

**TOWN OF ULSTER PLANNING BOARD**

November 12, 2019

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, November 12, 2019, at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Lawrence Decker

John More (alt.)

Andrew Stravropoulos

Frederick Wadnola (alt.)

Frank Almquist – Vice Chairman

Gary Mulligan – Chairman

Alan Sorensen – Planner

Absent:

Anna Hayner

Roll call was taken.

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

A motion to appoint Frederick Wadnola as a member of tonight’s meeting was made by the Chairman.

**Public Hearing**

**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**

Walter Eckert, Brinnier & Larios, in lieu of Paul Hakim, appeared on behalf of an application of a major subdivision to modify the existing configuration of lot lines. Mr. Eckert stated that the applicant is looking for a major subdivision to modify the lot lines and maintain a fifty foot (50’) shared easement. Chairman Mulligan asked if the Board had any questions or comments before he opened the public hearing; the Board had no comments.

A motion to classify this project a SEQR Negative Declaration (Neg. Dec.) was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

A motion to open the public hearing was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

Bipin Patel, owner of Quality Inn on the adjacent lot and wants to know what the right-of-way (ROW) would lead to. Mr. Eckert explained that the ROW would lead to all the existing

properties and that Mr. Patel's deed should show that he has access through the property, and he will continue to have access.

A motion to close the public hearing was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

The Ulster County Planning Board (UCPB) deemed No County Impact, but stated that the realignment of the interior road should require site plan at the Town level and then be referred back to the County as it would raise concern with respect to lighting, pedestrian access and landscaping. Mr. Eckert stated that as far as he knows, lighting already exists, but he will make sure that they put the locations and specifications of the lights on their next plan submittal.

Mr. Sorensen stated that the application before the Board is a major subdivision as it has multiple lot line adjustments and currently the lot lines don't line up well with the existing uses. Mr. Sorensen stated that the proposed lot line configuration better aligns with the developed sites. Mr. Sorensen stated that it is not that the ROW is being reconfigured, more so that there will be a road maintenance agreement along the ROW that will follow along the existing pathway that is already present. Mr. Sorensen stated that the Board will require a road access easement and that the title block on the plans must be changed to state 'Major Resubdivision'.

Mr. Sorensen stated that the County's comments are advisory. Mr. Sorensen stated that there are also existing concerns with Camper's World who made changes to their site plan without the Planning Boards approval. Mr. Eckert asked if Camper's World had to be resolved before the Board can take action on this proposal. Jason Kovacs, Town Attorney, stated that the Town would like to see movement towards a resolution. There was a brief discussion on where Camper's World was located on the map and whether that site had the same owner as the rest of the proposed lots. Mr. Eckert wanted to clarify that the owner of the parcel that Camper's World is situated on must inform his tenant that they need to take appropriate steps to rectify the issues before this Board can take any action regarding the subdivision, and the Board agreed.

**Action:** There were no further motions made.

**Joseph & June Hanss - P-768**  
**110 Rockwell Lane**  
**SBL: 56.10-1-18.100**  
**Zone: R60**  
**Minor Subdivision**

Walter, Eckert, Brinnier & Larios, appeared on behalf of the applicant for a minor subdivision to split one parcel into two lots at 110 Rockwell Lane, with Rockwell Lane remaining the natural divide of the two lots.

Mr. Eckert stated that the Hansses received their variance the previous month and that the applicant is seeking final approval. Mr. Eckert stated that the applicant is short approximately

two-thousand square feet (2,000 sf) of the required lot size, but they received their variance to allow for the square footage.

Mr. Sorensen read the resolution.

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

**WHEREAS**, the applicants – Joseph H. & June M. Hanss – are seeking Minor subdivision approval in accordance with Section 161-10 and of the Town of Ulster Code to subdivide the subject 3.614-acre property into two (2) lots; and

**WHEREAS**, the applicants proposes to subdivide the subject 3.614-acre parcel into two (2) lots as follows: Proposed Lot No. 1 with an area of 2.302 acres, which will encompass that portion of the subject site south of Rockwell Lane, and 2) Proposed Lot No. 2 with an area of 1.312 acres that will encompass the remaining lands situate north of Rockwell Lane; and

**WHEREAS**, proposed Lot No. 2 only has a lot area of 57,150 square-feet, 2,849.28 square-feet shy of the minimum lot area requirement, which required an Area Variance from the Zoning Board of Appeals; and

**WHEREAS**, at its October 9, 2019 meeting, following the close of its public hearing, the ZBA granted an Area Variance for the minimum lot size; and

**WHEREAS**, pursuant to Chapter 161 of the Town Code, the Minor Resubdivision is subject to review and approval by the Town of Ulster Planning Board; and

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

- Project Narrative prepared by Christopher J. Zell, P.L.S., dated August 14, 2019;
- Consent to File Form signed by Joseph H. Hanss dated August 14, 2019;
- Preliminary Subdivision Application prepared by Joseph H. Hanss dated August 14, 2019;
- SEQR Short EAF Part 1 prepared by Joseph H. Hanss dated August 14, 2019; and
- Subdivision Map prepared by Christopher J. Zell, P.L.S., dated August 6, 2019.

**WHEREAS**, upon review of the Subdivision Map, and the ZBA granting the Area Variance the Planning Board found the proposed lots complied with the Town of Ulster regulations.

**WHEREAS**, the Town of Ulster Planning Board held the required public hearing on October 8, 2019; and thereafter closed the public hearing; and

**WHEREAS**, the Town of Ulster Planning Board as the Lead Agency for this Unlisted Action-Coordinated Review issued a SEQRA Negative Declaration for the Proposed Action at its October 8, 2019 meeting; and

**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 Act (SEQRA) and can take final action on the Minor Subdivision application; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Minor Subdivision approval as described above subject to the conditions, limitations and restrictions set forth below.

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

### **Old Business**

#### **Lincoln Park Grid Support Center / Glidepath - P-691**

**Miron Lane, Frank Sottile Blvd and Route 32**

**SBL: 48.12-1-20, 48.16-1-1, 48.16-1-2.210**

**Zone: OM**

**Site Plan**

Walter Kubow, Chazen Companies, in lieu of Dave Young, appeared on behalf of an application to construct a battery powered storage facility. Mr. Kubow stated that the Town Board has reaffirmed the SEQR Neg. Dec. and that he had received the comments from Mr. Sorensen. As of Friday, a digital set of updated plans, as well as the Stormwater plan, had been submitted.

Mr. Kubow stated that he had received the UCPB's comments earlier today which referenced lighting. Mr. Kubow stated that there is not much lighting on the site as it is an unmanned project, but that they will address that comment.

Mr. Kubow stated that they will also be keeping as much vegetation as possible for screening. Mr. Almquist stated that he is the Town representative to the UCPB and that their concern is that the old proposal had lighting because of the building, and now that the applicant is proposing pods, it doesn't need lighting? Mr. Almquist stated that he believed that at the prior months meeting, the applicants representative giving the presentation mentioned the service people have a remote control in their vehicles in order to be able to turn the lights on and off within the site and Mr. Almquist believes that should be noted on the site plan. Mr. Almquist stated that if the first responders receive an alarm signal from the location, they should have a remote, as well. Mr. Kubow stated that it makes sense for them to have some sort of lighting but does not know if it will be portable or not. Mr. Kubow stated that he had briefly looked at the plan set and did not see lighting fixtures on it, but that he did not view the plans in their entirety.

Chairman Mulligan asked Mr. Sorensen to go through his review notes. Mr. Sorensen stated that there is nothing on the new proposal that would create any SEQR issues as most are below the initial threshold. At the October 17<sup>th</sup> meeting, the Town Board reaffirmed the SEQR Neg. Dec. and referred this matter to the UCPB.

The UCPB came back with several required modifications. A permit from Ulster County Department of Public Works (DPW) is necessary for driveway access and recommends that as a condition of approval. With respect to lighting, the lighting levels will need to be calculated for the plan with lighting levels not to exceed illuminating engineer society outdoor lighting levels and have dark-sky compliant fixtures and provide cut sheets. Mr. Sorensen stated that the lighting and cut sheet submittal can be a condition of approval.

With respect to landscaping, the UCPB recommended as much vegetation as possible be maintained on the property to provide for screening and additional landscaping should be provided, particularly in the portion of the property to the east of the switchyard designated to be a stockpile during construction. Mr. Sorensen stated that there is a significant buffer between the site and Frank Sottile Boulevard that is being maintained shown on the plans. Mr. Sorensen stated that the only opening is the driveway to the site and there can be plantings placed around the switching pad, but that can also be a condition of approval.

Mr. Sorensen stated that he prepared a draft resolution to send this project back to the Town Board with the recommendation to grant conditional site plan amendment approval. There were no further comments from the Board. Mr. Sorensen read the draft resolution.

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

**WHEREAS**, the Applicant, Lincoln Park DG LLC, seeks amended site plan approval pursuant to the Town of Ulster Zoning Law to construct the Lincoln Park Grid Support Center (LPGSC), a battery array that provides capacity and ancillary services to the regional electric grid by absorbing (charging) and generating (discharging) electricity as directed by New York Independent System Operator (NYISO), the regional grid operator; and

**WHEREAS**, the 20 MW battery energy storage facility requires approximately 11,500 battery modules with a collective capacity of approximately 80 megawatt hours (MWh) within 40 non-occupiable containers measuring 40'L x 8'W x 9'H that will be arranged in groups comprised of four containers each; and

**WHEREAS**, the approved Site Plan proposed a 30,000 square foot building to house the batteries, but changes to the New York State Uniform Fire Prevention and Building Code and National Fire Protection Association (NFPA) code 855, allows for the battery containers to be stored out-of-doors; and

**WHEREAS**, the Applicant has submitted an amended Site Plan Set that no longer calls for a 30,000 square-foot building, but instead proposes the placement of 40 non-occupiable

battery containers measuring 40'L x 8'W x 9'H that will be arranged in groups comprised of four containers each; and

**WHEREAS**, the materials submitted in support of the application includes; and

- SEQR FULL EAF Part 1 by Chazen Eng. & Land Surveying, & Landscape Architecture P.C, 10/8/2019;
- Revised Stormwater Pollution Prevention Plan prepared by The Chazen Companies, dated 10/8/2019;
- G001 Title Sheet for Lincoln Park Grid Support Center by The Chazen Companies, dated 11/8/2019;
- G002 Notes and Legend for Lincoln Park Grid Support Center, The Chazen Companies, dated 10/8/19;
- SV100 Existing Conditions Plan prepared by The Chazen Companies, dated March 4, 2019;
- C110 Map of Proposed Lot Line Revisions prepared by The Chazen Companies, dated February 5, 2019;
- C130 Site Plan prepared by The Chazen Companies, dated November 8, 2019;
- C140 Utility Plan prepared by The Chazen Companies, dated November 8, 2019;
- C150 Erosion & Sediment Control and Grading Plan by The Chazen Companies, dated November 8, 2019;
- C530 Site Details prepared by The Chazen Companies, dated March 26, 2019; revised November 8, 2019;
- C540 Storm Sewer Details prepared by The Chazen Companies, dated March 26, 2019;
- C541 Storm Sewer Details prepared by The Chazen Companies, dated November 8, 2019;
- C550 Erosion & Sediment Control Details prepared by The Chazen Companies, dated March 26, 2019;
- C551 Erosion & Sediment Control Notes prepared by The Chazen Companies, dated March 26, 2019; and
- Container Layout 3D Simulation prepared by The Chazen Companies, dated October 8, 2019.

**WHEREAS**, at its October 17, 2019 meeting, the Town Board reaffirmed its SEQRA Negative Declaration for the Proposed Action and referred this matter to the Ulster County Planning Board; and

**WHEREAS**, the Ulster County Planning Board in its letter received November 12, 2019, issued several required modifications; and

**WHEREAS**, upon review of the Required Modifications, the Town of Ulster Planning Board recommends that the required modifications be addressed as conditions of granting Site Plan Amendment approval.

**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 grant

Conditional Site Plan Amendment approval subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details as cited herein;
4. The applicant secures a permit for commercial driveway access from Ulster County DPW;
5. The applicant submits a Lighting Photometric Plan with lighting levels calculated for the plan with levels not to exceed the Illuminating Engineering Society (IES) Outdoor Site/ International Dark Sky Association (IDSA) Area Recommended Illuminance Levels. All luminaires are required to be LED and will need to meet the “fully shielded” definition adopted by the International Dark Sky Association (IDSA) or be an approved fixture of IDSA with cut sheets provided
6. The applicant submits a Landscaping Plan that provides additional landscaping, particularly the portion of the property to the east of the switchyard designated to be a stockpile during construction.
7. The Town’s consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
8. All fees, including consultant fees, shall be paid.

**Central Hudson Training Center - P-763 & P-764**  
**2229-2271 Route 9W**  
**SBL: 39.15-4-11**  
**Zone: HC**  
**Site Plan and Lot Line Adjustment**

Lawrence Paggi, Civil Engineer, and Donald Swartz, Professional Architect, appeared on behalf of an application to construct a training facility near their existing facility on 9W in Lake Katrine.

Mr. Paggi stated that since the last meeting, they had added a detailed landscape plan that had been prepared by their landscape architect, minor additions of a security trail around the site and a sidewalk that had been added to the Bread Alone facility near the 9W ROW. Mr. Paggi stated that they have also been in communications with the Town Designated Engineer regarding technical issues and he believes they are in good shape.

Mr. Sorensen stated that the Town Board held their public hearing for a special permit on October 3<sup>rd</sup> and they have until December 4<sup>th</sup> to make their decision. Mr. Sorensen stated that the Town Designated Engineer issued a letter stating that they have no further comments regarding roadways, stormwater, potable water, or sanitary/sewer aspects of the project. Mr. Sorensen stated that he recommends the Planning Board grant lot line adjustment approval and refer this matter back to the Town Board to grant conditional site plan approval and special use permit approvals.

Mr. Sorensen stated that at the last meeting there had been some required UCPB modifications, so they will need to address those issues. Mr. Sorensen explained that he had a chance to speak to Dennis Larios, Brinnier & Larios, this morning and with respect to the traffic issue, which was one of the County required modifications, their collective thought was to have the applicant coordinate with New York State Department of Transportation (DOT) to address those issues; that will be a condition of approval.

Mr. Sorensen stated that the Town Board has issued a SEQR Neg. Dec, so the Planning Board can make a decision on the lot line adjustment. Mr. Sorensen stated that the proposed maps for the adjustment clearly shows what's being proposed, so he recommends acceptance of the map.

Mr. Paggi stated that there is way-finding signage on their dimensional plan provided. The signs are from the existing Central Hudson facility to Eastern Parkway.

There was a brief discussion regarding noise. Mr. Paggi stated that they spoke of noise last month and what he recalls is that the noise made by Central Hudson will be nowhere near the noise produced by the trains that are adjacent. Mr. Sorensen recommended the Board override that UPCB requirement.

Mr. Sorensen stated that the draft resolution needs to be amended. Mr. Sorensen read the resolution as amended.

**Action:** A motion to grant lot line adjustment approval was made by Mr. Decker, with a second from Mr. Almquist; all in favor with a roll call vote. A motion to refer this back to the Town Board with the recommendation to grant conditional site plan approval and special use permit approval was made by Mr. Stravropoulos, with a second from Mr. Almquist; all in favor with a roll call vote.

## **LOT LINE ADJUSTMENT**

**WHEREAS**, the Applicant – Central Hudson Gas & Electric (CHG&E) – is seeking Site Plan & Special Permit approval to establish a 40,351 square-foot (sf) Training Academy that will feature offices and classrooms, a separate 31,358 sf indoor training area, and an outdoor “gas village” containing (6) 120 sf residential training buildings, (1) 800 sf commercial training building, (1) 240 an apartment training building, and simulated electric transmission and distribution pole yards along with a 41,550 sf Electric Transmission and Distribution Primary Control Center on the subject 56.51-acre site; and

**WHEREAS**, the Applicant is concurrently seeking Lot Line Adjustment approval to swap 1.8-acres with an adjacent parcel, which would be subject to Planning Board review; and

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

- Application for Preliminary Subdivision Plat Approval prepared by Peter Skelly, dated July 29, 2019; and



- Lot Line Revision Plan prepared by Brooks & Brooks Land Surveyors, PC revised 10/29/2019.

**WHEREAS**, the proposed lots would comply with the bulk requirements of the HC-Highway Commercial and R-30 Residential Zoning Districts; and

**WHEREAS**, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves fewer than 5 lots and access roads and structures are not situated within the 100-year floodplain; and

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

**WHEREAS**, a public hearing is not required in accordance with Section 161-11.1 (B) of the Town Code; and

**WHEREAS**, the Town of Ulster Town Board, as Lead Agency issued a SEQRA Negative Declaration on September 19, 2019 on the Proposed Action (Lot Line, Site Plan and Special Permit) and opened and closed its Special Permit public hearing on October 3, 2019; and

**NOW THEREFORE BE IT RESOLVED**, the Planning Board has determined the Town has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Lot Line Adjustment approval as described above to Central Hudson Gas & Electric (CHG&E) subject to the conditions, limitations and restrictions set forth below.

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

## **SITE PLAN**

**WHEREAS**, the Applicant – Central Hudson Gas & Electric (CHG&E) – is seeking Site Plan & Special Permit approval to establish a 40,351 square-foot (sf) Training Academy that will feature offices and classrooms, a separate 31,358 sf indoor training area, and an outdoor “gas village” containing (6) 120 sf residential training buildings, (1) 800 sf commercial training building, (1) 240 an apartment training building, and simulated electric transmission and distribution pole yards along with a 41,550 sf Electric Transmission and Distribution Primary Control Center on the subject 56.51-acre site; and

**WHEREAS**, the Applicant is concurrently seeking Lot Line Adjustment approval to swap 1.8-acres with an adjacent parcel, which would be subject to Planning Board review; and

**WHEREAS**, the subject site is situated within the HC-Highway Commercial and R-30 Residential Zoning Districts; and

**WHEREAS**, the “School of Learning” use is permitted subject to Site Plan and Special Permit approval in both the R-30 Residential and HC-Highway Commercial Districts and the Electric Transmission and Distribution Primary Control Center “public utility,” that is situated within the HC Zoning District, is an allowed use in that zoning district subject to Site Plan approval; and

**WHEREAS**, the Town of Ulster Town Board has the authority (subject to a favorable recommendation from the Town of Ulster Planning Board); to approve the Proposed Action (Site Plan and Special Permit) since more than one (1) acre of land is being used and more than 2,500 square feet of new building area is proposed; and

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

- Project Narrative for CHG&E Training Center prepared by Central Hudson Gas & Electric undated;
- Consent Form signed by Peter Skelly, Member of Carraig Properties, LLC dated July 29, 2019;
- Consent Form signed by Daniel Leader, Member of Largay, LLC dated July 31, 2019;
- Application for Preliminary Subdivision Plat Approval prepared by Peter Skelly, dated July 29, 2019;
- Application for Site Plan & Special Permit Review prepared by Peter Skelly, dated July 29, 2019;
- Full EAF Part 1,2 & 3 by Jessica D. Caserto, Director, Electric T&D Planning dated 7/30/19;
- Threatened & Endangered Species Habitat Assessment by Michael Nowicki dated 7/24/19;

**Civil Set**

- Existing Conditions Plan prepared by Brooks & Brooks Land Surveyors, PC revised 10/29/2019;
- Lot Line Revision Plan prepared by Brooks & Brooks Land Surveyors, PC revised 10/29/2019;
- Site Plan prepared by Swartz Architecture, DPC dated July 30, 2019; revised 10/29/2019;
- Dimensional Site Plan prepared by Swartz Architecture, DPC dated July 30, 2019; revised 10/29/2019;
- Grading Plan (South Side) prepared by Swartz Architecture, DPC dated July 30, 2019; revised 10/29/19;

- Grading Plan (North Side) prepared by Swartz Architecture, DPC dated July 30, 2019; revised 10/29/19;
- Utility Plan (South Side) prepared by Swartz Architecture, DPC dated July 30, 2019; revised 10/29/19;
- Utility Plan (North Side) prepared by Swartz Architecture, DPC dated July 30, 2019; revised 10/29/19;
- Erosion & Sediment Control Details prepared by Swartz Architecture, DPC revised 10/29/19;
- Site Details prepared by Swartz Architecture, DPC dated July 30, 2019; revised 10/29/19;
- Fire Department Engine Maneuvering Plan by Lawrence J. Paggi, P.E., revised 10/29/19;
- Site Construction Details prepared by Swartz Architecture, DPC dated October 29, 2019;
- Sanitary Infrastructure Details prepared by Swartz Architecture, DPC dated October 29, 2019;
- Water Supply Construction Details prepared by Swartz Architecture, DPC dated October 29, 2019;
- Landscape Plan (South Side) prepared by Swartz Architecture, DPC dated October 29, 2019; and
- Landscape Plan (North Side) prepared by Swartz Architecture, DPC dated October 29, 2019; and
- Electrical Site Plan (North Side) by Gerard Associates, Consulting Eng., P.C., dated 8/27/19; and
- Electrical Site Plan (South Side) by Gerard Associates, Consulting Engineers, P.C., dated 8/27/19.

### **Architectural**

- Training Academy Floor Plan prepared by Swartz Architecture, DPC dated July 30, 2019;
- Primary Control Center Floor Plan prepared by Swartz Architecture, DPC dated July 30, 2019;
- Training Academy & Primary Control Center Elevation by Swartz Architecture, DPC dated 7/30/19;
- Gas Village Floor Plan and Exterior Elevations by Swartz Architecture, DPC dated July 30, 2019;
- Annex Floor Plan prepared by Swartz Architecture, DPC dated July 30, 2019;
- Annex Exterior Elevations prepared by Swartz Architecture, DPC dated July 30, 2019; and
- Annex Exterior Elevations prepared by Swartz Architecture, DPC dated July 30, 2019.

### **Studies**

- Stormwater Pollution Prevention Plan by Lawrence J. Paggi, P.E., revised September 2019; and
- Threatened-Endangered Species Habitat Suitability Assessment by Ecological Solutions 7/24/19.

**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 CRR-NY 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 the SEQRA Type 1 Action-Coordinated Review at its August 15, 2019 meeting and circulated its notice; and

**WHEREAS**, the Town of Ulster Town Board, as Lead Agency issued a SEQRA Negative Declaration on September 19, 2019 on the Proposed Action (Lot Line, Site Plan and Special Permit) and opened and closed its Special Permit public hearing on October 3, 2019; and

**WHEREAS**, a Stormwater Pollution Prevention Plan (SWPPP) dated September 2019 was reviewed by the Town Designated Engineers (TDE) Brinnier & Larios, P.C., with a finding that it has been prepared in conformance with the requirements of the York State Stormwater Management Design Manual (NYSDEC, January 2015) and recommendation that it be accepted by the Town; and

**WHEREAS**, the Town Designated Engineer, in a letter dated November 7, 2019 found the applicant had addressed its October 18, 2019 review letter and that they had no further comments on the roadway, stormwater, potable water and sanitary sewer aspects of the project; and

**WHEREAS**, the Town Consulting Planner, in a letter dated November 12, 2019 found the applicant had addressed all outstanding planning related comments and recommended the Planning Board approved the Lot Line Adjustment and then refer this matter to the Town Board with a recommendation to grant Site Plan and Special Permit approval; and

**WHEREAS**, the Town of Ulster Planning Board granted Lot Line Adjustment approval at its November 12, 2019 meeting; and

**WHEREAS**, the Ulster County Planning Board in its letter dated September 4, 2019, issued several required modifications; and

**WHEREAS**, upon review of the Required Modifications, the Town of Ulster Planning Board found most were addressed through revisions to the Plan Set, but recommends the Town Board override the required modifications related to noise, and that as a condition of Site Plan and Special Permit approval, basic traffic data should be provided and the need for additional effort on traffic coordinated to the satisfaction of the NYSDOT.

**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 grant Conditional Site Plan and Special Permit approval 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. Basic traffic data should be provided and the need for additional effort on traffic coordinated to the satisfaction of the NYSDOT;
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.

**Stewart's Shops – P-770**

**45 Boices Lane**

**SBL: 48.42-2-5**

**Zone: LC**

**Site Plan Amendment**

Marcus Andrews, Stewart's Shops, appeared before the Board on behalf of an application to renovate the existing Stewart's on Boices Lane and Morton Boulevard. Mr. Andrews explained that they would like to construct an addition of eight-hundred and eighty-three square feet (883 sf), remove the existing canopy and construct new gas canopy that will have four (4) islands, with one island that will have a three plus one low-flow diesel for small vehicles. There are nine (9) exiting parking spaced on the parcel, and they are proposing a total of seventeen (17), with a few being in the front of the building and a few on the backside of the building.

Mr. Andrews explained that they had taken the Board's recommendation regarding the façade. The applicant is now proposing stone along the bottom of the building and painting the split-faced block above the stone and adding a false window to break up the long run of proposed building.

Mr. Andrews stated that they are concurrently being seen before the Zoning Board of Appeals (ZBA) and that there is not much the Planning Board can do for them this evening, but that he will be back next month after they receive their variance for the canopy setback.

Mr. Andrews explained that he did receive the Town's comments and he will provide the town with a photometric plan as well as light specs for what they're proposing. Mr. Andrews explained that the lighting will remain the same, but will be altered due to the canopy change and will be altered as needed per code.

Mr. Andrews stated that the ZBA had requested a rendering showing the proposed look from the intersection and showed the Board the rendering.

Chairman Mulligan stated that he noticed that their store in Lake Katrine had the stone on the façade and it's aesthetically pleasing.

**Action:** No further motion was made.

**Callanan – P-771**  
**701 Flatbush Road**  
**SBL: 48.16-3-5**  
**Zone: OM**  
**Site Plan Amendment**

John Romeo, InSite Northeast (Engineer), appeared on behalf of an application for a lot line adjustment in order to dedicate a portion of the lot to the Town, as well as site plan amendment.

Mr. Romeo explained that the emergency safety fence has been installed and GSI's engineers deemed that fence sufficient for retainment. Mr. Romeo stated that the contractors worked diligently to remove materials that were at the top of the ridge.

Mr. Romeo stated that they have worked with the Town to remove themselves from the ZBA agenda as they do not need to extend the safety fence any further.

Mr. Romeo stated that he was currently before the Board to discuss the lot line adjustment. Callanan is proposing to dedicate a small portion of the property, that contains the bus shed, to the Town. The intention is to remove the existing shed and to work with the Town to replace it with a pre-fabricated one. The area to be dedicated is a thirty by thirty (30' x 30') area.

Mr. Romeo stated that along with the dedication, they would be re-paving the area behind the fire house in East Kingston that had been used for a staging area.

Mr. Romeo showed the Board updated plans.

Mr. Romeo stated that Callanan and the site contractor are working with the church to restore the shrine area and he does not have specific details for that as it is happening on an as needed basis.

Warren Tutt, Town of Ulster Building Inspector, asked if they would be paving the north and south parking at the Fire House. Mr. Romeo stated that he would have to check; he knows they will be doing the south parking, but is not sure about the north parking. Mr. Romeo stated that if the Town requests it, he is sure they would accommodate that request.

Mr. Sorensen stated that the Planning Board can approve the Lot Line Adjustment. The dedication would be added to the Town ROW should the Town accept the dedication. Mr. Sorensen stated that the Town Board would have to approve the dedication.

Mr. Decker stated that there has been a lot of traffic at the East Kingston Fire Department since they had to construct this fence and Chairman Mulligan told Mr. Romeo that the Board would like to see both the north and south parking lots repaved.

Mr. Wadnola asked if the applicant planned on doing any landscaping. Mr. Wadnola further stated that if someone went out there right now, it looks "pretty rough"; will they bring out a

bulldozer to level off the slopes, so they look nice? Mr. Romeo stated that he will speak to the people at Callanan to see specifically what they plan on doing but he does know that they are planning on restoring some sense of normalcy to the area after all the work they have done to it, including the shrine which had been heavily impacted.

**Action:** A motion to accept the lot line adjustment was made by Mr. Decker, with a second from Mr. Almquist; all in favor with a roll call vote. A motion to refer this matter to the Town Board to approve the dedication of the bus stop was made by Mr. Stravropoulos, with a second from Mr. Almquist; all in favor.

**Care Design - P-777**  
**153 Sawkill Road**  
**SBL: 48.14-2-35**  
**Zone: OM**  
**Sign Site Plan Amendment**

Courtney Sahler, Care Design NY, and John Roach, property owner, appeared on behalf of the application to construct a two-sided freestanding sign that will be perpendicular to Sawkill Road. Ms. Sahler explained that there is an existing sign for the former IRS building that is parallel with the road and they would like to reconfigure the location of the sign so it has more visibility from Sawkill Road.

Mr. Almquist asked what Care Design was. Ms. Sahler responded that it is a Health Home that provides care management services to individuals with intellectual disabilities and help link them to different services.

Mr. Sorensen stated that this project is classified as a SEQR Type II action, requiring no further SEQR review.

**Action:** A motion to classify this project a SEQR Type II was made by Mr. almquist, with a second from Mr. Almquist; all in favor. A motion to grant sign site plan amendment approval was made by Mr. Decker, with a second from Mr. Almquist; all in favor with a roll call vote.

**WHEREAS**, the applicant – Courtney Sahler dba Care Design NY – is seeking Site Plan Amendment approval to install a double-sided freestanding sign with agency logo perpendicular to the road in the same location as an existing freestanding sign. ; and

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

- Site Plan Review Application signed by the applicant Courtney Sahler, dated November 4, 2019;
- SEQRA Short EAF Part 1 signed by the applicant Courtney Sahler, dated October 23, 2019; and

- Sign Details for Care Design NY submitted by the applicant with measurements provided.

**WHEREAS**, the Town of Ulster Planning Board retains the authority to approve the Site Plan amendment for this Proposed Action since the proposed modifications to the existing Site Plan does not result in new gross floor area; and

**WHEREAS**, the Proposed Action does not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan and change in use and the proposed sign complies with the Town Code requirements; and

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

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Site Plan Amendment approval to Courtney Sahler dba Care Design NY on the above referenced site subject to the conditions, limitations and restrictions set forth below.

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

**Frank Sardo - P-778**  
**362 Glenerie Boulevard**  
**SBL: 39.11-4-42**  
**Zone: R30**  
**Lot Line Deletion**

Khattar I. Elmassalemah, P.E., Praetorius & Conrad, appeared on behalf of an application to combine two lots on Glenerie Boulevard. Ms. Elmassalemah explained that the two lots are adjacent and are twenty thousand square foot (20,000 sf) each. The property owner wants to consolidate lots, creating one conforming lot. The house that was there is under demolition and in order to rebuild, he must combine the lots to have enough square footage for an R30 zone.



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

**WHEREAS**, the applicants – Frank Sardo c/o Praetorius & Conrad, P.C. – is seeking a Lot Line Adjustment approval to combine Town of Ulster Tax Parcels SBL 39.11-4-42 and 39.11-4-43; and

**WHEREAS**, pursuant to Section 161-9 of the Town Code, the Proposed Action is classified as a Lot Line Adjustment, which is subject to the approval of the Town of Ulster Planning Board; and

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

- Consent Form signed by Frank Sardo., dated October 22, 2019;
- Application for Lot Line Adjustment prepared by Frank Sardo, dated October 22, 2019;
- SEQR Short EAF Part 1 prepared by Khatter Elmassalemah, PE., dated November 1, 2019; and
- Lot Line Deletion Map prepared by Praetorius & Conrad, P.C., dated November 1, 2019.

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

**WHEREAS**, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves fewer than 5 lots and access roads and structures are not situated within the 100-year floodplain; and

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

**WHEREAS**, a public hearing is not required in accordance with Section 161-11.1 (B) of the Town Code; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action is a SEQRA Type II Action pursuant to (NYCRR 617.5 (C) (16)) of the SEQRA Regulations.

**NOW THEREFORE BE IT RESOLVED**, the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Lot Line Adjustment approval as described above to Frank Sardo subject to the conditions, limitations and restrictions set forth below.

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

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary