

TOWN OF ULSTER PLANNING BOARD
May 14, 2019

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, May 14, 2019, at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Anna Hayner
Lawrence Decker
Andrew Stravropoulos
Gary Mulligan – Chairman

Frank Almquist – Vice Chairman
John More (alt)
Frederick Wadnola (alt)
Alan Sorensen – Planner

Roll call was taken.

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

Kingston Area Soccer League
Kukuk Lane
39.16-4-1.100
P-580

No one appeared on behalf of the application. Chairman Mulligan explained that the applicant is looking to extend their site plan approval as they have not had enough time to develop the soccer field. There are no changes to the plans.

Action: A motion to approve the site plan extension for one year was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

Cypress Creek Subdivision
Old Route 32
56.14-1-24
P-725 and P-752

Noel Swanson, Cypress Creek Renewables, appeared on behalf of the re-approval of the Minor Subdivision that had originally been approved on December 4, 2018 and extended for 60 days on February 27, 2019. Mr. Swanson explained that they had come across some issues filing with the County, but they have rectified those issues and are returning to request a newly dated signature on the subdivision plans. The recommendation was to re-approve the Minor Subdivision. Mr. Swanson stated that the second item of business is site plan amendment. The applicant wants to add a battery storage unit to each system which will allow the units to harvest more sun power during the day making the solar resource less intermittent. Mr. Swanson stated that the only difference on their proposed site plan amendment plans is that the equipment pad is slightly

larger and Mr. Swanson believes that the minor change can be handled solely by the Planning Board.

Mr. Swanson stated that Mr. Sorensen required the applicant to submit an updated emergency action plan, which was submitted, and an updated decommissioning plan which Mr. Swanson will get to the Board in the upcoming weeks.

Mr. Swanson stated that his colleague, Tripp Piere, was present to explain the design of the batteries and how they've incorporated safety measures, as safety is a priority when it comes to these battery systems. Mr. Swanson handed out the plans to the Board. Mr. Piere stated that he had worked with Cypress Creek and other developers in the past, specifically on battery storage, and that he is a Professional Engineer in the state of New York, as well as several other states. Mr. Piere stated that he's designed around two-hundred (200) storage systems so he is familiar with different vendors and chemistry's of different operation profiles. Mr. Piere explained that due to the state incentives there are more battery systems being added to existing solar plants, making the overall system more efficient. Mr. Piere stated that in comparison to the solar system itself the batteries are quite small so there are no extreme changes to the planning or engineering process.

Mr. Piere reviewed the plans with the Board; the components and way it will operate. Mr. Piere stated that there is a safety measure in place within the battery that can detect anomalies and should it find an anomaly, there's a set of contactors that will open and deny the charging and discharging of the battery and also send an alert to system level monitoring and then to Cypress' 24/7 remote monitoring. There is also a fire suppression system. The inverters will take DC energy and convert it into AC energy which can be used by Central Hudson. The HVAC units are designed so if one fails, the other will continue working to keep the batteries cool. These containers are concrete fire containers which are at least two hours fire rated, which means that ideally nothing but smoke will escape the container. Mr. Piere stated that the emergency response personnel will be receiving an emergency response plan so that they know how to handle an issue should one arise.

Chairman Mulligan asked if the fire personnel will have training, to which Mr. Swanson stated that Bryan Stumpf, Cypress Creek Renewables, had reached out to Bloomington Fire Department and there will be training within the coming months.

Mr. Swanson stated that Landau II is a larger project than Landau I, so the only difference from the two sites is that Landau I will have their batteries on one pad and Landau II will have double the size of Landau I split between two (2) pads. There was a brief discussion.

Mr. Sorensen requested that in addition to the emergency action plan that there is actual training that the Bloomington Fire Company go through as there are many volunteer firefighters and as the application moves forward, the Board may require this. Mr. Sorensen stated that he will

correspond with Bloomington Fire Chief to get a sense of what his companies needs are in regards to training since it is new technology. Mr. Swanson stated that the safety standards are built within the battery storage container so that it's sealed and that emergency response will be fairly limited and is meant to resolve itself.

Mr. Sorensen stated that the applicant is before the Board for two actions tonight; one for the extension of the subdivision approval to which Mr. Sorensen recommends the Board approves the subdivision extension. The second reason the applicant is before the Board is site plan amendment approval. Mr. Sorensen stated that the project needs to be sent to the Ulster County Planning Board (UCPB) and also to adjacent communities.

Action: A motion to extend the subdivision for sixty (60) days was made by Mr. Decker, with a second from Ms. Hayner; all in favor with a roll call vote. A motion to forward the project to the UCPB was made by Mr. Almquist, with a second from Mr. Stravropoulos; all in favor. A motion to classify this project a State Environmental Quality Review (SEQR) Type II action was made by Mr. Decker, with a second by Mr. Almquist; all in favor.

WHEREAS, the Town of Ulster Planning Board granted Cypress Creek Renewables dba Landau Solar, LLC and Landau Solar II, LLC (the "Applicant") Minor Subdivision approval to resubdivide the 156.24-acre site (consisting of Town of Ulster Tax Lots S-B-L: 56.14-1-24, 56.14-2-18 and 56.14-2-36.1) as follows: Proposed Lot No. 1 consisting of 46.446 acres and Proposed Lot No. 2 consisting of 109.324-acres; and

WHEREAS, pursuant to §161-14 F of the Town Code an approved plat shall be filed by the subdivider in the Office of the Clerk of Ulster County within sixty (60) days from the approval date and failure to file the signed approved plat within the required time shall render the approval void without further action by the Board; and

WHEREAS, the applicant did not file the approved plat with the Office of the Clerk of the County in the timeframe required and has requested an "Extension" by the Planning Board to allow them time to file the Final Plat; and

WHEREAS, the Town Planner has recommended to the Planning Board to grant a sixty (60) day extension, which is permissible and appropriate in this instance; and

WHEREAS, no changes are proposed to the approved Final Plat; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby grants a sixty (60) day "Extension" to allow the applicant to file the Minor Subdivision Final Plat subject to the conditions, limitations and restrictions set forth below in the original subdivision approval resolution.

Executive Auto – Site Plan Amendment
185-201 Sawkill Road
48.14-2-32.430
P-739

No applicant was present as the applicant was out of town. Chairman Mulligan stated that they could still move forward with the review. Chairman Mulligan stated that the application seemed to be complete and Mr. Sorensen stated that the project must be forwarded to the UCPB for review, as well as the Ulster County Highway Department (UCHD). The project classification is a SEQR Type II action, which requires no further SEQR review.

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

Lincoln Park Grid Support Center – Site Plan & Minor Subdivision
Frank Sottile Boulevard & Miron Lane
48.12-1-20, 48.16-1-1, 48.16-1-2.210
P-691 & P-740

Dave Young, Chazen Companies, appeared on behalf of the applicant to construct a battery array to provide capacity and ancillary services to the regional electric grid by absorbing (charging) and generating (discharging) electricity as directed by the grid operator on part of a ten-acre parcel. Mr. Young stated that the applicant received comments back from the UCPB and they are addressing those comments. The UCPB mentioned lighting that was not shown on the plans which the applicant is now addressing so it will be included.

Mr. Young stated that he will be meeting with the Fire Department (FD) tomorrow (May 15, 2019) to present an emergency access plan and request input from the FD, as well as the review consultants, so that the plan can be finalized and submitted. Mr. Young stated that the engineering for the facility is still underway to determine what the facilities interior will be. Mr. Young stated that there will be a fail-safe HVAC on-site and the firefighting will be focused on protecting the perimeter as the facility is primarily self-contained.

Mr. Young stated that the archaeology has been finalized and the field work has been completed with the filed report to be presented next week. There were additional minor artifacts found that would not suggest that there was any kind of encampment or workspace at that facility. Mr. Young stated that the archaeologists will write a report recommending that no additional work be done on the site.

Regarding the subdivision, Mr. Young asked if it would be acted upon at tonight's meeting. Mr. Sorensen stated that the Board has not made a decision, yet, and that they were waiting for the Town Board to make their SEQR determination since it is a coordinated review. Mr. Sorensen

requested the applicant ask for an extension for the Board to take more than sixty-two (62) days to make its decision.

Mr. Kovacs stated that the Town Board would like to close out its SEQR determination at the meeting on Thursday night, but before they can do that the Planning Board must make a determination. Mr. Sorensen stated that once the Town Board makes its SEQR Negative Declaration, then the Planning Board can approve the minor subdivision. Mr. James Quigley III, Town of Ulster Supervisor, stated that he wanted to be able to close out SEQR so that the Planning Board may move forward with the subdivision approval. Mr. Quigley also stated that before the Planning Board refers the site plan to the Town Board he wants them to review the Emergency Action Plan, as there are existing issues as it stands.

Action: A motion to refer the project to the Town Board to classify the project a SEQR Negative Declaration was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

Central Hudson Gas & Electric – Site Plan Amendment
435 Hurley Avenue
48.17-1-13.110
P-735

Caren LoBrutto, Chazen Companies, and Ivan Hojsak, Central Hudson Gas & Electric, appeared on behalf of the applicant for site plan approval and a special use permit to expand an existing substation. Ms. LoBrutto stated that since March the applicant had been waiting for the completion of the consultation with New York State Historic Preservation Office (SHPO) review. The conclusion of that review is that would be no adverse impacts on any historic or cultural resources.

Ms. LoBrutto stated that there are a few minor changes that had been made on the site plan which she will review with the Board. Ms. LoBrutto stated that Central Hudson may require a few additional lightning masts and they will be eighty-five feet (85') tall which is the same height as the substation infrastructure that is existing today. The masts will be placed within the fence lines and will not exceed one-hundred feet (100'). Chairman Mulligan asked the applicant to explain the lightning masts in detail. Ms. LoBrutto stated that Mr. Hojsak will explain the details. Mr. Hojsak stated that there are four (4) structures proposed which will not exceed the height within the station and it should blend in with the existing structure. The masts provide protection for the equipment that's being installed. There was a brief discussion regarding lightning masts.

There will also be a minor reduction in the expansion area, which created a minor decrease to Wetland F on the plans. Due to the conflicts between the design of the substation foundation and the existing drainage, there will be some underdrain infrastructures removed and will be added to the south side and west side of the structure. Mr. Sorensen stated that the only pending issue

remaining is the Stormwater Pollution Prevention Plan (SWPPP) which is close to being complete; there are a couple minor technical revisions that must be met. Ms. LoBrutto stated that they have submitted their response and that the issues are not substantial. Mr. Sorensen stated that the Town Board is the lead agency and the project is classified as a SEQR Type I Action Coordinated Review and that the Town Board has held its public hearing, which has been closed. Jason Kovacs, Town of Ulster Attorney, asked Ms. LoBrutto if they had confirmation that access is present from the Spring Lake Fire Department, to which Ms. LoBrutto stated that the road that had been marked temporary was only claimed temporary due to the pervious surface present, but that the road will remain a permanent fixture on-site. Additionally, the fire department would like to be able to use six-wheeled vehicles as well as ambulances and Central Hudson checked to make sure there were proper clearances and there was clearance of twenty-five feet (25') which worked for the FD. Central Hudson proposed installing a cattle gate at the RailTrail entrance with a knox box. Mr. Sorensen read the resolution.

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

WHEREAS, the Applicant – Central Hudson Gas & Electric – is seeking Site Plan and Special Permit approval to expand an existing “utility company structure” (i.e., substation) located at 435 Hurley Avenue; and

WHEREAS, the subject site is situated within the OM-Office Manufacturing Zoning District where a “utility company structure” is an allowed use subject to Site Plan approval; and

WHEREAS, the Town of Ulster Town Board has the authority to approve the Proposed Action (Site Plan and Special Permit) since the expansion area of the substation is more than one (1) acre, upon a favorable recommendation from the Town of Ulster Planning Board; and

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

- Cover Letter by Caren LoBrutto, Senior Planner, The Chazen Companies, dated May 7, 2019;
- Application for Site Plan & Special Permit Review prepared by Ivan Hojsak, CHG&E, dated 12/21/18;
- Full EAF Part 1 & Report prepared by The Chazen Companies, dated 12/21/2018; revised 5/7/2019;
- G001 Title Sheet prepared by The Chazen Companies, revised May 7, 2019;
- G002 Notes & Legend prepared by The Chazen Companies, revised May 7, 2019;
- SV101 Map of Partial Boundary Survey (Sheets) by The Chazen Companies, dated 2/19; revised 4/29/19;
- SV102-103 Existing Conditions Plan by The Chazen Companies, dated 12/21/18; revised 4/29/19;
- C130 Site Plan prepared by The Chazen Companies, revised May 7, 2019;

- C140 Utility Plan by The Chazen Companies, revised May 7, 2019
- C150 Grading, Erosion and Sediment Control Plan by The Chazen Companies, revised May 7, 2019;
- C170-171 Earthwork Cross-Sections prepared by The Chazen Companies, revised May 7, 2019;
- C530 Site and Storm Details prepared by The Chazen Companies, revised May 7, 2019;
- C550 Erosion & Sediment Control Notes by The Chazen Companies, revised May 7, 2019;
- 301 Transmission Line Proposed Profile by The Chazen Companies, dated 2/12/2019; and
- 301 Transmission Line Proposed Profile by The Chazen Companies, dated 2/12/2019.
- Stormwater Pollution Prevention Plan (SWPPP) revised March 25, 2019.

Central Hudson Gas & Electric

Environmental Assessment Studies and Reports:

- Stormwater Pollution Prevention Plan (SWPPP) by The Chazen Companies, revised March 25, 2019;
- Phase 1A Literature Search and Sensitivity Assessment by HV Cultural Resources, February 2019;
- Phase 1B Field Reconnaissance Survey by HV Cultural Resources, February 2019; and
- NYS Office of Parks, Recreation Historic Preservation No Affect Letter dated April 24, 2019.

WHEREAS, the Town of Ulster Town Board, upon review of the application materials determined the Proposed Action was a Type 1 Action pursuant to 6 CRR-NY 617.4 (b)(6) and 6 CRRNY 617.4 (b)(10) of State Environmental Quality Review (SEQR) Law; and

WHEREAS, the Town of Ulster Town Board declared its Intent to be Lead Agency for this SEQRA Type 1 Action -Coordinated at its January 17, 2019 meeting and designated itself Lead Agency at is February 21, 2019 meeting; and

WHEREAS, this matter was referred to the Ulster County Planning Board, which issued a NO COUNTY IMPACT decision dated February 7, 2019; and

WHEREAS, pursuant to Section 190-21 C of the Town Code, the applicant requested a Special Use Permit for proposed transmission structures exceeding 100-feet in height; and

WHEREAS, the Town Board held the required public hearing for the Special Permit request on March 7, 2019 and closed the public hearing; and

WHEREAS, this matter was referred to the NYS Office of Parks, Recreation Historic Preservation, which in a letter dated April 24, 2019 concluded that no historic properties, including archeological and historic resources, will be affected by the undertaking; and

WHEREAS, a revised Stormwater Pollution Prevention Plan (SWPPP) dated March 25, 2019 was reviewed by the Town Designated Engineers (TDE) Brinnier & Larios, P.C., with a recommendation to address some minor technical issues and then resubmit for review and approval; and

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

WHEREAS, the Town Board held the required public hearing for the applicant's Special Permit request and have fully complied with the procedural requirements of the State Environmental Quality Review Act.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board in its advisory role, hereby refers this matter to the Town Board with a recommendation to issue a SEQRA Negative Declaration and grant Site Plan and Special Permit approval for the above referenced action subject to the conditions, limitations and restrictions set forth below:

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details as cited herein;
4. Compliance with all applicable regulations concerning development on the subject site;
5. Submission of revised SWPPP to address technical revisions requested by the TDE;
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
7. All fees, including consultant fees, shall be paid.

AllSpace Storage - Site Plan Amendment
1693 Ulster Avenue
39.19-3-24
P-738

Chairman Mulligan stated that Ken Casamento was unable to attend tonight's meeting, but as he looked at the notes, it seemed like most of the items have been addressed. Mr. Sorensen stated

that the project had been reviewed by the Town Designated Engineer and they recommended the SWPPP should be accepted by the Planning Board. The UCPB concluded there was no County impact. Mr. Sorensen read the resolution.

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

WHEREAS, the applicant – Apollo Group, LLC dba All Space Storage – is seeking site plan amendment approval for the construction of two (2) additional storage units with a total of 24,259 square feet (ft), along with the construction of associated access drives, site lighting and stormwater treatment facilities; 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:

- Cover Letter prepared by Ken Casamento, CPESC, Principal with LRC Group dated March 26, 2019;
- Cover Sheet prepared by LRC Group, Engineering revised March 26, 2019;
- Topographic Survey prepared by Ausfeld & Waldruff Land Surveyors, LLP dated November 19, 2018;
- Site Plan Sheet prepared by LRC Group, Engineering revised March 26, 2019;
- Grading & Drainage Plan Sheet prepared by LRC Group, Engineering revised March 26, 2019;
- Utility Sheet Plan prepared by LRC Group, Engineering revised March 26, 2019;
- Erosion & Sediment Control Plan prepared by LRC Group, Engineering revised March 26, 2019;
- Lighting Plan prepared by LRC Group, Engineering revised March 26, 2019;
- Truck Turning Plan prepared by LRC Group, Engineering revised March 26, 2019;
- Site/Stormwater Details prepared by LRC Group, Engineering revised March 26, 2019;
- Erosion Control Details prepared by LRC Group, Engineering revised March 26, 2019;
- Preliminary Elevations prepared by NEL-STRUCT, LLC dated January 15, 2019; and
- Preliminary Floor Plan for “Building R” by NEL-STRUCT, LLC dated January 15, 2019; and
- Preliminary Floor Plan for “Building S” NEL-STRUCT, LLC dated January 15, 2019.

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

WHEREAS, the applicant’s project documents were revised to adequately address our comments (as agreed by the PB) and comments by the Town Designated Engineer (TDE) Brinnier & Larios, P.C. with a recommendation for acceptance; and

WHEREAS, the Town Board referred this matter to the Ulster County Planning Board, which issued a No County Impact statement; and

WHEREAS, the Town of Ulster Planning Board, as an Interested Agency, upon review of the entire record including a SEQRA Short EAF Part 1 and Part 2, Site Plan Set and other supporting documentation found the proposed amendments to the Site Plan would not pose any potential significant adverse environmental impacts and finds that a SEQRA Negative Declaration should be issued and Site Plan approval granted.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board herby refers this matter to the Town Board with a recommendation to issue a SEQRA Negative Declaration and grant Site Plan approval.

AJR Masonry – Site Plan
2372-2468 Route 9W
39.12-1-26
P-746

Scott Lane, Engineer, appeared on behalf of the application to develop a Contractors Storage Yard on the subject site. Mr. Lane stated that there had been a couple of minor comments that he would like to review with the Board. One of the comments had to do with where materials would be stored on site. Mr. Lane stated that Mr. Riozzi is primarily storing equipment vehicles which he will be storing within the proposed garage. Mr. Lane stated that no materials will be stored on site. Mr. Lane explained that this is not a location where customers will be coming to visit; it's purpose is to store his company's stuff.

Regarding traffic circulation with respect to the Department of Transportation (DOT), Mr. Lane stated that there is an existing curb-cut and is wondering who initiates correspondence with DOT. Mr. Lane stated he will reach out to DOT to speed up the process.

Mr. Lane stated that Mr. Sorensen had a comment about handicap parking and Mr. Lane stated that there are and they are nine foot by eighteen foot (9' x 18') and are now labeled on the plans. Mr. Lane stated that the applicant will not pursue approval for the well and septic until they have a clearer idea of approval for this project.

Mr. Lane stated that he had response comments to the Town's Designated Engineers comments on their SWPPP.

Mr. Lane stated that they really hadn't gotten into the building design, as that's another item that is costly to move forward with without proper approval from the Town Boards first. Mr. Lane

stated that the building is a pre-engineered metal building and that it will have a couple windows and overhead doors.

Mr. Lane stated that he will submit architectural drawings if the Board would like them and the Board stated they would like them submitted. Mr. Lane stated that the elevation facing the road is going to be screened with blue spruce and that fascia is plain. You will not be able to see the building from the road due to elevation changes and the proposed screening.

Mr. Lane asked if the Board was happy with the proposed landscaping plan and the Board stated that they were. There was a brief discussion regarding the choice of spruce over arborvitae. Mr. Lane stated that he received a comment about a light pole. The applicant works in the masonry business and during winter months, he may work from 10am until 3pm, due to the short daylight. The primary business will be conducted during the daytime and the light pole is unnecessary in the applicant's eyes as it can get expensive. Mr. Lane stated that there are utility poles within fifty feet (50') of the entrance and can reach out to Central Hudson about installing lighting if the Board requires the light pole.

Mr. Sorensen will defer the requirement of a light pole to DOT and stated that the wall packs on the building would be sufficient.

Mr. Lane stated that there will be no sign on-site since it is not a base for customer's to visit. SHPO's response letter stated there are no adverse impacts.

Mr. Lane stated that he would like to be referred to the UCPB as well as the Town of Ulster Fire Department for review. Mr. Sorensen stated that he recommends the Board refer this project to the Town Board so that the Town Board can refer this matter to the UCPB for review. Mr. Sorensen read the amended resolution.

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

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

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

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

- Written Narrative prepared by Scott Lane, P.E., for AJR Masonry, Inc., dated April 9, 2019;

- Consent Form signed by Al Riozzi (Owner) consenting to the filing of the application dated 3/26/19;
- Application for Site Plan Review prepared by Scott Lane, P.E., (Agent) dated March 26, 2019;
- Short EAF Part 1 prepared by Scott Lane, P.E., dated March 26, 2019;
- Sketch Site Plan prepared by Scott Lane, P.E., dated March 26, 2019; and
- Site Plan prepared by Scott Lane, P.E., dated April 9, 2019.

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

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

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

**Kimlin Propane – Lot Line Adjustment and Site Plan
637-647 Route 28
47.2-3-20 & 21
P-749 & P-750**

Max and Mark Kimlin, Kimlin Propane, appeared on behalf of their application to consolidate two lots and establish a propane tank storage facility. Mr. Kimlin stated that they just received comments and is trying to address those. Mr. Kimlin explained that they would like to consolidate the two lots so that they have enough square footage to fit the storage on-site. Mr. Kimlin stated that this is an unmanned facility and that there is no office on-site; delivery trucks come in, drop off propane to the storage tanks and leave. Mr. Kimlin stated that they want to clean up the site, place tanks there and add fencing. The Board requested that the applicant show the area on the site plan where the smaller propane tank will be stored.

Chairman Mulligan said that the first item of business would be the lot consolidation. Mr. Sorensen stated that both actions are SEQR Type II actions and require no further SEQR review. Mr. Sorensen stated that because this is a Type II action and the combination of the lots would be advantageous, he recommends the approval of the lot consolidation.

Mr. Sorensen stated that the site plan application is straight forward, but would like the applicant to fill out a second EAF for the site plan application. Mr. Sorensen asked how large each of the tanks were to which Mr. Kimlin stated they are both thirty-thousand (30,000) gallon tanks. Mr. Sorensen asked how tall the tanks are, to which Mr. Kimlin stated between thirteen and sixteen

feet (13-16') tall. Chairman Mulligan asked if there will be smaller tanks on-site, to which Mr. Kimlin stated that they do swap out tanks and it's easier to bring them to that site, so there will be some tanks on-site, but it will not be a "tank farm." Mr. Sorensen stated that it would be a good idea to have his Engineer draw up a cross-section so that the Board can see the height of the tanks in reference to the property.

Mr. Sorensen stated that he knows there is an existing driveway to the property, but is not sure if it was DOT approved. Mr. Kimlin stated that the access was overgrown and that his plan was to abandon that access and create new access from Route 28, which means the application will need to be referred to DOT moving forward. Mr. Sorensen asked what kind of base will go to the proposed gravel surface area to which Mr. Kimlin stated that they haven't gotten that far, yet. Mr. Sorensen asked if they were proposing any signage and they responded that they would like to use the existing sign that's present. Mr. Sorensen explained to the applicant that they can have a sign with a sign face up to fifty (50) square feet.

Mr. Sorensen stated that if they are proposing any lighting that the Board will need to see lighting specs. Mr. Kimlin stated that he did not include that in his submittal package as he was not sure if it was required or not, but will submit specs. Mr. Sorensen stated that as the application moves forward he would like fencing detail submitted, as well as landscaping detail. There was a brief discussion regarding planting trees on a berm.

Mr. Sorensen stated that he recognizes a culvert pipe that crosses the site and recommends that DOT takes a look at it to make sure that it has proper weight-bearing for the trucks that will be in and out of the property.

Mr. Sorensen stated that this property will be classified a SEQR Type II action and that the use is an allowed use and the Planning Board has approval authority.

Action: No motion was made.

**Twin Creeks – Major Subdivision
Off Old Kings Highway
39.7-13-1.100
P-751**

Alan Lord, Surveyor for New York Land and Lakes, appeared on behalf of the application of a twenty-one (21) lot subdivision. Mr. Lord explained that when he was first introduced to the project he thought the subdivision was in place and that he was just coming in to build the infrastructure, but then realized that the subdivision was dissolved in 2011.

Mr. Lord stated that the twenty one (21) parcels range from an acre and a half (1.5ac) to ten acres (10ac). There is twenty eight hundred feet (2,800') of new road proposed with the subdivision.

The entrance from Old Kings Highway down to one of the proposed cul-de-sac was started by the previous applicant and had base material installed.

Mr. Lord stated that his goal is to make it a private community, with private roads. Mr. Lord wants to keep the parcels private and form a Homeowner's Association. Mr. Lord stated that there will be a Homeowner's Association form filed with the State and within that document, who is responsible for the maintenance of the roads and maintenance of the three stormwater parcels.

Mr. Lord stated that the only minor revision that he made to the plans that were originally approved in 2008 is a minute change to one of the lot lines being proposed.

Mr. Lord stated that he found the previous engineer, David Ryder, who did the 2008 maps and he agreed that the SWPPP would have to be updated, so he is putting together a proposal for the Boards review. Mr. Ryder also wanted to re-walk the site to look at the proposed septic areas to make sure the site hadn't been disturbed since he conducted the soil tests. The stormwater parcels may need to be reconfigured. There was a brief discussion amongst the Board.

Mr. Sorensen stated that when this project was previously approved it had archaeological studies at that time. Mr. Sorensen stated that he looked at the Environmental Assessment Mapper and he did not see any threatened or endangered animals. Mr. Lord submitted the archaeology study to the Board.

Mr. Sorensen stated that the Floodplain may have changed. Mr. Lord stated that he did get new maps from FEMA and that there is a bit more within the property than was shown on previous maps. Mr. Sorensen stated that they will require an agricultural data statement.

Mr. Sorensen said to Mr. Kovacs that the initial application approved in 2008 had two (2) parcels dedicated to the Town for Stormwater, but now is proposing a Homeowner's Association to maintain those two (2) parcels and is asking if the Town Board must be involved for input. There was a brief discussion.

Mr. Lord stated that there are two wells on the property, one of which is quite substantial that remains from a townhouse project proposed for this property in the 1980's that was never completed. Mr. Lord stated that he does not see the large well being used on the plans; smaller singular wells are being proposed per lot.

Mr. Sorensen asked if Mr. Lord knew when Dave Ryder would have his revised set of plans in and Mr. Lord responded that he did not. Mr. Lord thought that it would be a good idea to have a preliminary public hearing to get the neighbors ideas on it before he submitted new plans, in case any changes needed to be made. Mr. Sorensen stated that before it goes to the UCPB for review the Board will need the new plans, which will include the private roads and Homeowner's Association (HOA) information.

Mr. Sorensen stated that in 2008 the Planning Board issued a SEQR Negative Declaration. Mr. Sorensen stated that the Stormwater would need to be revisited and notices need to be sent out to reaffirm the Board to be lead agent.

Action: A motion to affirm the Planning Board's lead agency status and schedule a Preliminary Plat Public Hearing for June 11, 2019's meeting was made by Ms. Hayner, with a second from Mr. Almquist; all in favor.

**Pub 11 – Sign Site Plan Amendment
11 Lohmaier Lane
39.81-3-13
P-753**

Frederick Wadnola, owner, appeared on behalf of his application to replace his signs that are existing, but were taken down. Mr. Wadnola stated that he has one sign at the end of the parking lot, a sign going into the parking lot and a small sign by Grant Avenue. These signs had been grand-fathered in since 1988 and once moved they cannot be replaced. Mr. Wadnola stated that the only changes are the two original signs that were eight feet by eight feet (8' x 8'), the sign on Lohmaier was changed to a four foot by eight foot (4 x 8.) Mr. Wadnola stated that the original holes are still there but he removed the posts thinking they were due to be replaced since they were there since 1988. The signs are going into the exact place where they were first constructed in 1988.

Mr. Sorensen stated it was a straight forward application and he would issue a SEQR Type II action and recommend approval.

Action: A motion to declare the project a SEQR Type II action was made by Mr. Almquist, with a second from Mr. Stravropoulos; all in favor. A motion to approve the proposed signs was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

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

Mr. Quigley stated that the Boards have spent a lot of time on the Glidepath project which motivated many members of the community come forward with issues in regards to environmental policies in our Zoning Code. One issue the Town Board was repeatedly challenged with was the application of the utility structure that is in the Table of Use Regulations. This section has provided for solar facilities, substations and Glidepath. The community expressed their concerns about burning fossil fuels in order to generate electricity. The Town Board listened and reviewed the tax map parcels that are associated within the zones that allow solely for utility structures and that land is adjacent to Route 209, below Route 28 and within a floodplain, so they are deemed unbuildable.

The next largest parcel of Office & Manufacturing land is being inquired by Scenic Hudson and he believes it's safe to say that nothing will be built on those lands, either, due to their philosophies.

The last parcel large enough is the parcel on TechCity. Mr. Quigley explained of a previous proposal to build a newspaper recycling and a co-generation facility on the banks of the Esopus Creek and it tore the community apart; it would be inappropriate to consider a fossil fuel generation facility should one be proposed for TechCity. Mr. Quigley stated that in looking at available options in the Town to construct such a facility, there are none.

Mr. Quigley stated that following the Niagara project and now Glidepath, the Town of Ulster is faced with issues of credibility when developers come to this community to do projects. Mr. Quigley stated that the Town may be open to consider different types of projects, the community is not.

After the review and consideration of the meetings on Glidepath, the Town Board had decided to amend the existing Zoning Law. This amendment will make residential zones areas that a Special Use Permit is required for a Utility Company Structure. Regional Commercial, Local Commercial and Highway Commercial will be changed from use permitted by right to site plan approval required. There will also be a limit of the structure to be less than 3,500 square feet.

Within Office & Manufacturing and Industrial Zones, the use would be as of right, if fewer than 3,500 square feet and anything over 3,500 square feet it would require a special use permit. The major change being proposed is that no utility structure will be allowed if it requires a NYSDEC Air Quality permit. The Air Quality permit infers that some types of pollutants are being emitted into the air. Mr. Quigley stated that there has been substantial comment by the environmental lobby about the Town not going into depth on defining what is a utility structure, but feels it's safe to say, after analyzing Glidepath, that a utility is any business enterprise that is engaged in an activity that requires approvals on a State or Federal level for regulation. There was a brief discussion amongst the Board. Governmental agencies, such as the BRC and fire training center, are exempt from Town Planning processes.

Mr. Quigley stated that he will be setting a public hearing for the proposed law on June 6, 2019 and will be taking public comment at that point. Mr. Quigley asks that the Planning Board to submit any comments that they may have as the Town Board will not make any decisions before hearing those comments.

Mr. Almquist questioned if all the attendees who had complaints were Town of Ulster residents, to which Mr. Quigley stated that he takes the environmental lobby to be larger than just residents within our community. Mr. Quigley stated that it is "our responsibility to protect and preserve what we have here."

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary