explained that their panel on the existing sign is not visible enough and Caremount would like their own 'UrgentCare' sign.

Mr. Kane stated that they had attended a workshop and the initial proposal was too large so they revised the plans to show a forty-seven point nine square foot (47.9 sf) sign. Mr. Kane explained that they were being seen concurrently before the Zoning Board of Appeals (ZBA) for the second freestanding sign.

Mr. Kane brought a rendering of the sign, which matches the existing sign. Mr. Warren Tutt, Town Building Inspector, asked if they planned on reducing the panel size on the existing sign and Mr. Kane stated the existing sign will remain how it is and the proposed secondary sign will

be just for Urgentcare, so as to create it's own identity. The panel area on the existing sign will remain the same for future tenants.

Mr. Decker stated that the address number must be on the sign.

Action: A motion to refer this project to the UCPB for review was made by Mrs. Hayner, with a second from Mr. Almquist; 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

John Giannetti Jr. appeared on behalf of his application to combine his two lots. Mr. Gianetti Jr. explained that he would like to construct a workshop for his own personal use and in order to do that he must combine his lots.

Mr. Sorensen stated that this proposal meets the definition of a lot line adjustment so no public hearing is required and will be considered a SEQR Type II action. Mr. Sorensen stated that he recommends the applicant revise the survey map to not show the proposed workshop. Mr. Giannetti Jr. can keep the map showing the workshop for the Building Department for his application to construct the workshop.

Mr. Sorensen recommends the Board grants approval of the lot line adjustment, subject to the revision.

Action: A motion to classify this project as a SEQR Type II action and a lot line adjustment was made by Mr. Almquist, with a second from Mr. Furman; all in favor. A motion to accept the resolution subject to revisions as stated in the project review notes was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor. A motion to approve the lot line adjustment was made by Ms. Hayner, with a second from Mr. Almquist; all in favor.

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 1* 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 minimum 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 Giannetti Jr.** 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.

Courtyard Marriott – P -788
500 Frank Sottile Boulevard
SBL: 48.8-1-34.120
Zone: RC
Site Plan Amendment

John Porior, Regional Director of Operations, appeared before the Board for an application to allow changes to the building color scheme, which was already complete, and the removal of a gazebo behind the building, which would be replaced with a firepit.

Mr. Sorensen verified that the proposed color scheme is the current color scheme to which the applicant concurred.

Mr. Sorensen stated that this application was straight forward and recommend the Board classify the proposal as a SEQR Type II action and accept the resolution.

Action: 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. 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 applicant – *Tharaldson Hospitality Development by Glen Enderson (Agent) with the consent of Gary Tharaldson (Owner)* – is seeking Site Plan Amendment approval to remodel the Kingston Courtyard at Marriot; and

WHEREAS, the Proposed Action involves changes to the building color scheme (already completed) and the removal of a gazebo behind the building, which would be replaced with a firepit; and

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

- *Affadavit of Third Part Authorization by Gary Tharaldson* consenting to application filing dated 2/19/20;
- *Site Plan Review Application* by Glen Enderson (Agent) dated February 19, 2020;
- *SEQRA Short EAF Part 1* prepared by *Gary Tharaldson* dated February 19, 2020; and
- *Site Plan Courtyard by Marriott Kingston* prepared by NILE dated February 2, 2020;
- *Building Elevations – Previous* prepared by NILE dated February 2, 2020; and
- *Building Elevations – Previous* prepared by NILE dated February 2, 2020.

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan amendment in accordance with the Town Code; and

WHEREAS, the Site Plan provides for sufficient on-site parking and no parking spaces are removed as a result of the Proposed Action; and

WHEREAS, the Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan; and

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

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby classifies the Proposed Action as a SEQRA Type II Action, pursuant to NYCRR Part 617.5(c)(9) of the SEQRA regulations and grants Conditional Site Plan Amendment approval for the Proposed 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 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.

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

Dennis Larios, Brinnier & Larios, and Mrs. Alley, co-owner, appeared on behalf of an application to construct a new facility for PestMaster to relocate to. PestMaster is currently located at 75 Lucas Avenue near Forsyth Park but they are in need of a larger facility and interested in the parcel located at 15 Barbarosa Lane.

Mr. Larios explained that the parcel is located by Brabrant and Barbarosa Lane and is 1.9 acres in size. Mr. Larios explained that twenty percent (20%) of the rear part of the parcel by Brabrant is within the floodplain.

Mr. Larios explained that the applicant is proposing a six thousand square foot (6,000 sf) building with roughly four thousand square feet (4,000 sf) of that to be used for office and operations and the remaining approximately thirty percent (30%) to be used as storage and a garage.

Mr. Larios stated that this property was approved for a church years ago and Ulster Hose had wanted to build next door, but he is not aware whether they are moving forward with that.

Mr. Larios stated that they're proposing area disturbance of approximately three quarters of an acre. There will be a gravel storage yard that is gated in which will have a knox box for emergency access.

Mr. Larios stated there is an area for their septic which will be utilized at one hundred (100) or one hundred and fifty (150) gallons a day. Mr. Larios stated that they will bring in a water line from the road to the building.

Mr. Larios explained that they had attended workshop and had made changes and enhancements based on the comments received at that meeting.

The Board recommended that the applicant change the proposed white pine to a blue or white spruce for their landscaped screening. Mr. Larios stated that they are proposing cherry trees and juniper to dress the front of the building. Mr. Almquist stated that if the applicant is looking for opaque screening, they should stagger the trees

Mr. Larios explained that since they had to put parking in the front and on the side, there will be a one-way pattern for circulation in and out of the site, which will lead to less congestions and makes it more operational.

The hours of operation will be from 7am, when trucks will be going out, to 3pm when the trucks will be coming back in.

Mr. Larios stated that the site plan that had been previously approved for the church was a larger plan; more parking and a larger structure. Mr. Larios believes this is a good use of the site as to not overpower the site nor the neighbors.

Mrs. Hayner asked if the applicant is proposing any signage. Mrs. Alley stated that they currently have a freestanding sign at their current location. Mr. Larios stated that it may be a freestanding monument sign and that he will submit sign details to the Board. Mr. Larios and Mrs. Alley stated that PestMaster deals mostly with contracts so there will be no on-site advertising.

Mr. Almquist asked if there will be any outside storage and Mr. Larios responded that there will be a storage room inside the building.

Mr. Larios stated that the applicant is also proposing a dog run for two (2) dogs that will be on site during business hours. Mrs. Alley stated that they have a labradoodle, a Labrador and another Labrador that they just got.

Mr. Sorensen stated that they have a good layout of the site proposed staying out of the floodplain and good setbacks from neighbors. Mr. Sorensen verified that for water the applicant would be connecting into Cherry Hills water district, to which Mr. Larios stated yes.

Mr. Sorensen stated that this will require Department of Health approval since there is a proposed sewage disposal system.

Mr. Sorensen stated that moving forward, the color scheme will need to be submitted. Mrs. Alley stated that the building will be tan. Mr. Larios stated that he will submit renderings. Mr. Sorensen asked if there will just be wall pack on the building for lighting and Mr. Larios responded that there will be wall packs on the building, as well as recessed lighting in the canopy. Mr. Sorensen stated that cut sheets for the lighting will need to be provided. Mr. Larios stated that the wall packs are shielded LED's.

Mr. Sorensen stated that the parking complies, and the site circulation looks good. There will be one handicap parking space.

Mr. Sorensen stated that this site shows up on the Environmental Assessment Form (EAF) mapper as an archaeological sensitive site, so the applicant will have to do the Cultural Resources Information System (CRIS) referral online. Mr. Sorensen stated that the church probably went through this process when they were before the Board, but he was unable to find the notes on it. Mr. Larios stated that he will file online and reach out to Joe Diamond from CRIS. The file for the previous church approval will also get checked for archaeological studies that were done then.

Mr. Larios stated that there is existing Town drainage in the rear of the property, and they are proposing a swale, as well.

Mr. Sorensen stated that this project would require Town Boards approval and he recommends the Planning Board refer the project to the Town Board to initiate SEQR lead agency designation.

Once sign details, landscape plan and the color scheme renderings have been submitted, the project can be referred to the UCPB for review.

My. Sorensen stated that another issue would be the bat habitat to which Mr. Larios stated there are no trees on the site.

Action: A motion to refer this project to accept the resolution to refer the project to the Town Board to initiate SEQR Lead Agency designation was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote. A motion to forward the project to the UCPB for review was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor.

Combined Energy Services – P-790

2498 Route 9W

SBL: 39.8-1-22

Zone: HC

Site Plan

Dennis Larios, Brinnier & Larios, and Mike Taylor, Combined Energy Services (CES), appeared on behalf of an application to install a propane storage tank facility at 2498 Route 9W.

Mr. Larios stated that he contacted the New York State Department of Transportation (NYSDOT) and spoke with John Reilly who said they would approve it but will not issue a permit until the applicant has site plan approval.

Mr. Larios stated that the driveway is a simple 'T' shape so that trucks can fuel off of the proposed three (3) above-ground thirty thousand (30,000) gallon propane tanks. Mr. Larios explained that they are proposing landscaping, which the details of will probably change, as well as security fencing. Mr. Larios stated that there is a proposed gravel road with a paved entrance and that there is not a lot of impervious surface at this location. There will be fabric under the compacted gravel and the gravel will be redressed in four to five (4-5) years.

Chairman Mulligan asked how large are the trucks that come to refuel at the location and Mr. Taylor stated that the large trucks are the trucks that fill the tanks and they are tractor trailers that are approximately fifty-four feet (54') in length. Mr. Taylor explained that the driveway will be large enough so the trucks can get off the highway.

Mr. Taylor explained that CES has seven (7) propane facilities and they are being currently seen before three (3) Planning Board at once, planning to build at numerous locations. The closest location is in Kerhonkson on the corner of Route 44, Route 55 and Route 209.

Mr. Taylor stated that he will be happy to plant whatever trees the Board requires. Mr. Sorensen stated blue or white spruce would work.

Mr. Almquist asked which side of the road the power lines were on. Mr. Taylor stated that they were on the same side of the road as his site. Mr. Almquist stated that the applicant will not want anything over twenty-five feet (25') so as not to impede on the powerlines. Mr. Taylor believes he will miss all the power lines with where he will be planting the trees, since they will be set back approximately twenty feet (20') back from the road.

Mrs. Hayner asked where Mr. Sorensen was requesting the applicant put the trees and Mr. Sorensen explained that they should be on the opposite side of the driveway from the storage tanks. Mrs. Hayner agreed. Mr. Taylor explained that with the existing evergreens present, you won't see too much from the road and that he is trying to screen the whole property.

Mr. Furman had concerns about tractor trailers going in and out of the property as it is a fifty-five mile per hour (55mph) section of the road. Mr. Larios explained that most of the tractor trailers will be pulling out of the property and turning south.

Mr. Sorensen stated that sign specifications will need to be submitted for the proposed monument sign. Mr. Larios requested that if all needed documents were submitted in time if the Board would refer the project to the UCPB for review. Mr. Larios stated that he will submit sign specifications, lighting detail, and the update landscaping plans.

Mr. Larios stated that the applicant is proposing two light poles, both on the south side of the storage tanks. Mr. Sorensen stated that they can't be any higher than twenty feet (20') and would have to be maximum two-foot (2') candles. Mr. Larios stated that the applicant is looking for security level lighting. Mr. Almquist asked if the lights would be motion detector lights or on all the time and Mr. Taylor stated they would be on at all times for security.

Mr. Larios stated that they will be installing a sliding electric security gate so only drivers can enter the site. There will either be a Knox box or a key code for emergency personnel to access the site for emergencies.

Mr. Taylor stated that regarding safety, CES goes by a code called NFPA58, LP gas code, so every opening on the tanks is connected with a pneumatic safety valve. Mr. Taylor stated that now they have a couple remote plunger valves that are operated with nitrogen so there will be a plastic tubing, similar to an air brake line on a truck, connected to every valve on the tank. Mr.

Taylor stated that those valves are always closed when they are not there but in case of an emergency, such as someone driving away still connected to the tanks, heat applied to the valves will shut the lines off. Mr. Taylor stated that there are redundant safety features built in due to National Codes.

Mr. Furman asked how many trucks would be in and out in a day and Mr. Taylor responded that if there were two (2) trucks, that would be a lot.

Mr. Larios and Mr. Taylor stated that there are rarely night trips to the storage tank facility.

Chairman Mulligan stated that the Board can take two (2) actions tonight; first they can classify this project a SEQR Type II action and second refer the project to the UCPB for review.

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

Wayne Platte – P-792
11 Brookside Court
SBL: 39.33-5-8
Zone: R30
Lot Line Adjustment

Wayne Platte Jr. appeared before the Board for a lot line revision for his father, Wayne Platte. Mr. Platte Jr. explained that Mr. Platte lives at 11 Brookside Court and Mr. Williams lives at 15 Ruby Meadows Road. Mr. Williams would like to convey .076 acres of land to Mr. Platte so that Mr. Platte may have creek frontage. Mr. Platte Jr. stated that for maintenance, this proposal makes it easier for both parties.

Mr. Sorensen stated that this project is a SEQR Type II action and no public hearing is required. Mr. Sorensen stated that the maps would need to have 'Lot Line Adjustment' in the Title Block for filing. Mr. Sorensen will revise his draft resolution to include this amendment.

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

WHEREAS, the applicant – **Wayne Platte, Sr., c/o John H. Decker, L.S.**, – is seeking *Lot Line Adjustment* approval to convey 0.076-acres from Town of Ulster Tax Parcel SBL 39.11-1-5.124 to SBL 39.33-5-8; 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 Wayne Platte Sr., dated June 6, 2019;
- *Consent Form* signed by Linda Platte, dated June 6, 2019;
- *Consent Form* signed by Edna Williams, dated June 7, 2019;
- *Consent Form* signed by Dan Williams, dated June 7, 2019;
- *Application for Lot Line Adjustment* prepared by Wayne Platte, Sr. dated 2/25/2020;
- *SEQR Short EAF Part 1* prepared by Wayne Platte Sr., dated February 25, 2020; and
- *Lot Line Alteration Map* prepared by John H. Decker, L.S., dated February 23, 2020.

WHEREAS, the Proposed Action will not create any new non-conforming conditions under the Zoning Law with regard to lot size, setbacks or other required dimensions and will not impede the maintenance of existing or development of future access or utility services to the affected lots; 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 **Wayne Platte, Sr.** subject to the conditions, limitations and restrictions set forth below.

1. The applicant submits a Final Plat with a title block reading “Lot Line Adjustment.”
2. The Plat 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.

Ulster Dialysis – P-793
900 Miron Lane
SBL: 48.50-2-20.121
Zone: RC
Change of Use

Brandon Rozga, Christopher Kidd Associates, appeared before the Board for a tenant buildout in a strip mall setting at 900 Miron Lane. Mr. Rozga stated that he is looking for change of use approval, which is a use allowed by right pending site plan review. Mr. Rozga stated that they would be reworking the existing front windows of the building into windows or new doors, but there will be no new openings. Mr. Rozga stated that they will also be adding windows to the east side of the building. Mr. Rozga stated that they will be installing a stand-by generator that will be located at the back of the building.

Mr. Sorensen stated this application is straight forward. The application is a SEQR Type II action and does not require referral to the UCPB. Mr. Sorensen stated there is more than sufficient parking for the proposed use. Mr. Sorensen stated that the elevation changes are modest.

Mr. Sorensen recommends the Board accept the resolution as drafted.

Action: a motion to accept the draft resolution was made by Mr. Decker, with a second from Mrs. Hayner; all in favor with a roll call vote.

WHEREAS, the applicant – Dena Marie II, LLC c/o/ Kaplan Realty Group (David Kaplan) – is seeking *Site Plan Amendment* approval for a change in use of 8,027 square-feet (sf) of Gross Floor Area from retail to medical office; and

WHEREAS, the applicant – Kaplan Realty Group – proposes a change in use of the 8,027 square-feet (sf) of Gross Floor Area formerly occupied by Kirkland’s retail store to medical office for the Ulster Dialysis Medical Clinic with minor changes to the building entrances to enhance accessibility; and

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

- *Consent Form* signed by David Kaplan (owner) dated March 6, 2020;
- *Cover Letter* prepared by Christopher Kidd and Associates, LLC dated February 25, 2020;
- *Application for Site Plan Amendment* [Pending];
- *SEQR Short EAF Part 1* [Pending]; and
- *Title Sheet* by Christopher Kidd and Associates, LLC dated February 25, 2020;
- *Existing Overall Site Plan* by Christopher Kidd and Associates, LLC dated February 25, 2020;
- *North Elevation* prepared by Christopher Kidd and Associates, LLC dated February 25, 2020;

- *Proposed North Elevation* by Christopher Kidd and Associates, LLC dated February 25, 2020;
- *East Elevation* prepared by Christopher Kidd and Associates, LLC dated February 25, 2020;
- *Proposed East Elevation* by Christopher Kidd and Associates, LLC dated February 25, 2020;
- *South Elevation* prepared by Christopher Kidd and Associates, LLC dated February 25, 2020;
- *Proposed South Elevation* by Christopher Kidd & Associates, LLC dated February 25, 2020; and
- *Proposed Tenant Floor Plan* by Christopher Kidd and Associates, LLC dated February 25, 2020.

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan amendment in accordance with the Town Code; and

WHEREAS, the Site Plan provides for sufficient on-site parking and loading spaces for the proposed medical clinic; and

WHEREAS, the Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan; and

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

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby classifies the Proposed Action as a SEQRA Type II Action, pursuant to NYCRR Part 617.5(c)(9) of the SEQRA regulations and grants Conditional Site Plan Amendment approval for the Proposed 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 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.

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

Khattar Elmassalemah, P.E Praetorius & Conrad, and Gary Ain, owner, appeared on behalf of an application to expand an existing self-storage facility.

Mr. Elmassalemah stated that this property is an 8.5-acre property where there used to be multiple businesses on the site, but now just Kingston Kabs remains. Mr. Elmassalemah stated that to the west of the building, there is the self-storage facility and a large gravel area that used to be utilized to store vehicles.

Mr. Elmassalemah stated that the owner cleaned up the property and that area is now a gravel pad. Mr. Elmassalemah stated that the ground surface will not be changed and that they are staying with the gravel pad. . There are a proposed two-hundred and twenty-two (222) new units, twenty-seven thousand square foot (27,000 sf) total and all units will have emergency fire access capability. Mr. Elmassalemah explained that he submitted a color-coded layout for the types and sizes of units that are being proposed. Mr. Elmassalemah explained that the building will be single story, no taller than ten feet (10') high. Mr. Elmassalemah stated that the next submittal will include elevations, color-schemes and exactly what the buildings will look like.

Mr. Elmassalemah stated that there is approximately twenty-four to twenty-five feet (24'-25') between each of the proposed buildings to allow for two-way traffic.

Mr. Elmassalemah stated that he went over the review notes and lighting was one of the issues. Mr. Elmassalemah explained that the owner currently is not proposing any lighting on the site and he is not sure whether it is mandatory to have lighting on-site as the current units are not lit. Mr. Sorensen stated that there is nothing that mandates it. Mr. Ain stated that it is more of a during-the-day facility. There will be an electronic gate with a keypad and the customers will each have a specific code given to them for access. Mr. Elmassalemah stated that the owner will either give the emergency departments a code or a knox box.

Mr. More asked if they are going to regulate the hours of operation and Mr. Ain responded that they have other facilities that do the same thing this property will - the gates only open from certain times with a code. Mr. Elmassalemah stated that at this point they did not get into that level of details, but he assumes that the gates are always closed except for when the customers access it with their codes, so should they access it at night, they would have to provide their own lighting.

Mr. Sorensen stated that from a planning perspective, if they will allow people there at night, there needs to be security lighting. Mr. Elmassalemah stated that Central Hudson has put fully-shielded lights on the poles that exist on-site and they could reach out to them and see if they can install some on poles located in the back of the property to give at least minimal lighting. Mr. Elmassalemah explained they haven't studied a motion sensor or a wall pack yet, but they could also look into that.

Mr. Elmassalemah explained that there is an existing sign on the property that had been used as a multi-use site that they will utilize. Mr. Elmassalemah stated that they will apply for a sign permit and submit the color scheme of the sign.

Mr. Elmassalemah stated that, as per traffic, they will be using the existing curb cut.

Mr. Sorensen stated that with the aisle size, it would make sense to add additional designated parking spaces next to the last unit to the right. Mr. Elmassalemah explained that since the aisles are two-way travel lanes, if one car pulls over and parks on one side, a car could pass them on the other side.

There will be no vehicle storage at this facility and no RV parking.

Mr. Sorensen stated that the Town Board will be the lead agency for the SEQR review. The project must be referred to the UCPB for review and to the Town Board to declare their intent to be lead agency. This project does not require a public hearing.

Action: A motion to refer this project to the Town Board to declare their intent to be lead agency and to the UCPB for review was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor.

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 for Catskill Storage* prepared by Khatter Elmassalemah, P.E., dated February 25, 2020;
- *Existing Site Plan* prepared by Praetorius & Conrad, P.C., dated February 28, 2020; and
- *Proposed Site Plan* prepared by Praetorius & Conrad, P.C., dated February 28, 2020.

WHEREAS, the Town of Ulster Planning 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, Involved Agencies include: The Town of Ulster Town Board (Site Plan); and

WHEREAS, Interested Agencies include the Town of Ulster Planning Board (Site Plan Recommendation) Ulster County Planning Board (NYSGML 239 Review), New York State Department of Transportation (site access), New York State DEC (consultation regarding Threatened and Endangered

Species), and NYS Office of Parks Recreation and Historic Preservation (CRIS consultation for archeological); and

WHEREAS, Unlisted Action Review is recommended with the Town Board to designate the Lead Agency.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board so that it can designate itself as Lead Agency for this *Unlisted Action* SEQRA review, since it is the only Involved Agency.

Romeo KIA – P-796
1670-1678 & 1680-1694 Ulster Avenue
SBL: 39.82-2-3.110 & 120
Zone: RC
Site Plan

Bruce Utter, P.E Praetorius & Conrad, and Lucia Romeo, Romeo KIA, appeared on behalf of an application to construct an automobile dealership on Ulster Avenue next to QuickChek in Lake Katrine.

Mr. Utter stated that they are in the early phases but wanted to get on the agenda because they had some questions and wanted to get SEQR started.

Mr. Utter stated that the site is approximately 4.6 acres and has an existing curb cut of US Route 9W, which has a right hand only turn going out of the site. Mr. Utter stated that there is an existing fully lit entrance on the other side of QuickChek where cars can access the site through QuickChek's parking lot.

Mr. Utter stated that during the original site plan, there was a strip of land that was supposed to be donated to the DOT and that was never completed. Mr. Utter stated that he spoke with Dave Corrigan from DOT and they will get the donation of the strip of land completed.

There is an existing sidewalk that runs through the site from QuickChek.

Mr. Utter stated that they plan on putting the Romeo KIA building back as far as the QuickChek site is and have display vehicles in the front and side. Mr. Utter stated that there will be employee and customer parking on both sides of their paved parking lot. The north side of the property will remain gravel for the vehicles to be stored.

Mrs. Hayner asked what the piece of land running around QuickChek is. Mr. Utter stated that that is part of the proposed lot and the applicant will speak to QuickChek about possibly parking cars by the lit entrance of QuickChek and having access to their road.

Mr. Decker stated that when the QuickChek site was approved, there was an understanding that if ever a bypass was built there from Route 199, the carwash would have to go. Mr. Decker stated that he did not realize that property goes behind QuickChek's property. Mr. Utter stated that he is not sure if the site would be impacted. Mr. Decker stated that even if they chose to build the bypass and tear down the carwash, he is not sure if they have the access due to that strip of land being there. Mr. Utter stated that he did not know if there was an agreement in place to go through their parcel. Mr. Sorensen stated that they would have to pull the QuickChek's file to see what had been approved. Ms. Romeo stated that even if they built the bypass, it wouldn't be a part of the property that they would be developing so there shouldn't be an issue.

Mr. Utter stated that the original subdivision divided the lots into three (3) lots. Romeo wants to combine the two remaining lots and construct their dealership at that location, but that they will do that further down the road as they're closer to their approvals.

Mr. Utter went through Mr. Sorensen's comments. Mr. Utter showed proposed parking on the plans and will add a note to the plans to protect the existing sidewalks. As for street trees and landscaping, Mr. Utter stated there are a couple of trees already off the road, but they do not want to plant trees where the vehicle display area is; "trees and new cars and paint do not get along very well." Mr. Sorensen requested that they keep the existing street trees.

Mr. Utter stated, that depending on how the grading works out, the building may have to move forward a bit. Mr. Utter stated that he wants to be forthcoming, so he wants to make sure the Board is aware if the building moves forward, some of the parking may move. Either way, the applicant will try to preserve the existing trees.

Mr. Decker asked if they will be removing the exposed rock to the north of the site. Mr. Utter stated that he believes they already removed as much as they would need removed so their intention right now is to not remove any more rock. Mr. Utter stated they are trying to avoid the "hardest rock in New York" with their footings and grading.

Mr. Utter explained that, he would have to verify, but their sewer and water will be in the front of the rock. There is existing water and sewer that they will tie into.

Stormwater is a part of the site investigation that they will be doing, and he will submit those details at a later date. Mr. Utter stated that there were some underground chambers that were previously approved and they will probably be doing something similar.

Mr. Utter explained that they will get a lighting plan put together and submitted for review. Mr. Utter stated that the lighting that is out there by QuickChek is rather low and seems to be only around twelve to thirteen-foot (12'-13') height. Mr. Utter believes they will be going more toward the maximum twenty foot (20') high lights, but he will discuss it with their lighting consultant.

Mr. Utter showed where there is an existing utility easement and stated that he is not sure whether water nor sewer would want them to landscape over that easement. Mr. Utter stated that he sees the vehicle display area to be potentially sloped and grassed at the northwest corner of the lot.

As for signage, Ms. Romeo stated that they will be bring the base of the pylon from their old Romeo KIA location and moving it to this location and will bring the size into compliance.

Mr. Utter stated that they do have a building elevation, but it does not currently show the pylon sign. Ms. Romeo stated that it is very similar to their building across the street; it just has red accents instead of blue accents.

As for threatened and endangered species, Mr. Utter stated that there are some trees in the back that will need to be removed to install a retaining wall. Due to that and the endangered bats and

the time restrictions, that is one of the questions for the Board; can they get permission to remove the trees required to be removed. Mr. Utter stated that if they can just cut a few trees to have access around the proposed building, they can finish the work in October when they are allowed to cut again. Mr. Tutt stated that a cutting a couple of trees would be fine, but they are not allowed to move soil until a stormwater plan is in place and Mr. Utter agreed. Mr. Utter stated that he would have to go to the site to see how many trees it would involve, but wants to know if it is something the Board is willing to entertain. Mr. Decker stated that he believes they should identify the trees and the amount of them, because in past experiences more trees than allowed have disappeared on other sites which caused a lot of issues. Mr. Furman agreed and wants to know how any trees the Board would be saying yes to.

Mr. Sorensen asked if the property line was demarcated so the Board could go out to the site and see where the trees are in reference to the residences behind it up on the hill. Mr. Utter stated that there is a marker, but it's a bit up the bank. Mr. Utter stated if you were to stand at the dumpster area at QuickChek that is the line behind the proposed building. Mr. Utter stated they are only looking to clear approximately twenty feet (20') behind the proposed building so they can get the foundation and shell of the building up in the summer and fall. Chairman Mulligan and Mr. Sorensen both agreed that a site visit would be needed and Mr. Utter stated that he would stake out the area where the trees would need to be cut. The Board agreed.

Mr. Utter stated that he submitted to CRIS yesterday. There would have been testing done for the original site plan, but it's a matter of finding those findings.

Mr. Utter stated that they have to do some test holes on the site to get an idea on the depth they have to work with on stormwater and footings. Mr. Utter stated at this point there will be no blasting and is not sure it would even be possible with gas tanks next door, but if for some reason they do have to blast there will probably be some special protocol they would have to follow to do so.

Mr. Utter explained that the dumpster enclosure will be at the back portion of the building and they will install some sort of screening. Mr. Utter stated that if it works out with the building, he will try to tuck the dumpster behind the building.

Mr. Furman asked Mr. Utter to review access to the proposed structure again. Mr. Utter explained that there is an existing curb cut off of Route 9W and also access via a signalized traffic light at Ulster Avenue and Grant Avenue. Mr. Utter explained that the curb cut is a right-hand turn only, so if the customer wanted to make a left, they would have to go through QuickChek's parking lot to the traffic light. Mr. Furman stated that the left-hand turn at the light is not a good left hand turn as it is, let alone adding additional traffic to the turn. Mr. Furman explained that the light doesn't allow you to just make a left, you must wait for the other side to clear and then make a left. Mr. Utter stated he will speak to DOT about the traffic signal. Mr. Utter stated that the original site plan was for a retail space and a bank and he doubts the traffic would be higher than that of a bank and retail store. A discussion would need to be had with DOT regarding the timing of the light or a dedicated left-hand turn coming out of QuickChek.

Mrs. Hayner suggested that the applicant add a stop sign coming from QuickChek to the exit at the curb cut to deter issues with traffic. If you're making a right from 9W into the site, they would be allowed to go straight onto the proposed Romeo site, but if that's the case, the exit for QuickChek must have a stop sign there. Mr. Utter stated he would look into adding a stop sign or bump or warning sign there.

Mr. Furman asked how QuickChek felt about the dealership having access through their site and Mr. Utter responded that the cross access was a part of the original site plan approvals.

Chairman Mulligan stated that the car carriers will deliver on the property and Mr. Utter stated that the curb is mountable so the delivery trucks should deliver on-site. There was a brief discussion amongst the Board.

Action: A motion to refer this project to the Town Board to declare their intent to be lead agency was made by Mr. Decker, with a second from Mr. Furman; all in favor.

Mr. Decker wanted to commend Mr. Sorensen for doing a beautiful job on the construction completion guarantee paragraph as there are three (3) current problem properties in the Town and this would resolve a lot of issues. Mr. Decker believes that moving forward, for big projects, this should be included. There was a brief discussion amongst the Board regarding performance bonds and irrevocable letters of credit. Mr. Decker believes either of those would be helpful to larger projects.

Mr. Sorensen stated that he accepted a position as the Orange County's new Commissioner of Planning and it feels bittersweet as he has enjoyed Working for the Town of Ulster. Mr. Sorensen stated that he will help Mr. Quigley find a new Planner and has asked for a couple of months to help with the transition. Mr. Sorensen stated that he will miss the Town. There was a brief discussion amongst the Board.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary