

## TOWN OF ULSTER PLANNING BOARD

October 8, 2019

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, October 8, 2019, at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

### Present:

Anna Hayner

Andrew Stravropoulos

Gary Mulligan – Chairman

Lawrence Decker

Frank Almquist – Vice Chairman

Alan Sorensen – Planner

### Absent:

John More (alt.)

Frederick Wadnola (alt.)

Roll call was taken.

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

### Public Hearing

**Vetere / Andretta - P-761**

**97 Ulster Landing Road**

**SBL: 48.8-2-4**

**Zone: R30**

**Major Subdivision**

Michael Vetere III appeared on behalf of an application for a major subdivision. Mr. Vetere stated that he was back for the third month for a four lot subdivision at 97 Ulster Landing Road.

Mr. Vetere stated that the only change that has been made since last month is the addition of a one-hundred foot (100') buffer between the lots and the stream on the map showing that there is no state classification on the portion of property that was purchased. All of the lots have County approved curb-cuts. Mr. Vetere stated that he has a letter of feasibility for the septic systems from a Professional Engineer and they are about forty-eight (48) hours away from getting their final submission from the Cultural Resource Information System (CRIS), which is through the State Historic Preservation Office (SHPO).

Mr. Vetere stated that he was before the Board tonight looking for final approval based upon the contingency of the applicant finishing their Phase 1A archaeological study.

Mr. Stravropoulos asked Mr. Vetere what the dashed line was that was on the map toward the back of the parcel, to which Mr. Vetere stated it was a small stream that ran through the back of the lots. Mr. Vetere stated that the stream is inaccessible and since you can't go within one-hundred feet (100') of the stream it doesn't come into play since it's unclassified by the state and is "basically a drainage ditch."

Chairman Mulligan had a question about a letter that had been received stating that further investigation and testing must be done. Mr. Vetere stated it was for the actual septic system design, there will need to be further testing done as they move forward. Mr. Vetere explained that there are multiple locations possible for the septic systems on the parcels. Mr. Vetere stated that it is cost effective to the applicant and the homebuyer to let the homebuyer decide where they would like their home and septic placed as it's quite costly to have a set septic plan and then have the buyer unhappy with that choice and move the septic and home to another location on the parcel; having the letter of feasibility is the best way to move forward without being held to one location. Lots 2, 3 and 4 have seasonal river views or year-round second story river views so the buyer must have their option in home location since there is ample room.

Mr. Vetere stated that he would have loved to bring the Board around the area a couple of months ago. The whole area was farm at the turn of the 1900's. It was all cleared at one point and the growth in that area is maybe thirty (30) years old; the cedar trees are maybe eight inches (8"). Mr. Vetere stated that they had a logger go through the properties and the areas they would develop, there are no hardwoods present so nothing would need to be logged. Mr. Vetere stated that an asbestos abatement was also completed and no asbestos was present.

Chairman Mulligan asked Mr. Sorensen what needs to be done so the applicant can keep the options open for the homebuyer in regards to the septic and home placement. Mr. Sorensen stated that the applicant would need a notation on the plat approval stating that Ulster County Health Department approval of on-site well and septic shall be required prior to the issuance of a building permit. Mr. Vetere stated that he will make that notation on the plans and that when the time comes it is more than likely that he will be doing the septic design.

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

Mr. Sorensen recommended that the Board issue a SEQR Negative Declaration (Neg. Dec.).

**Action:** A motion to issue a SEQR Neg. Dec. was made by Mr. Almquist, with a second from Ms. Hayner; all in favor. A motion to grant conditional final plat approval was made by Ms. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote.

**WHEREAS**, the applicants – Michael Vetere, Jr. and Laurel Andretta c/o Michael C. Vetere, PLS (Agent) – are seeking approval to subdivide a 17.337-acre lot into four (4) lots; and

**WHEREAS**, pursuant to Chapter 161 of the Town Code, the Major Subdivision is subject to review and approval by the Town of Ulster Planning Board, which held the required public hearings on September 9, 2019 and October 8, 2019; and

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

- Consent Form by Laurel Andretta and Michael F. Vetere, Jr. making Michael C. Vetere, P.L.S (Agent);

- Project Narrative prepared by Michael C. Vetere, P.L.S (Agent) dated July 31, 2019;
- Application for Preliminary Subdivision Plat Approval by Michael C. Vetere, P.L.S, dated 7/31/2019;
- SEQRA Short EAF prepared by Michael C. Vetere, P.L.S, dated 7/30/19; and
- Map of Survey for Laurel S. Andretta & Michael F. Vetere, Jr., by Michael C. Vetere, P.L.S, dated 7/4/19.

**WHEREAS**, the applicant is proposing to subdivide the 17.337-acre site into four (4) lots as follows: Lot No. 1 consisting of 3.011-acres; and Lot No. 2 consisting of 3.338-acres; Lot No. 3 consisting of 4.469-acres; and Lot No. 4 consisting of 6.519-acres; and

**WHEREAS**, the Town of Ulster Planning Board held the required public hearings on September 9, 2019 and October 8, 2019; and

**WHEREAS**, the Town of Ulster Town Board as the Lead Agency for this Unlisted Action-Coordinated Review issued a SEQRA Negative Declaration upon a finding the Proposed Action will result in no significant adverse impacts on the environment.

**WHEREAS**, the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act (SEQRA).

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

1. A finding of no impact or an approved Letter of Resolution (LOR) by the New York State Office of Parks, Recreation and Historic Preservation;
2. Applicant provides deed descriptions for the proposed lots;
3. Final Plat and deeds may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
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
5. 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
6. All fees, including consultant fees, shall be paid.

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

The applicant was not present.

A motion to open the Public Hearing was made by Mr. Stravropoulos, with a second from Mr. Almquist; all in favor. There were no comments from the public. A motion to close the Public Hearing was made by Mr. Almquist, with a second from Ms. Hayner; all in favor.

Mr. Mulligan stated that since the project will be seen before the ZBA tomorrow night for a variance to allow for the subdivision, there is no action the Board can take tonight and the applicant will be back before the Board in November for a decision.

**Action:** A motion to issue a SEQR Neg. Dec. was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

Walter Eckert appeared at the end of the meeting on behalf of the applicants. Mr. Sorensen explained to Mr. Eckert that the Board had handled it. Mr. Sorensen stated that they anticipate that they will come back next month and get their approvals.

### **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**

Dave Young, Chazen Companies, appeared on behalf of an application to construct a battery powered storage facility. Mr. Young stated that he is back before the Board to present a container layout instead of a building layout that was initially proposed. Mr. Young stated that their amendment was prompted by changes made to the New York State Building Code. Mr. Young stated that the container system is something that Glidepath has done all across the Country so they are very familiar with them.

Mr. Young stated that, aside from the structure the batteries are being held in themselves, the changes of the project are very minimal. The area of disturbance is now 2.5 acres which is slightly smaller than it was previously. The impervious surface is now about 1.3 acres, which is also down from the previously proposed impervious surface.

Mr. Young stated that the containers are arranged so there are four (4) containers to one (1) inverter/transformer, which is similar to what was previously proposed. Previously there were ten (10) inverters/transformers spread throughout the site and that's what is still being proposed. Each of the containers is about the size of a shipping container; eight feet wide by forty feet length and eight and a half feet tall (8' x 40' x 8.5'.) The containers will be placed on concrete piers or pads, depending on the brand or style of the containers which will be submitted during the building permit process. Mr. Young stated there is a T-turnaround at the end of the drive access through the property and a back-up area for any emergency vehicles. Erin Hazen, Glidepath, has met with the fire Chief to make sure there aren't any issues.

Mr. Young stated that the drainage is still the same. Mr. Young explained the stormwater discharge plan for the property which will have a slow meter discharge on both sides of the wetlands present.

Mr. Young stated that he had attended a workshop meeting and discussed snow removal. Mr. Young stated that they had provided a small area but are trying to add an additional area. Mr. Young stated that there is plenty of room, but they need to decide which area is best so as to not disturb operations nor have a huge pile of snow.

Mr. Young explained that archaeology has been cleared and they will require a County driveway permit for the entrance and have the preliminary approval for that. There is a two inch (2") PVC pipe that needs to be removed that was a part of the landfill gas monitoring system that is no longer operational; it will require a Department of Environmental Conservation (DEC) permit.

The project is twenty mega-watts (20mW), a total of four (4) hours or eighty (80) mega-watt hours. Each container has what Mr. Young refers to as a desktop full of batteries which are placed into racks and those racks are placed into a string; there are a couple strings in each container. The containers are self-contained and there is dry system fire suppression system in each container. The site is remotely monitored twenty four hours a day, seven days a week (24/7). There are no offices or daily personnel at the site and if there's an issue or if an alarm goes off, Glidepath will have a service on the 87 corridor throughout this region and they will summon that person to take care of the issue.

Mr. Decker asked what color the containers are and Mr. Young responded that they are standard steel gray in hopes they will blend into the snow during winter months. Mr. Young showed the Board 3D renderings of what the site is proposed to look like.

Mr. Young stated that in the past communities have asked what happens if there is a gunshot in the area. The batteries are in sealed packets, which are tertiary containment, and the electrolytes present are minimal in a gel material and those are placed in modules placed inside a container which has a sealed bottom. If there is a gunshot from hunting, the system will alarm that module/battery and the system will shut down until personnel has fixed the problem.

Mr. Young stated that at this point, they are looking for reaffirmation of a SEQR. The changes that were presented were a lesser impact to the overall project site.

Chairman Mulligan asked Mr. Sorensen for any comments he may have. Mr. Sorensen stated that all the thresholds established in the initial SEQR Neg. Dec. are still valid as the current proposed project does not exceed any of those. Mr. Sorensen recommends referring the plan back to the Town Board to reaffirm the SEQR Neg. Dec. and also refer the project back to the Ulster County Planning Board (UCPB) for the 239-m review.

**Action:** A motion to refer this project to the Town Board to reaffirm their SEQR Neg. Dec. and to forward the project to the UCPB for review was made by Mr. Almquist, with a second from Ms. Hayner; all in favor.

**Odilio Aguirre – P-756**  
**990 Flatbush Road**  
**SBL: 48.8-2-24.200**  
**Zone: OM**  
**Site Plan**

No representation was present. Mr. Sorensen stated that he had spoken with Allan Dumas, Brinier & Larios, earlier in the day. Mr. Sorensen stated that a public hearing for a Special Permit was held on August 15<sup>th</sup> before the Town Board and no action had been taken, but the public hearing had been closed. When the Town Board closed the public hearing, it started the sixty-two (62) day time-clock to make a decision which would bring the decision date to October 17<sup>th</sup>. Mr. Sorensen now finds the application sufficiently complete to refer this matter back to the Town Board with the recommendation to grant special permit approval to develop a contractor storage facility. After the Town Board, it will come back to the Planning Board in November for the consideration of site plan approval.

**Action:** A motion to refer this matter to the Town Board to grant Special Permit approval was made by Mr. Stravropoulos, with a second from Mr. Almquist; all in favor.

**WHEREAS**, the applicant – Odilio Aguirre – is seeking Site Plan & Special Permit approval to develop a Contractors Storage Yard on the subject site, which is situated within the OM-Office Manufacturing 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 Planning Board since the Proposed Action involves less than 2,500 sf of new building area; and

**WHEREAS**, pursuant to Chapter 190 of the Town Code, the Proposed Action is subject to Special Permit review and approval by the Town of Ulster Town Board; and

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

- Cover Letter authorizing Diego Celaya & Allan Dumas as (Agents) by Odilio Aguirre dated 6/28/19;
- Cover Sheet for 990 Flatbush Avenue by Diego Celaya dated June 28, 2019;
- Consent Form by Odilio Aguirre (Owner) consenting to the filing of the application dated 6/28/19;
- Application for Site Plan Review prepared by Odilio Aguirre dated June 28, 2019;
- Short EAF Part 1 prepared by Odilio Aguirre dated June 28, 2019; and
- Site Plan for Odilio Aguirre by Christopher J. Zell, LLS and Dennis Larios, P.E., dated June 2019; and revised August 14, 2019.

**WHEREAS**, the Proposed Action is a SEQRA Type II Action pursuant to 6NYCRR Part 617.5(c)(9) of the SEQRA regulations for which no further review is required; and

**WHEREAS**, the Town of Ulster Town Board held its public hearing on the Special Permit request on August 15, 2019 thereby giving it until October 17, 2019 to make a decision; and

**WHEREAS**, this matter was referred to the Ulster County Planning Board (UCPB) and in a letter dated August 7, 2019 issued several required modifications and the Town of Ulster Planning Board found the County's concerns were address through refinements in the project design and that NYSDOT approval of site access will be condition of Site Plan approval pending the Town Board's approval of the Special Permit to allow the use on the site; and

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board herby refers this matter to the Town Board with a recommendation that it approve the Special Permit and refer this matter back to the Ulster Planning Board for final review of the applicants request for Site Plan approval.

**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. Mr. Andrews explained that the current store is twenty-four hundred square feet (2,400 sf) and make an addition to the north side of the building which will then make the total structure three-thousand, two-hundred and eighty-three square feet (3,283 sf).

The applicant is also looking to remove the existing gas canopy with three (3) fueling islands and propose a new gas canopy with four (4) fueling islands. The new canopy will have two islands that will have low-flow diesel for small commercial vehicles. The existing tanks will remain in the ground. Currently there is an eight thousand (8,000) gallon tank in the ground split in half, four thousand (4,000) each of medium grade and super. Mr. Andrews stated that the medium grade would be removed and they would then use a blend that consists of unleaded and super. Mr. Andrews stated that this tank would be turned into the diesel fuel so there won't be any additional tanks added to the site.

Mr. Andrews stated that they currently have nine (9) parking spots for the existing twenty-four hundred square foot (2,400 sf) building. As per the Town Code, they would need a total of sixteen (16) spots and they are proposing seventeen (17); two (2) more spots against the building and parallel parking against the backside of the lot.

The existing landscaping along the intersection of the property would be removed completely and the applicant would add small shrubs and perennials to add some color to the intersection. The applicant is proposing a flower bed around the existing freestanding sign, which they are proposing to switch to and LED price sign showing regular and diesel pricing.

Mr. Andrews stated that the curb cuts will remain the same.

Mr. Andrews stated that they are concurrently with the ZBA for their setback variance for the canopy. Chairman Mulligan asked if that hearing would be next month and Mr. Andrews stated that they are on tomorrow night's agenda for the ZBA to introduce the project.

Chairman Mulligan asked Mr. Andrews to clarify exactly where the extra parking spaces were going. Mr. Andrews stated that they will be parallel to the edge of the curb. Mr. Stravropoulos asked if there will still be a traffic pattern there and Mr. Andrews stated that will be cut-off completely. There will be a patio on that same side and the facade will match the existing split face block on the existing building.

Mr. Almquist asked if the applicant plans on doing anything to break up the solid mass on the north side of the building. Mr. Andrews stated that at this time there is not a plan, but he understand the concern. Mr. Andrews stated that in the past there would be an air machine, but that doesn't break anything up. Mr. Andrews stated that in the past they have put in fake windows to break up the mass, but there is good and bad with them; they do break up the building, but they also look like fake windows. Mr. Almquist stated that it is a very visible corner. Chairman Mulligan stated that Stewart's did the fake window on 9W and Mr. Sorensen agreed. Mr. Almquist stated that even a change in architectural details, instead of the fake windows would probably suffice and Ms. Hayner agreed. Mr. Andrews stated that there are options they can look at and will do so.

Chairman Mulligan asked if Mr. Sorensen had any comments. Mr. Sorensen stated that the applicant has covered pretty much everything. Mr. Sorensen stated that it was his understanding that the ZBA will meet tomorrow on this project and schedule a public hearing for November's meeting. The site plan must be reviewed by the UCPB so the recommendation is to forward it to the UCPB for review. Chairman Mulligan stated that Mr. Sorensen's notes also recommend classify the project as a SEQR Unlisted Action Uncoordinated Review. Mr. Sorensen stated that the reason he recommended and Uncoordinated Review is because the ZBA has to make its own determination.

**Action:** A motion to classify this project as a SEQR Unlisted Action Uncoordinated Review and refer the project to the UCPB was made by Mr. Almquist, with a second from Mr. Stravropoulos; all in favor.

**Smoker's Choice – P-772**  
**1146 Ulster Avenue**  
**SBL: 48.42-3-6**  
**Zone: RC**  
**Sign Site Plan Amendment**

Steven Moss, Smoker's Choice, appeared on behalf of an application or an addition of more signs to the front façade. Mr. Moss showed the Board the existing sign and stated that he would like to add a sign to each side of the existing sign.



Mr. Sorensen stated that the application is straight forward. The applicant is looking to add a little over fifteen square feet (15 sf) to the sign area and even with that, they'd be well under the sign area allowed in that zone.

Mr. Sorensen recommended conditional sign site plan amendment approval subject to building department approval and to classify the project as a SEQR Type II action.

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

**WHEREAS**, the applicant – Smoker's Choice Management dba Smoker's Choice – is seeking Site Plan Amendment approval introduce a new exterior color scheme to the existing Smoker's Choice façade located at 1146 Ulster Avenue; and

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

- Consent Form signed by the Darren Schwartz, Partner, dated August 12, 2019;
- Site Plan Review Application signed by the Darren Schwartz, Partner, dated August 12, 2019;
- SEQRA Short EAF Part 1 signed by the Steven Moss, Partner, dated August 12, 2019; and
- Sign Details and Elevations prepared by Fast Signs., dated August 30, 2019.

**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 all signs will be required to comply 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 Smoker's Choice Management dba Smoker's Choice 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.

**Duke's Auto - P-774**  
**853 Flatbush Road**  
**SBL: 48.12-2-3**  
**Zone: OM**  
**Site Plan Amendment**

Roger Hummer, All County Construction, appeared on behalf of the application to construct a twenty four foot by thirty foot (24' x 30') standard carport. Mr. Hummer stated that the Board had approved a carport like this the previous year. Mr. Hummer explained that they are proposing the exact same carport, just on the opposite side of the building. Mr. Hummer explained that it has open sides, a roof that will match the building and a three foot (3') sectional in the front that will also match the building.

Chairman Mulligan asked if Mr. Sorensen needed time to review the site plan. Mr. Sorensen stated that this plan is pretty straight forward. The plans were prepared by a licensed surveyor and was stamped, has approval blocks and the carport will not interfere with maneuverability on-site. Mr. Sorensen stated the project will be classified a SEQR Type II action, so he recommends the Board classify it as such. Mr. Sorensen also recommends that the Board grant site plan amendment approval.

**Action:** A motion to classify this project a SEQR Type II was made by Ms. Hayner, with a second from Mr. Almquist; all in favor. A motion to grant site plan amendment approval was made by Mr. Stravropoulos, with a second from Mr. Almquist; all in favor.

**WHEREAS**, the applicant – All County Construction with the Consent of Anthony Cecelia (Property Owner) – is seeking Site Plan Amendment approval to add a 24' x 30', or 720 square foot (sf) addition to the Dukes Auto building on the subject site, which is located at 853 Flatbush Avenue (New York State Route 32); and

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

- Site Plan Consent Form signed by Anthony Cecelia, property owner dated 9/24/2019;
- Site Plan Application prepared by Roger Hummer, All County Construction dated 9/24/2019;
- SEQR Short EAF prepared by Roger Hummer, All County Construction dated 9/24/2019; and

- Sketch Plan based upon Site Plan prepared by Marie T. Welch, LLS of Welch Surveying, dated 10/2/2019.

**WHEREAS**, pursuant to Section 145-2 of the Town Code, the Planning Board has the authority to approve the Site Plan application since the Proposed Action involves a change in use to an existing building; and

**WHEREAS**, the Planning Board considered 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**, the Town of Ulster Planning Board as Lead Agency found the Proposed Action was a SEQR Type II Action for which no further environmental review was required; and

**NOW THEREFORE BE IT RESOLVED** the Planning hereby finds the Site Plan application complete; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Conditional Site Plan approval to All County Construction to add a 24' x 30', or 720 square foot (sf) addition to the Dukes Auto building 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 applicant submits a revised Site Plan showing the location of the proposed building addition;
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.

**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 Resubdivision**

Paul Hakim, Pioneer Realty Advisors, appeared on behalf of an application of a major subdivision to modify the existing configuration of lot lines. Mr. Hakim shared with the Board the proposed lot line configuration and the existing lot line configuration. Mr. Hakim went over the businesses present. Mr. Hakim explained how each of the businesses utilizes the parcels for access and parking currently. Mr. Hakim stated that they reallocated the property lines to better match what the utilization is. Currently, when the tax bill comes for the lot marked as gray on the plans, they're allocating sixty-five percent (65%) of the lot to Camper's World building, twenty

percent (20%) to Central Hudson building and fifteen percent (15%) to the Ford building, as opposed to have separate tax lots per each building.

Mr. Hakim stated that the applicant wanted to fix this with an Open Development Area (ODA) plan, so Mr. Hakim approached the Town Board to see if they were inclined to consider that and for a lot of good reasons they did not. Mr. Hakim attended a Workshop and Mr. Sorensen told him that as long as they make a private road with a dedicated easement and a road maintenance agreement, each one of the lots will meet the requirement of road frontage. Mr. Hakim stated that the gray lot shown on the plans will be the owner of the road. There will be a fifty foot (50') easement created that will be shared by everyone.

Mr. Hakim stated that the idea is to clean up the lines on the site and have agreements in place so, if in the future pieces are sold off, the agreements and proper parcel lines are in place. Mr. Hakim explained that since there is one remaining Johnson brother that owns all the parcels, with one signature he can bind all those parcels to an easement agreement. Mr. Hakim stated that it also makes his life easier when it comes to managing the properties and tax bills. Mr. Hakim stated that it's similar to what they did at the mall. There was a brief discussion amongst the Board.

Mr. Sorensen stated that the proposed action would be considered a resubdivision, as per the Town Code. As such, procedurally it will require two public hearings. Mr. Sorensen stated that this project will be classified an SEQR Unlisted Action.

Mr. Sorensen stated that it has come to his attention that there are things that have occurred on the Camper's World lot that never got site plan approval, such as the stadium lighting, the flag pole, the wall signs and the building façade. Mr. Hakim stated there was an operator in there that sold the franchise to Camper's World and the new owners had changed everything. Mr. Hakim stated that the remaining Johnson brother did not have control at that point. Mr. Hakim asked what needs to be done to remedy the situation. Mr. Sorensen stated that Camper's World needs to come before the Board for a site plan amendment.

Mr. Sorensen stated that the proposed layout is an improvement from the existing situation. Mr. Sorensen stated that his recommendation to the Board would be to grant sketch plan approval and set the preliminary public hearing for November's meeting.

**Action:** A motion to declare SEQR lead agency and classify this project as a SEQR Unlisted Action, grant sketch plan approval, schedule a preliminary plat public hearing in November and refer the project to the UCPB for review was made by Mr. Almquist, with a second from Ms. Hayner; all in favor.

**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 they made a very substantial submission relative to stormwater. The applicant did extensive soil investigation and as a result of that they did some significant modifications to the stormwater system and finalized the design. Some of the areas that were proposed as bio retention areas will now be ponds and some of the bio retention areas have been adjusted. This was their primary focus because now they are certain this is what the site will look like. Mr. Paggi stated that now they can go through and detail all the specifics relative to the site. Mr. Paggi stated that they have a significant amount of detailing they need to provide the engineers and the water and sewer departments, which they are working on now. The landscaping will be the last thing to be developed. There are some other site amenities that they can show now that the stormwater issues have been fixed. As an example, they propose a trail in the fence area for security to do their patrols and a sidewalk to where Bread Alone is.

Mr. Paggi stated that he was present to give the Board a general update and let the Board know they are still working on the plans. Mr. Paggi stated that he understands that the Town Board has issued a Neg. Dec. at their September meeting and held a public hearing on October 3<sup>rd</sup> for the Special Use Permit. Mr. Paggi asked if the Board would hold off on addressing the lot line adjustment for tonight as they would like to do everything concurrently so there aren't any issues with expiration dates for filing the plans.

Chairman Mulligan stated that they received comments from the County back and would like to go over those. The first required modification is regarding traffic. Mr. Paggi stated that Central Hudson is looking into details relative to traffic after receiving the County's comments. Mr. Paggi stated that in their Environmental Assessment Form (EAF) the traffic levels did not meet the threshold that would be considered significant, but since the County raised the issue, they will provide more substance on that topic. Mr. Paggi stated that Central Hudson is aware that there are existing conditions at times that there is some congestion and there are some things that are being considered. Mr. Paggi stated that it's his understanding that there is a meeting being set up with New York State Department of Transportation (NYSDOT) to discuss this matter further. Mr. Sorensen stated that he will coordinate with the Town to make sure the Environmental Notice Bulletin (ENB) published and if it wasn't would submit it by tomorrow since it's due by Wednesday.

Mr. Paggi stated that now that they know where everything will be placed, he can now move forward developing signage and submit that detail at a later date.

Chairman Mulligan stated that he believes the County is concerned in regards to noise when it comes to the gas village and outdoor activities training on-site. Mr. Paggi explained that much of the gas village training is done inside the buildings, but there may be some back-hoe excavations out on the road, which is similar to someone working on their house next door, and dry utility lines. Chairman asked what the hours of operation for the training activity will be and the response was that unless there is joint activity time with police or fire volunteers on the weekend, it would be during normal business hours. The people that will be coming to train will first go to where they work, then go to the training facility and then back to their job after training is done, so it should be well within normal business hours. Mr. Paggi stated that there is no anticipation for any real noise producing activity. The County is recommending having a noise analysis be administered. Mr. Paggi stated that even if there was some noise, the majority of the complex is surrounded by rock. Mr. Almquist stated that the neighbors would probably get more noise from CSX coming through than the training would produce. Mr. Sorensen stated that the Board can choose to override this recommendation as it seems vague.

The lighting plan had been submitted and the lights are international dark-sky compliant.

The County recommends street trees and Mr. Paggi stated that he's not sure why they would do that as the buildings are not visible unless you're on the site itself. The applicant plans on using the poles along the driveway for training once the wires are strung; the wires won't be live, but they will be used for training purposes. Mr. Paggi stated that when he read the County's comments on landscaping, he believed that would generally be visibility from outside of the complex which is extremely limited. The complex is not visible from the main road except for a very small portion right after Bread Alone. Mr. Paggi stated that he's not saying that it won't be well landscaped, but there's not an opportunity to see it with the topography of the properties. Mr. Paggi stated that the spot they will be putting in a sidewalk that is open may give them an opportunity for nice landscaping. Mr. Almquist stated that the speed limit is fifty-five miles per hour (55 mph) and Mr. Sorensen agreed stating it is a high traffic volume so no one will really see anything. Mr. Sorensen stated that there is much vegetation on that site, plus change of elevations and the railroad on one side, so the site is tucked in.

Mr. Sorensen stated that he has two recommended overrides – one being the traffic. Mr. Almquist stated that he wasn't sure about overriding the traffic recommendation as if a large group gets out at 5 pm, the traffic light could be overloaded as oftentimes traffic backs up from the traffic light by Angela's, especially when school gets out. Mr. Paggi stated that they don't anticipate that as he believes that their days will end at 3:30 pm so they should be back at their own job by 3:30 pm, but he will verify that for the Board. Chairman Mulligan stated that he wasn't too sure what the County comment on traffic meant and asked for clarification if possible. Mr. Sorensen explained that they want a projection of the traffic in two (2) years, if the project will be done in two years, and request a projection of five (5) years out. Mr. Almquist stated that it has been a while since there was a traffic study on that part of 9W. The County is asking for Central Hudson to collect traffic data.

Mr. Paggi stated that they expected less than fifty (50) people to be there operating the place, even with training days. The applicant reserved up to fifty (50) spaces for Primary Control Center (PCC) staff because of the shift change there. Their estimate of people entering and

exiting the site during potential peak hours is roughly fifty (50) people, which is less than the one hundred (100) trips that Department of Environmental Conservation (DEC) considers being significant.

**Action:** No action was taken.

### **Discussion**

Lois Smith appeared before the Board on behalf of her parents, Mary and Uhland Kaschel, for a site plan and special use permit that Odilio Aguirre has applied and is seeking approval for. Ms. Smith stated that she had attended the August 15<sup>th</sup> Town Board meeting randomly to sit and listen as she usually does, and she recognized that Mr. Aguirre was building by her parents' parcel. Ms. Smith stated that the past spring she had told Mr. Aguirre that he can not build on the gravel road that is present as they use that road to enter their property from Route 32. The access is a right-of-way easement that her and her family use to ride horses, four-wheelers and motorcycles, fishing, hunting, etc. Ms. Smith stated that she has that right-of-way listed in nine (9) deeds and she presented quotations of the New York State Law in reference to right-of-way or access to an easement that may not be removed. Ms. Smith stated that there are other neighbors there that utilize that road and have since the 1800's. Ms. Smith stated that on August 15<sup>th</sup> the Town Board held the public hearing and closed the public hearing and the Board had forwarded the plan to the UCPB. Ms. Smith stated that she called the County the next day and the County had stated that they had already reviewed the project. Ms. Smith explained that she did her due diligence to try to present all this information to the Boards reviewing the plans. Ms. Smith stated that she wanted to make sure that the Boards were aware of their right-of-way. Ms. Smith explained that if that gravel driveway is closed off, her parents will have no access to their property behind Mr. Aguirre's as Old Route 32 is so overgrown it's undrivable. Ms. Smith stated that she reached out to NYSDOT and spoke with John Reilly, who told her that Mr. Aguirre nor his representative had reached out to him regarding access to that property and the restructuring of the driveway. Ms. Smith stated that Mr. Reilly stated he will not allow the rear parcels to be shut-off. Ms. Smith stated that if the Board wants her to provide any information, she is willing to provide maps, deed, and anything they would possibly need as proof of the right-of-way. Ms. Smith showed the Board the survey map she had with her.

Ms. Smith stated that she had spoken with Mr. Aguirre and explained that there are wetlands that are visible. Ms. Smith spoke with DEC and this area is an area of concern in reference to the Bald Eagle and the Northern Long-Eared Bat.

Ms. Smith stated that she just wanted to request that the Board not allow the gravel access to be closed off. She reiterated that if that road is closed, her parents and the other property owners behind 990 Flatbush Road will have no access to their properties. Ms. Smith stated that she had ask Mr. Reilley, DOT, if it was possible to get access off Route 199, and Mr. Reilly told her that was not possible. Ms. Smith stated that she's tried every option possible to get a different access to no avail.

Chairman Mulligan stated that Mr. Aguirre would be using that driveway as his access and Mr. Sorensen concurred. Ms. Smith stated that she had a deed showing the easement going back to

the 1800's and Mr. Aguirre seems to be putting a canopy and parking going into her parent's easement. Mr. Almquist stated that if that is the case, the easement must be noted on the site plan. The Board explained that Mr. Aguirre isn't proposing to build or cut-off the driveway, but Ms. Smith stated that he had been parking trucks in the way of the right-of-way.

Mr. Sorensen explained that Mr. Aguirre will need DOT approval in order to make the improvements. Mr. Sorensen and Chairman Mulligan both told Ms. Smith that since she has the easement, Mr. Aguirre will not be allowed to close off the road and her and her family can still use that as an access. Ms. Smith asked what she can do if once it's paved, what will happen when he blocks the driveway with a plow truck? Mr. Sorensen stated that they can make that a condition to not have it blocked. The Board explained that the only thing Mr. Aguirre can do is what is shown and approved on the site plan to try to alleviate Ms. Smith's concerns. Mrs. Kaschel stated that if herself nor her husband are at the next meeting, Ms. Smith has the authority to represent them. Chairman Mulligan stated if they see anything being built or parked in the way of the easement to call the Building Department and they will put a cease to it. The Board thanked Ms. Smith and Mrs. Kaschel for letting them know otherwise they would not have been aware.

Ms. Smith asked what will be done next in the process. Mr. Sorensen stated that there is a recommendation for the Planning Board to refer this matter to the Town Board for the purpose of approving the special use permit, which allows that use on the property. Once that is done, the project will come back to the Planning Board for final site plan approval. During the site plan approval, the notes will be added to the plan for public access. Ms. Smith asked if it was possible to specify no fence or gates, so they're not blocked from their property, and Mr. Sorensen said yes, that is possible.

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary