

TOWN OF ULSTER PLANNING BOARD

March 9, 2021

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, March 9, 2021, at 7:00 p.m. via the Zoom application. The following members were present:

Present:

Anna Hayner
Lawrence Decker
Andrew Stavropoulos
Geoffrey Ring – Chairman

Frank Almquist – Vice Chairman
John More (alt.)
John Stowell (alt.)
David Church – Planner

The Pledge of Allegiance was recited.

Roll call was taken.

A motion to approve the minutes from the February 2021 meeting was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor with a roll call vote.

OLD BUSINESS

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 re-approval

Chairman Ring stated that this is a reapproval of a major subdivision from 2020 that ran out of time for filing with the County.

Paul Hakim, property manager, stated that there were some issues that prevented them from filing the maps within the sixty-two (62) day period and he requested another sixty-two (62) day extension.

Mr. Decker asked if the issues mentioned in the resolution had enough time to be remedied within the sixty-two (62) days and Mr. Hakim stated that all the issues were resolved after the last approval.

Action: A motion to re-approve the major subdivision was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

WHEREAS, the applicant – Johnson Route 28, LLC c/o Paul Hakim - is seeking reapproval of a subdivision approval originally approved by the Town of Ulster Planning Board on October 20, 2020 as in accordance with Section 161-10 and the Town of Ulster code; and

WHEREAS, this resolution advances such reapproval with the same terms and conditions under the October 20, 2020 approval as follows:

WHEREAS, the applicant proposes to reconfigure lot lines between SBLs 48.13-2-31 and 48.14-1-28, 29, 33, 34.2, 35, and 38; and

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the HC Zoning District; and

WHEREAS, pursuant to Section 161-9 of the town Code, the Proposed Action is classified as a Major 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 and Escrow Agreement, signed by Paul Hakim as Agent dated 9/30/19;
- Map of Proposed Boundaries prepared by Christopher J. Zell PLS, dated 9/25/19;
- Application for Preliminary Plat Approval by Paul Hakim as Agent, dated 9/30/19;
- SEQR Short Form EAF Part 1, dated 9/30/19;
- Application Project Review Notes by Alan Sorensen, AICP dated 1/13/20; and,
- Application Project Review by David Church, AICP dated 8/9/20.

WHEREAS, referral was made to the Ulster County Planning Board as required pursuant to the UCPB Land Use Referral Guide, and a finding of No County Impact was returned; 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 Major Subdivision and the Planning Board held public hearings – (November 12, 2019), (July 14, 2020) and Final (August 11, 2020) before taking final action; and

WHEREAS, at its November 12, 2019 meeting the Planning Board classified the Proposed Action as a SEQRA Unlisted Action and made a Negative Declaration upon review of the entire record (including SEQR Short Form EAF Part 1 & 2) issued a SEQRA Negative Declaration after concluding that the action did not pose any large or significant potential 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 Major Subdivision approval as described above to Johnson Route 28 subject to the conditions, limitations and restrictions set forth below.

1. That an encroachment on applicable site documented in prior Planning Board meetings be resolved prior to any Plat signature or filing;
2. That all outstanding issues with Campers World site plan related to flagpole and non-shielded lighting be resolved to the satisfaction of the Town Building Inspector prior to any Plat signature or filing;
3. That a Private Road Maintenance Agreement for mapped right of way and road be filed with the Town of Ulster to the satisfaction of the Planning Board Chairman in consultation with Town consultants and staff;
4. The Plat may be filed with the office of County Clerk after signed by the Chairman of the Planning Board;
5. Plat to be signed and filed shall memorialize a sewer and water easement to the Town of Ulster to be finalized by the Planning Board Chairman in consultation with Town consultants and staff;
6. Plat shall contain a note that any Planning Board approvals herein do not constitute a change in zoning in any of the affected parcels;
7. 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
8. 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
9. All fees, including consultant fees, shall be paid.

Pioneer Solar – P-831 (New Business – DISCUSSION)

491-549 Sawkill Road

SBL : 48.6-1-23

Zone : OM

Site Plan

Paul Mcmenemy & Zachary Schrowang, Solar Generation, appeared before the Board to discuss a seven and a half megawatt DC (7.55mW DC) / five-megawatt AC (5 mW AC) community solar project off Sawkill Road.

Mr. Mcmenemy stated that the site is great as it is close to the required utilities and the topography of the site keep its invisible so there is no visual disturbance. Mr. Mcmenemy wanted to discuss the proposal with the Board as a sort of glorified workshop so that they can be better prepared to submit for April's meeting.

Chairman Ring asked if the plans have changed since their workshop in February and Mr. Mcmenemy stated that it has not changed.

Mr. Almquist asked what type of topography and plantings were currently on-site. Mr. Schrowang stated that it is forested and there are about an acre of meadows by the power lines

since there are mandated setbacks from those lines. Mr. Tutt asked if the open area was rock or gravel/stone. Mr. Mcmenemy stated that it looks as though it was a shallow quarry used to get item out of. Mr. Mcmenemy stated that it would be a good area for them to mobilize their panels. Mr. Hakim stated that the quarry was originally used for when they built the pressure reservoir and that's where the road came from, also.

Mr. Tutt asked if the access for the property would be off Sawkill Road and Mr. Mcmenemy stated that it would be. Mr. Hakim stated that there is an existing road that the water department has a right-of-way across it, but they will be using the road further to the north that does not have such a steep incline and use the right-of-way across the neighboring property.

Mr. Church asked if the applicant was comfortable with the Short Environmental Assessment Form (SEAF) submitted. Mr. Schrowang stated that they were good to go. Mr. Church stated that he can start filling out Part two of the SEAF document and move the SEQR review along. Mr. Church stated that the applicant is looking at May for their earliest approval and Mr. Mcmenemy stated that he understood the timeline.

Action: No action was made.

Albany 7, LLC – P-815 & P-816
721 & 723 Ulster Avenue
SBL: 48.58-5-37 & 48.58-5-21.120
Zone: HC
Site Plan Amendment and Lot Line Deletion

Chairman Ring stated that he believes all the issues have been addressed on his project. Mr. Church agreed and explained that water, sewer and highway have all signed off on the project.

Mr. Church read the resolution.

Chairman Ring asked if the 9W Corridor comment should be removed from the resolution and Mr. Jason Kovacs, Town Attorney, stated that it would be up to the Board if they wanted to do so.

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

WHEREAS, the applicant – Albany 7 LLC – seeks site plan approval with approval of a lot line adjustment for construction of a new mixed use building and renovation of an adjoining building for commercial use along with associated parking, access, landscaping, and utility infrastructure. Application includes a Lot Line Adjustment to consolidate the existing parcels SBL 48.58-5-37 & 21.120; and,

WHEREAS, the applicant has submitted a complete Site Plan and Lot Line Adjustment application to the Town of Ulster Town Board and Planning Board including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Town Board, in coordination with the Planning Board, previously determined the Town Board was lead agency, typed the application as an Unlisted Action, and initiated the coordinated review under the New York State Environmental Quality Review Act (SEQRA); and,

WHEREAS, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board who have responded with a statement of No County Impact: and,

WHEREAS, this application has also received, on January 13, 2021, from the Town of Ulster Zoning Board of Appeals a set of variances for area (setback and parking) as well as use (apartments as part of mixed use proposed) which are consistent with the application before the Town Planning Board; and,

WHEREAS, the application materials in support of the Proposed Action include:

- Application for Site Plan Review and Lot Line Adjustment, dated 10/30/20;
- Signed Owner Consent Form for Filing dated 10/28/20 & Signed Escrow Agreement, dated 10/30/20;
- Completed Short Environmental Assessment Form, prepared for applicant by Ciro Interrante, dated 10/28/20;
- Notice of Decisions by the Zoning Board of Appeals Town of Ulster for area variances for relief of front setback and off-street parking requirements as well as use variance for mixed uses with apartments, laundromat, and manufacturing, all dated January 13, 2021
- Lighting specifications, Six (6) sheets prepared by VBC Lighting LLC for Albany 7 LLC dated December 19, 2020;
- Site Plans for “Proposed New Development for Albany 7 LLC” prepared by Ciro Interrante Architect P.C. dated 3/3/2021 and consisting of five (5) sheets including Site Plan, Utility and Landscaping Site Plan, Lighting Site Plan, Floor Plans, and Elevations. Floor Plan and Building Elevations prepared by Syvertsen Rigosu, Architects, dated 3/3/21; 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), as well as comments from the County Planning Board and other comments made by Town staff along with the record of approval of variances by the Town of Ulster Zoning Board of Appeals.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board recommends the Ulster Town Board make a Negative Declaration under SEQRA for this Site Plan as an Unlisted Action based on coordinated review with the Town Planning Board and others: and,

BE IT FURTHER RESOLVED, that the Town of Ulster Planning Board finds that the Lot Line Adjustment is a Type II action under the State Environmental Quality Review Act

(SEQRA) requiring no further action under SEQRA, and that the same Lot Line Adjustment is not a referral action to the County under General Municipal Law; and,

BE IT FURTHER RESOLVED, that the Town of Ulster Planning Board grants approval of the Lot Line Adjustment element of this application subject to Ulster Town Board final approval and conditions of same site plan, as follows;

AND FURTHER BE IT RESOLVED, the Town of Ulster Planning Board approval of the Lot Line Adjustment as described above is subject to additional conditions, limitations and restrictions set forth below.

The Plat may be filed with the office of County Clerk after signed by the Chairman of the Planning Board; and

1. 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
2. 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
3. All fees, including consultant fees, shall be paid.

BE IT FURTHER RESOLVED that the Town of Ulster Planning Board recommends that the Ulster Town Board makes final review of this Application and grants Conditional Site Plan approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

Compliance with any final comments as may be needed from the Town Engineer, Town Sewer Department, Town Water Department, and applicable Fire District.

1. Compliance with comments from Ulster County Planning Board as they specifically relate to street trees, landscaping and signage within the Route 9W Corridor Enhancement Plan area.
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;
4. Compliance with documentation, site plan, design plans and all details as cited herein;
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
7. All fees, including consultant fees, shall be paid.

The Farm Bridge – P-828
101-899 Enterprise Drive
SBL: 48.7-1-29.100
Zone: OM
Site Plan Amendment

Mr. Church stated that SEQR had been initiated and it was referred to the County and their comments stated that there was No County Impact.

Mr. Church stated that issues about the utilities had been brought up and asked Mr. Tutt to clarify. Mr. Tutt stated that the Sewer Superintendent, Vincent Maggiore, met with a few Farm Bridge representatives on-site and discussed the grease interceptor and they will be submitting whatever Mr. Maggiore requires.

Mr. Church stated that this company is a food production company that takes fresh food from the region and processes and packages it for various clients. The Farm Bridge is moving across the street to a larger facility.

Action: A motion to approve the resolution referring the project to the Town Board for final approval was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote.

WHEREAS, the applicant – The Farm Bridge – seeks site plan approval for relocation of an existing food production business, currently located in Tech City, to Building 201 including the construction of an approximate 9,300 square foot addition for storage and shipping/distribution purposes; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Town Board and Planning Board including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Town Board, in coordination with the Planning Board, previously determined the Town Board was lead agency, typed the application as an Unlisted Action, and initiated the coordinated review under the New York State Environmental Quality Review Act (SEQRA); and,

WHEREAS, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board who have responded with a comment of No County Impact; and,

WHEREAS, the application materials in support of the Proposed Action include:

- A complete Application for Site Plan Review dated 1/25/2021;
- Signed Owner Consent Form for Filing & Signed Escrow Agreement;
- Completed Full Environmental Assessment Form dated 1/25/2021;
- A set of five (5) site plan sheets with separate cover sheet titled The Farm Bridge, prepared by Brinnier & Larios, P.C. and dated December 2020, which include Sheet 1 Existing Conditions, Sheet 2 Site Plan / Truck Route 60 Scale, Sheet 3 Site Plan / Truck Route 40 Scale, Sheet 4 Site Plan / Removals, and Sheet 5 Landscape Plan / Details
A set of two (2) sheets prepared by Syvertsen Rigosu Architects showing The Farm Bridge Tenant Fit Up, Sheets SD-1 and SD-2; 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).

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board recommends the Ulster Town Board make a Negative Declaration under SEQRA for this Unlisted Action based on coordinated review with the Town Planning Board and others: and,

BE IT FURTHER RESOLVED that the Town of Ulster Planning Board recommends that the Ulster Town Board makes final review of this Application and grants Conditional Site Plan approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

1. Compliance with any final comments as may be needed from the Town Engineer, Town Sewer Department, and/or Town Water Department.
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;
4. Compliance with documentation, site plan, design plans and all details as cited herein;
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.

Industrial Brewing Company – P-829
268 Forest Hill Drive
SBL: 48.13-3-16.100
Zone: HC
Site Plan Amendment

Mr. Church stated that this project was reviewed by the County and they came back with some binding comments. The County wants the applicant to abide by the Town lighting standards and the Dark-Sky Compliant lighting standards. The County would also like the extension of a hedgerow and a supplemental fence so that people do not wander onto Route 28.

Jeff O'Neill, owner, stated that he would be happy to comply with the County's comments. Mr. O'Neill stated that he had watched the County meeting and that they had the comment to relocate some of the tables to further away from Route 28 which he had planned on doing already. Mr. O'Neill stated that the County also mentioned looking into native plantings so he will look into options that will comply with their requests.

Chairman Ring asked if the applicant was aware that the County wants a fence along Route 28, as well as the extension of the hedgerow. Mr. O'Neill stated that he was aware, but that he didn't know if County was aware that there is a fence already between the parking area and the septic field. Mr. O'Neill stated that he would be happy to duplicate the fence to go in the southwest area of the property. Chairman Ring stated that he thought it was interesting that they wanted a fence there when it is a high pedestrian traffic area between the transient housing at the motel at

the bottom of the hill, the transient apartments in the Skytop Village apartments. Chairman Ring believes it would be a high-risk area for accidents. Mr. O'Neill believes he meant it as an aesthetic reason. Mrs. Hayner believes that there should not be a fence along Route 28. Chairman Ring stated that there are no fences along Route 28. Mr. Almquist asked how deep the swale that was along 28 was. Mr. O'Neill stated that the swale is a decent size. Mr. Almquist believes the swale would be reason enough to not require the fence if the Board can send that information to the County as reasoning within the resolution.

Mr. O'Neill stated that he plans on moving around half a dozen more tables to the north side of the septic field to move them back from Route 28 ~~more~~.

Mr. Church asked if the applicant planned on moving forward on the assumption that he will receive a use permit for DOT land. Mr. O'Neill stated that he didn't know how long it would take so the alternate plan would be to wait for the six (6) spaces on the east end of the lot and relocate the sign to the sliver of their property that was still left. Mr. O'Neill stated that if they moved forward on the project earlier than DOT approvals, they could stage the parking in.

Mr. Church stated that this is an interesting project in if he proceeds without the DOT land, he is under the threshold of requiring Town board approval and the Planning Board can approve the project. There was a brief discussion about proceeding one way or the other.

The Board decided to move forward with Town Board approval in case the applicant gets the approval from DOT to save him coming back before the Boards for site plan amendment approval.

Mr. Kovacs stated that there will be two (2) motions – one to recommend that the Town Board override the County requirement for a fence along Route 28 and the second to recommend to Town Board for site plan amendment approval.

There was a brief discussion regarding the plans and whether they should reflect the project proposal including the DOT land or not. Mr. Church stated that the Board can choose to approve what is before them subject to DOT approval and if it falls through the applicant can come back for site plan modification. Chairman Ring asked what the applicants timeline would be. Mr. O'Neill stated that he would have a building permit application in by May and actually construction would commence within sixty to ninety (60-90) days, targeting a late summer, pre-fall opening.

Action: A motion to recommend the Town Board override the county comments requiring a physical fence on Route 28 due to the natural barriers made by topography and to approve the site plan amendment was made by Chairman Ring, with a second from Mrs. Hayner; all in favor with a roll call vote.

WHEREAS, the applicant – Industrial Arts Brewing Company – seeks site plan approval for use and renovation of an existing structure for a proposed beer garden (aka eating and drinking establishment) with retail sales of its own products as well as new improvements associated parking, utilities, signage and landscaping; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Town Board and Planning Board including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Town Board, in coordination with the Planning Board, previously determined the Town Board was lead agency, typed the application as an Unlisted Action, and initiated the coordinated review under the New York State Environmental Quality Review Act (SEQRA); and,

WHEREAS, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board who have responded with two (2) required modifications and comments. First, that lighting levels do not exceed IES Outdoor Site / International Dark Sky Association recommended levels as well as meet Town standards. Second, that the hedgerow be extended with fencing along the Route 28 boundary; and,

WHEREAS, the application materials in support of the Proposed Action include:

- A complete Application for Site Plan Review dated 1/25/2021;
- Signed Owner Consent Form for Filing signed and dated 12/9/20 by Joseph Stote;
- Signed Escrow Agreement by Spectacle Brewing LLC DBA Industrial Arts Brewing Co., dated 1/25/2021;
- Completed Full Environmental Assessment Form;
- A narrative description of proposal and transmittal letter for site plan by Hudson Land Design, dated January 25, 2021;
- A Site Plan Industrial Arts Brewing Company including lighting, landscaping, pavement, parking, and fencing details prepared by Hudson Land Design Professional Engineering P.C. 12/30/2020;
- Map Showing Surplus Land to be Conveyed to Joseph Stote by the NYS Department of Transportation and the County of Ulster prepared by Brinnier & Larios, P.C. dated July 2012; and,

WHEREAS, the Planning Board considered all of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of the Ulster County Planning Board, as well as Town consultants and staff; and,

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board recommends the Ulster Town Board make a Negative Declaration under SEQRA for this Unlisted Action based on coordinated review with the Town Planning Board and others; and,

BE IT FURTHER RESOLVED that the Town of Ulster Planning Board recommends, and the applicant has agreed, that Final Site Plan approval meets the first required modification comment from the Ulster County Planning Board as well as the hedgerow extension comment of

the second required modification all noted above. The Town of Ulster Planning Board also recommends that the Ulster Town Board override, by a supermajority vote, the portion of the second required modification of fencing along the entire hedgerow and extension; and,

BE IT FURTHER RESOLVED that the Town of Ulster Planning Board recommends that the Ulster Town Board makes final review of this Application and grants Conditional Site Plan approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

1. Compliance with any final comments as may be needed from the Town Engineer, Town Sewer Department, and/or Town Water Department.
 2. Compliance with the Ulster County Planning Board comments as noted above.
 3. Compliance with applicable zoning and building laws, rules and regulations;
 4. Compliance with all representations made by the applicant;
 5. Compliance with documentation, site plan, design plans and all details as cited herein;
 6. 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
1. All fees, including consultant fees, shall be paid.

DISCUSSION

Mr. Tutt stated that he was approached by the general manager for Casa Vallarta and they are interested in the feasibility of outdoor seating. Mr. Tutt explained that he has not received the final proposal on how many seats exactly, but would like the Boards opinion on how to proceed.

Chairman Ring asked if there are state regulations/recommendations for opening restaurants for warmer weather and would like to see some direction from the Town Bord for this. There was a discussion regarding outdoor seating last year during the height of the pandemic where the outdoor seating was temporary.

The Board agrees that they need more information to decide on how to proceed. The traffic flow on the site is a concern of the Board since it is a shared site.

Mr. Almquist asked if there was a way to include the portion of Albany Avenue from the town line to the intersection of Ulster Avenue and 9W in the 9W Corridor Enhancement Plan. Chairman Ring believes the Board should make a recommendation to the Town Board to revise the Route 9W Corridor Enhancement plan.

A motion to recommend to the Town Board to include Ulster Avenue from the City of Kingston Town line to the 9W intersection as a part of the 9W Corridor was made by Chairman Ring, with a second from Mr. Almquist; all in favor with a roll call vote. Mr. Kovacs asked that the Secretary send a letter to the Town Board reflecting that motion.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary