

TOWN OF ULSTER PLANNING BOARD

May 18, 2021

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, May 18, 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 April 2021 meeting was made by Mr. Stavropoulos, with a second from Mrs. Hayner; all in favor with a roll call vote.

PUBLIC HEARING

Johnson Route 28 Phase II – P-832

140-146 Route 28 & Route 28

SBL: 48.13-2-21 & 48.14-1-35

Zone: HC

Minor Subdivision – dividing 2 lots into 3 lots

Paul Hakim, property manager, appeared before the Board to clean up lot lines off Route 28 where Kingston Nissan and the self-storage facility are for tax purposes.

A motion to open the public hearing was made by Chairman Ring, with a second from Mr. Decker; all in favor with a roll call vote.

Mr. Hakim is proposing to create three lots out of two existing lots to reflect the uses of the lease holders and to extend the private road with a road maintenance agreement which will be provided to the Town for acceptance. Each created parcel will have rights to the private road.

Mr. Hakim stated that he will send the maintenance modifications to Jason Kovacs, Town Attorney, prior to filing of the maps.

There was no public comment. A motion to close the public hearing was made by Chairman Ring, with a second from Mr. Stavropoulos; all in favor.

Mr. Church read the amended resolution.

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

WHEREAS, the applicant – Johnson Route 28 LLC – is seeking Minor subdivision approval in accordance with Section 161-10 and the Town of Ulster Code; and

WHEREAS, the applicant proposes to create three (3) lots from two (2) existing lots SBL 48.13-2-21 & 48.14-1-35; and,

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the HC Highway Commercial Zoning District subject to a road maintenance agreement being filed with the Town; 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:

- Completed Application for Subdivision Approval prepared by Johnson Route 28 LLC signed by Paul Hakim and dated 3/13/21.
- Map of Resubdivision of Lands of Van Kleeck, Buzzanco & Caparn and Lands of Johnson Rte. 28, LLC prepared by Brinnier & Larios, P.C.
- Signed Owner Consent Form for Filing from Paul Johnson.
- Signed Escrow Agreement from Paul Hakim.
- Completed Short Environmental Assessment Form dated 3/13/21.

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 the April 13, 2021 meeting the Planning Board scheduled this matter for a Final Plat public hearing at the May, 2021 Planning Board meeting; and

WHEREAS, at its May 18, 2021 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 and makes a SEQRA Negative Declaration after concluding that 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 Minor Subdivision approval to Johnson Route 28 LLC for Johnson Route 28 Phase II as described above, subject to the conditions, limitations and restrictions set forth below:

1. The Plat may be filed with the office of County Clerk after signed by the chairman of the Planning Board.
2. Filing of a road maintenance agreement with the Town after review and approval by the Town Attorney.
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 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.

Bible Baptist Church – P-839
509 Main Street Ext.
SBL: 39.11-1-5.112
Zone: R30
Minor Subdivision

Pastor Alfred Jurkowski, Bible Baptist Church, appeared before the Board on behalf of a minor subdivision to subdivide a 1.003 acre lot off the existing 4.064 acre lot.

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

Pastor Jurkowski stated that the piece of property to be subdivided is off the back of the property and will be off Ruby Meadows Road. The access will be off Ruby Meadows Road. Pastor Jurkowski stated that they were in contract with the Niles family who lives on Ruby Meadows Road. Pastor Jurkowski explained that he understands that the Niles family is purchasing this property as a future investment and does not currently plan to build a residence on it but may at a later date.

Pastor Jurkowski stated that if/when a home is constructed there, it will meet all requirements to be able to build, including driveway placement and the filing of a building permit.

Anna & Salvatore Gangi, 16 Ruby Meadows Road – Concerned that her house is lower and when she originally bought the house there had been grading issues and had a lot of work done.

If a home is built there, they are concerned about more water issues. Mrs. Gangi wants it on record that she does not want any water issues as she already must keep a dehumidifier on all day and wants to know who will be responsible for any issues that arise. Another concern is privacy and if there is going to be another home right behind her home. The Gangis submitted pictures as proof of the grading that had been done to the property. Mr. Gangi wants clarification on where a driveway will be placed.

Leonard (Lenny) & Denise Iannizzotto, 23 Ruby Meadows Road – original owners and there for 30 years. The original blueprints show that this easement could take place at any time in the future. They had no problems. They are across the street from where the home could be. They believe it would be beneficial to the community and still have no issues. Mrs. Iannizzotto is confused as to how this is an issue 30 years later when that location was already approved to be the last lot on the road with access from the cul-de-sac.

Shelley Mertens, 24 Ruby Meadows – When something gets subdivided, there is always potential for a home to be built. Most townships must show that a lot is buildable. The soil is horrible. She has Ulster County fill in the back for what seems like an acre for a 3-bedroom house and is wondering if there is enough room for a primary and a reserve because they may have to be raised systems. If they will be out of water district, should abide by a different fee schedule. She is also concern with the ingress & egress – will there be a big circular driveway through lot 9 and Ruby Meadows Road at the cul-de-sac. Just wants to feel comfortable with what is happening near her house but is not opposed to what is being proposed. She believes lots should be proven to be buildable before they are subdivided. Is wondering if there is an easement going to this property.

Hunter Niles, 12 Ruby Road – lived there his whole life. There would be no wraparound driveway. Every system in the neighborhood is an underground system, except for Ms. Mertens system. The way the property is subdivided, there is only a small strip from lot 9 to the proposed lot and no room for a road there. When the neighborhood was originally subdivided and built, this was supposed to be the last home on the road and there were no issues then. He does plan on building a home on the property in the future as the property was purchased in order to build and have a family behind his parents home. Spoke with John Rose regarding the water system already and they have an understanding. The driveway will go from the cul-de-sac where there is an existing right-of-way. The lot will be an acre like every other lot in the neighborhood.

Guy Leonard, 17 Ruby Meadows Road – one of the first people to live there and the lowest point in the neighborhood. Houses getting water damage had houses dug too low. Has an inground septic system. Does not see an issue with the driveway as the width of the driveway would not affect the properties on either side of it. The property was up for sale for months and everyone had the opportunity to buy it.

Edwin Maldonado, Real Estate Broker with Murphy Realty Group, representing Bible Baptist Church – wanted to clarify that the property had been on the market from December 11, 2020 and on that day, he placed two signs on the property, one off of Ruby Meadows Road and one by the Church. He explained that they did not accept an offer until one month later, on January 11,

2021, and that they accepted an offer from the Niles family. Anyone of the neighbors could have called a realtor and placed an offer for the property; there was ample opportunity.

Warren Tutt, Building Inspector, there are multiple septic systems that can be installed, some more costly than others. When it comes to being a buildable lot, the Town Code goes to what facilities are available and if none are present, then it goes to acreage. This lot meets the acreage requirements. It would behoove the purchaser's due diligence to see what those costs may or may not be. Lots 8, 9 & 10 are similar sizes to what is proposed, so it would stand to reason that they could install the system on the lot.

Mr. Kovacs stated that he looked at the Church and the other properties and did not see a deed on record.

The Church is overlooked by three trustees and the Pastor who maintain the property and this is why they are selling a piece of the churches property is to put money back into the church.

Chairman Ring explained that the proposed subdivision meets all requirements of the Town. There was a brief discussion regarding the allowance of the subdivision.

Chairman Ring stated that there are a lot of reasons that a home can have water issues. Mr. Tutt explained that there is a code in Property Maintenance that states that an adjacent property is not allowed to create a problem with any property that exists due to discharge from rainwater or the like.

Ms. Mertens asked if the Planning Board had an engineer who reviewed the plans for a home. Mr. Tutt explained that for single family dwellings an engineer is not required by State Code unless the disturbance is over an acre. Ms. Mertens explained that Ulster County Department of Health (DOH) requires an engineer no matter what as far as septic and water systems. The drawings must be sealed and signed, regardless of what the Town requires.

A motion to close the public hearing was made by Chairman Ring, with a second from Mr. Decker; all in favor with a roll call vote.

Mr. Church read the resolution. Mr. Kovacs requested two notes be made to the resolution - 1. There shall be no further subdivisions of the parcel; and 2. Ingress & egress to lot 2A will be restricted to existing Ruby Meadow Road. The Board agrees with the changes to the resolution.

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

WHEREAS, the applicant – Bible Baptist Church – is seeking Minor 2 lot subdivision approval in accordance with Section 161-10 and the town of Ulster code; and

WHEREAS, the applicant proposes to subdivide a 1.003 acre new lot from the existing lot SBL 39.11-1-5.112; and,

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the R-30 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:

- Completed Application for Subdivision Approval prepared by Alfred Jurkowski and dated 4/08/21.
- Map of Survey for Subdivision Lands of Bible Baptist Church, Lot 2, F.M.7812 prepared by Robert L. Campbell L.S., dated 4/5/21.
- Signed Owner Consent Form for Filing, signed by Alfred Jurkowski 4/8/21.
- Signed Escrow Agreement, signed by Alfred Jurkowski 4/8/21.
- Completed Short Environmental Assessment Form dated 4/8/21.

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 the April 13, 2021 meeting the Planning Board scheduled this matter for a Final Plat public hearing at the May, 2021 Planning Board meeting; and

WHEREAS, at its May 18, 2021 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 makes a SEQRA Negative Declaration after concluding that the action does 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 the 2-Lot Minor Subdivision approval as described above to Bible Baptist Church subject to the conditions, limitations and restrictions set forth below:

1. The Plat may be filed with the Office of County Clerk after signed by the Chairman of the Planning Board.
2. There shall be no further subdivision of either of the two (2) lots referenced in this application.
3. Ingress and egress to the new lot fronting Ruby Meadows Road, shown as Lot 2A on the Map of Survey for Subdivision of Land noted above, shall be limited to Ruby Meadows Road.
4. 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
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

OLD BUSINESS

Pioneer Solar – P-831

491-549 Sawkill Road

SBL : 48.6-1-23

Zone : OM

Site Plan

Zachary Schrowang, Solar Generation, appeared before the Board for their application to install a solar farm.

Chairman Ring stated that he believes they put forth a package that was incomplete to the county and would like to get complete packages out to them in the future.

Mr. Church stated that he spoke with the applicant at length today and Mr. Schrowang will summarize the five open items.

Mr. Schrowang stated that what came back from the County was no surprise to him. The decommissioning plan is something that he usually negotiates those with the Town Attorney and he can prepare one.

Mr. Schrowang stated that he is aware of the bats on the site from the EAF they did, so he knows to not clear from April 1st until October 31st. That is in line to when they want to clear, between November 1st and March 31st.

Mr. Schrowang explained that the SWPPP has been delayed, but will hopefully be prepared by the next meeting.

The County came back with comments that the applicant should have had a viewshed analysis done, but Mr. Schrowang believes the County reviewed the plans without the contours, so they

are not aware of the layout of the property. His team will assemble an aerial from a few vantage points and drop the pin locations showing where the project would be.

Mr. Schrowang stated that as far as the access road, there must have been an error in review as there is an existing access that will be used, and he will draft a document explaining that.

Mr. Church stated that he gave Mr. Schrowang the contact for the Senior Planner for the County.

Mr. Tutt stated that for the last major solar project they had a balloon test performed. Mr. Schrowang stated that if a balloon test will meet the requirements, then he will be happy to do it that way.

Mr. Church explained that it is an elevated site with a flattened top and a fairly screened setting which can only be appreciated by looking at the terrain. Mr. Church shared the Environment Assessment Form Addendum for Visual Impact and Mr. Schrowang had completed and submitted.

Mr. Schrowang stated that this should not be a visual disturbance for anyone.

Action: No motion was made.

Central Hudson Hurley Ave. Substation – P-837
435 Hurley Avenue
SBL: 48.17-1-13.110
Zone:OM
Site Plan Amendment

Mr. Church stated that this is an application before his time which has returned for an amendment. The applicant is looking to upgrade and expand the substation off of Hurley Avenue.

The project was referred to the County for their review. The County returned a memo of No County Impact. Mr. Church believes the Board is in position to recommend approval to the Town Board to take the next step and close SEQR and approve at their next available meeting.

Action: A motion to forward the project to the Town Board to close SEQR and final approval was made by Chairman Ring, with a second from Mr. Almquist; all in favor with a roll call vote.

WHEREAS, the applicant – Central Hudson Gas & Electric Corporation – seeks site plan approval for; 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 verbally reported that they will respond with a comment of No County Impact; and,

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

- Completed Application for Site Plan Review dated 3/25/21.
- March 30, 2021 memo from Caren LoBrutto, Senior Planner The Chazen Companies to Geoffrey Ring Town Planning Board Chairman summarizing the application and outlining the 2019 versus 2021 site plan applications
- Signed Owner Consent Form for Filing
- Signed Escrow Agreement
- Completed Full Environmental Assessment Form with Project Description and Environmental Assessment Narrative, prepared by The Chazen Companies, dated 3/30/21
- Phase 1A Literature Search and Sensitivity Assessment & Phase 1B Archaeological Field Reconnaissance Survey, prepared by Hudson Valley Cultural Resource Consultants, Ltd, dated February 2019
- Site Plan Hurley Avenue Substation System Deliverability Upgrade Project prepared by The Chazen Companies dated 3/30/21 and including fifteen (15) sheets: 1- Title Sheet, 2- Notes & Legends, 3, 4, 5 & 6- Maps of Existing Conditions, 7- Site Plan, 8- Utility Plan, 9- Grading and Erosion & Sediment Control Plan, 10, 11 & 12- Earthwork Cross-Sections. 13- Site Details, 14- Storm Sewer Details, and 15- Erosion & Sediment Control Notes and Details.
- Stormwater Pollution Prevention Plan prepared by The Chazen Companies dated 03/30/21; 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 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
7. All fees, including consultant fees, shall be paid.

Glidepath/Tilcon Minerals – P-824

Route 32

SBL : 48.12-1-19

Zone : OM

Approval for 62 day extension for filing of maps

Chairman Ring stated that this project has been before the Board previously this year. This project requires a 62-day extension approval in order to file the maps.

Erin Hazen, Chazen Companies, stated she was present in case the Board had any questions.

Action: A motion to approve the extension was made by Mr. Stavropoulos, with a second from Mrs. Hayner; all in favor with a roll call vote.

WHEREAS, the applicant –Glidepath (aka Lincoln Park Grid Support Center, & Lincoln Park DG Real Estate LLC) – is seeking Lot Line Adjustment in accordance with Section 161-9 & 10 and the Town of Ulster Code; and

WHEREAS, the applicant proposes to correct a surveying error by correcting a lot line and adding +/- 3.216 acres from SBL 48.12-1-19.100 to SBL 48.12-1-20.110; and

WHEREAS, the proposed lots comply with the minimum lot size of the OM zoning district; 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:

- Signed Consent to File Form and Escrow Agreement;
- Application for Lot Line Adjustment;
- SEQR Short Form EAF Part 1; and,
- Map of Proposed Lot Line Revision Between Lands of Lincoln Park DG Real Estate LLC and Lands of Tilcon Materials, Inc prepared by Brinnier & Larios, P.C. dated March 23, 2020; and,
- Description of Lands to be Conveyed to Lincoln Park DG Real Estate LLC dated March 23, 2020.

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 five (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 Lot Line Adjustment and no public hearing is required; and

WHEREAS, the Planning board classified the Proposed Action as a SEQRA Type II action and no further action is required upon review of the entire record (including SEQR Short Form EAF Part 1 & 2) .

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 subject to the conditions, limitations and restrictions set forth below.

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

Moonburger – P-840
5 Powell Lane
SBL: 48.14-3-34.100
Zone: HC
Site Plan Amendment

Jeremy Robinson-Leon, pending property owner, appeared before the Board on behalf of his application to convert the old Ice Cream Castle on Washington Avenue into a drive-thru fast food restaurant.

Chairman Ring stated that there has been much discussion in the past couple days on outstanding items and the applicant has worked hard to address those issues. The initial site plan had been missing elements of a complete site plan, which the applicant has since remedied and submitted. The applicant has also submitted lighting, landscaping and signage details that were initially missing.

Mr. Church stated that this is reuse of an existing building with no seating. There is a drive-thru and two waiting spaces for people waiting for orders. Mr. Church stated that the applicant supplied site plan and elevations.

Mr. Robinson-Leon stated that he drove by the ice-cream castle many times since he bought his home in 2015 and considers it a fixture between the two Quick Cheks on Washington Avenue. His intention is to take the vast menu and convert it to essentials which to him are burgers, fries and shakes and do them well.

Mr. Robinson-Leon is hoping to do as little as possible to it for time, efficiency, and budget in hopes to be open later this summer. Mr. Robinson-Leon's hope is to modernize the façade tastefully.

Mr. Robinson-Leon stated that he is working with people whose expertise is to make this drive-thru only concept efficient.

Mr. Robinson-Leon stated that it is the same existing parking design that it is now, which is for employees only, and what they have done is create additional capacity for the queue should it be necessary. Town Code requires five stacking spots and they have provided eight, five of which are until the drive-thru window. Mr. Robinson-Leon explained that he would be fortunate and overjoyed if he had eight cars in line at all times, but the national average for a fast-food restaurant queue is three at any time.

Chairman Ring stated that a concern of that property has always been parking and the flow of traffic and asked "when there are two cars waiting in bay 1 & 2 and the car behind them already received their order, is there a way for that car to get around to exit the property or do they have to wait themselves until a bay has been freed up?" Mr. Robinson Leon stated that in the case that they had a customer with a huge order, they could send that car to a waiting bay and have a lane for the remainder of customers to pass through. In a situation where they were at maximum capacity, the customers would be paying at the window and there would be employees running to both waiting bays to move the orders through, but he does not see that happening often, but is prepared for the worst case scenario. Mr. Robinson-Leon stated that if he got successful and had more than that in the queue, he would have employees outside with tablets running the orders through to make the process more efficient. The goal is to have the order at a car in forty-five seconds.

Mr. Tutt stated that the road frontage is Powells Lane which is a dead end and little to no traffic runs down that road at any given point during the day so there is a bit of overflow capacity.

The applicant is seeking a variance for a larger sign also and will be submitting to be seen before the ZBA in June for preliminary review. Mr. Robinson-Leon asked if he could possibly get site plan amendment approval contingent on receiving variance for the sign or going with a sign in compliance. Mr. Robinson-Leon stated that the building is very small and to be in compliance, the sign allowed would be really tiny and hardly visible from Washington Avenue, especially between the two Quick Chek's.

There was a brief discussion on possible designs for the chimney where people enter the establishment's drive-thru.

Mr. Almquist asked if Moonburger was a franchise, and Mr. Robinson-Leon stated not yet, but if it does well, perhaps there will be a second and third. This is his current job.

Mr. Robinson-Leon stated that he used to run a PR Firm and Shake Shack was client of his for ten years and he believes that is what is in his DNA and wants to provide a product to the community that is really good and a great experience.

There was a discussion regarding the aesthetics of the building as it is a tough location and structure. Chairman Ring thanked the applicant for repurposing the building and providing an explanation as to why he chose this aesthetic.

Mrs. Hayner stated that the building is a bit mainstream and there are too many signs with 'drive-thru' and 'Moonburger' on the side is too much for the location. Mr. Robinson-Leon explained that if he placed it in Uptown Kingston, she would be correct, but since it is placed between two large, green QuickChek's and he wants it to feel modern and interesting. Mr. Robinson-Leon believes it will feel warmer and approachable. Mr. Robinson-Leon stated that the signs are a play on old-school neon lights, with arrows, just an updated form of them.

Mr. Church asked if the Board would like to submit comments regarding the sign variance to the ZBA.

Mr. Church also stated that the outstanding issues have all been remedied and the Board would have the full action to approve if they felt comfortable doing so. Since it is not a change in use, the Board is comfortable voting tonight.

Chairman Ring stated that the signage, albeit large, is critical to his business model and location. Chairman Ring stated that he is comfortable supporting a sign variance recommendation to the ZBA and the Board agrees.

Mr. Church stated that the resolution would reflect reuse of the existing structure for a drive-thru restaurant. The Planning Board retains authority for approval and is exempt from referral to the County for review. The project is a type II action under SEQQR so there is no further review necessary as it is reuse of an existing commercial building under four-thousand square feet (4,000 sf.)

Mr. Kovacs stated that the Board could approve the sign that is in compliance with the Town Code, with the understanding that he will apply to the ZBA for a variance for a larger sign.

Action: A motion to make conditional site plan amendment approval was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor with a roll call vote.

WHEREAS, the applicant – Moonburger - seeks approval to amend site plan for reuse of existing commercial building for restaurant use, described as drive-thru only, fast casual restaurant; and

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

- Completed Application for Site Plan prepared by Jeremy Robinson-Leon
- 2 Maps – Existing Conditions and Site Plan Modification
- Updated Map with Attachments, Site Plan Modification, Moonrise 1.0 LLC prepared by Jeremy Robinson-Leon dated 5/18/21 and consisting of 4 sheets: Site Plan Modification map, Signage Opt. 1 – With Variance, Signage Opt. 2 – Without Variance, and untitled/hand drawn landscaping plan with plant list.
- Signed Owner Consent Form for Filing, signed by Joseph J. Juliano, 4/12/21
- Signed Escrow Agreement
- Completed Short Environmental Assessment Form; and,

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 Town of Ulster Planning Board is aware that the applicant expects to seek a variance from the Town Zoning Board of Appeals related to signage, and said Planning Board agrees such variance is reasonable as represented by the applicant; and,

WHEREAS, the Proposed Action is exempt from referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster; and

WHEREAS, the Town of Ulster Planning Board, upon review of the entire record determines the Proposed Action is a Type II Action and no further decision are required under SEQRA.

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. Compliance for sign design consistent with Town regulations and with submitted sheet titled “Signage Opt 2 – Without Variance” unless applicable variance is granted by the Town;
5. Compliance with any comments from the Town of Ulster Highway and Water Superintendents;
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.

Barnes & Noble – P-841
400 Kings Mall Court Ste 560
SBL: 48.42-3-5
Zone: RC
Site Plan Amendment for façade

Chairman Ring stated that Barnes and Noble will be relocating to the old Olive Garden in Kings Mall Court.

The applicant is changing the entryways, doors, windows, and signage. The Board agreed it was aesthetically pleasing.

Mr. Church read the resolution.

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

WHEREAS, the applicant – B & N Kingston (aka Barnes & Noble) , seeks approval to amend site plan for building façade changes to relocate to an existing commercial building; and

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

- Complete Application for Site Plan Amendment prepared by Michael Henry 4/20/21
- Signed Owner Consent Form for Filing by David W. Wright for Kingston Real Estate LLC, 4/21/21
- Signed Escrow Agreement by Michael Henry 4/20/21
- Complete SEQRA Short Form
- Memo from Howell Belanger Castelli Architect summarizing façade improvements, undated.
- Set of three (3) large format photos showing “Existing Conditions” and “Proposed Views” prepared by Howell Belanger Castelli Architects 4/8/21
- Set of ten (10) sheets for Barnes & Noble, Kings Malls prepared by Ruggles Sign, 4/06/21 showing locations and details of façade improvements and signage; and,

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 Proposed Action is exempt from referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster; and

WHEREAS, the Town of Ulster Planning Board, upon review of the entire record determines the Proposed Action is a Type II Action and no further decision are required under SEQRA.

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. Compliance with any comments from the Town of Ulster Water and Sewer Superintendents;
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.

N&S Supply – P-842
120 Woods Road
SBL: 48.14-2-33
Zone: OM
Site Plan Amendment

Scott Dutton (Architect), Alan Deforest (property owner) and representatives from N&S Supply appeared before the Board to relocate to a portion of an existing commercial building.

Mr. Dutton stated that they are deintensifying the use of the site because N&S will use a very large portion of the property for inventory. The DeForest Group will remain in a small portion of the space.

Mr. Tutt asked what the traffic change will look like and Rob Nussbickel said that supplies and deliveries are made in a twenty-two-foot (22') truck that delivers from their main central distribution location once a day.

Mr. Nussbickel stated that they will have seven (7) employees and about forty trucks of contractors coming in and out during a heavy day. A light day will be a lot less. The trucks come in one or two at a time.

Mr. Dutton stated that this is a vast improvement for the company logistically speak, as it is easy in and out of this new location.

Mr. Nussbickel stated that clients now have curbside and/or dock pickup so people are in and out of their store within minutes.

The business is all on one floor, so if you do not have a complete supply list, it is self-service with counter service if help is needed.

The existing location is split between four (4) floors so to have all the product on one site will be extremely efficient.

Mr. Nussbickel stated that his inventory is day to day, so he does not have a lot of one product on-site, so products are delivered as needed to this site. There is a day or two supply in every store. This will be a satellite location to the main Fishkill store.

They will serve the general public, as well as contractors. There will be some showroom space that backs up to the DeForest Group space.

Mr. DeForest stated that they have thirty (30) employees and until six (6) months ago they were all working on location. They are now at a modified work-from-home model so only five (5) or six (6) people are in the office at a time now, so the traffic has decreased.

Mr. Dutton explained that when they had first bought their properties, there was a high yield of eighteen-wheeler traffic, but in the past seven or 8 years, it is now rare for there to be that kind of traffic.

There was a brief discussion regarding traffic.

Mr. Dutton stated that Mr. DeForest is swapping out a tenant who has more eighteen-wheeler traffic than this proposed business does, so the traffic will be lessened.

Mr. Church read the summarized resolution.

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

WHEREAS, the applicant – N & S Supply, seeks approval to amend site plan for reuse of vacant portions of existing commercial building for retail, showroom, and warehouse uses; and

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

- Completed Application for Site Plan submitted by DeForest Group (aka AFDeF LLC and HFDeF LLC) dated 4/29/21
- Site Plans consisting of two (2) sheets prepared by Dutton architecture PLLC dated 4/28/21 consisting of Sheet L101 1. Existing Site Plan / 2. Proposed Site Plan and Sheet
- A102 Proposed Floor Plan
- Signed Owner Consent Form for Filing, signed by Alan DeForest, 4/28/21
- Signed Escrow Agreement by Alan DeForest, 4/28/21
- Completed Short Environmental Assessment Form w EAF Mapper Summary Report prepared by Scott Dutton, 4/28/21
- Written Project Narrative Form (one page); and,

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 Proposed Action is exempt from referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster; and

WHEREAS, the Town of Ulster Planning Board, upon review of the entire record determines the Proposed Action is a Type II Action and no further decision are required under SEQRA.

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. Compliance with any comments from the Town of Ulster Highway and Water Superintendents;
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.

DISCUSSION

Digital Sign Law

There were no suggested changes since the previous month as all Boards were reviewing it. The Planning Board is in support of the proposed law and asked that Mr. Kovacs pass that knowledge along to the Zoning Board.

Restarting physical meetings

There was a brief discussion on whether to begin in person meetings again. The Board decided to continue on Zoom for June and revisit the subject at that meeting. Mr. Kovacs stated that the public may enter the Town Hall without a mask depending on their vaccination status which is based on the honor system.

Chairman Ring stated that he wants the Board to decided unanimously on whether to return to in-person meetings.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary