

## TOWN OF ULSTER PLANNING BOARD

October 20, 2020

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, October 20, 2020, at 7:00 p.m. via the Zoom application. The following members were present:

### Present:

Anna Hayner  
Lawrence Decker

John More  
Gary Mulligan – Chairman

Frank Almquist – Vice Chairman

Dan Furman

Andrew Stavropoulos

David Church – Planner

The Pledge of Allegiance was recited.

Roll call was taken.

A motion to approve the minutes from the September 2020 meeting was made by Mrs. Hayner, with a second from Mr. Stavropoulos; all in favor.

### OLD BUSINESS

#### **Romeo KIA – P-796**

**1670-1678 & 1680-1694 Ulster Avenue**

**SBL: 39.82-2-3.110 & 120**

**Zone: RC**

***Site Plan***

Bruce Utter, Praetorius & Conrad, and Lucia Romeo, Romeo Kia, appeared on behalf of their application to construct a new KIA automotive dealership.

Mr. Utter stated that he had submitted the traffic study that had been done by Creighton Manning and the Stormwater Pollution Prevention Plan (SWPPP). Mr. Utter explained that Creighton Manning had taken the study from the previous plan done in 2014 and added the additional cars to this current study and the study showed that the timing would not need to change on the traffic light by QuickChek as the traffic would not be any worse than what is currently there. There was a brief discussion regarding traffic.

Chairman Mulligan asked if the applicant had a chance to review the comments from the Town Designated Engineers (TDE) and Mr. Utter stated that he did. There was a discussion regarding the comments.

Mr. Almquist asked where snow would be stored during the winter months and Mr. Utter stated that some cars may need to be moved, but that the snow storage would be toward the rear of the property.

There was a brief discussion regarding landscaping. Mr. Utter stated that car dealerships are not a friend of trees due to issues with paint on the vehicles. Romeo KIA will landscape by the monument sign and in the rear by the neighbors and they will keep the existing street trees. Mrs. Hayner stated that no other dealerships have any trees near their display area as it can damage the paint on the vehicles.

Mr. Church stated that the Ulster County Planning Board required the applicant have street trees to comply with the 9W Corridor Enhancement Plan that is in place, but ornamental grass may also be used in place of the street trees. The applicant agreed to low lying plants so that they can comply with the County requirement.

There was a discussion regarding the monument sign. The applicant plans on using the existing sign that is at their current location in Kingston. They will be relocating it and updating it. The existing sign is above the allowed square footage for a monument, so Mr. Utter stated that if the applicant must bury the sign a foot into the ground to comply, the applicant will do so.

There was a brief discussion regarding lighting.

The applicant is proposing to consolidate the two lots and the site plan and lot line adjustment are a bundled plan. Mr. Church stated that the Board can vote on the lot line adjustment tonight and explained that the Town Board has final approval for the site plan.

**Action:** A motion to approve the lot line adjustment with the condition that the Town Board approve the site plan amendment was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor. A motion to override the UCPB's require modifications was made by Mr. Stavropoulos, with a second from Mrs. Hayner; all in favor. A motion to Accept the amended draft resolution was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor with a roll call vote.

**WHEREAS**, the applicant – Romeo KIA Dealership with the Consent of 64 Properties, LLC (property owner) – seeks site plan approval with approval of a lot line adjustment for construction of a 18,991 square foot KIA automobile dealership along with associated parking, access, landscaping, and utility infrastructure. Application includes a Lot Line Adjustment to consolidate the existing parcels SBL 39.82-2-3.110 & 120; and,

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

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

**WHEREAS**, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board who have responded with two (2) binding comments as

follows:

- “Landscaping. The Quick Check located to the south of this parcel has applied the U.S. Route 9W Corridor Enhancement Plan well with respect to street trees along its frontage, working in concert with the sidewalk, which continues in front of the proposals site. Required Modifications.
- Landscaping details will need to be provided and it is highly recommended that the row of street trees be continued northward onto the proposals site as well, utilizing the same variety of trees.
- Signage. It is unclear from the materials provided whether the proposed signage will meet the standards found in the Town’s zoning statute.”; and,

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

Received in February 2020:

- Application for Site Plan Review by Romeo KIA, signed by Lucia Romeo, Corporate Counsel, dated 2/27/2020;
- Signed Owner Consent Form for Filing & Signed Escrow Agreement, dated 2/27/2020;
- Completed Short Environmental Assessment Form, prepared by Bruce D. Utter, PE, dated 2/29/2020;
- Approved Site Plan prepared by Bohler Engineering, PC, dated 10/4/06
- Existing and Proposed Site Plans prepared by Praetorius & Conrad, PC, dated 2/27/2020;
- Floor Plan and Building Elevations prepared by Syvertsen Rigosu, Architects, dated 12/5/19

Received July 2020:

- Romeo KIA Proposed New Dealership Site Plan – including Cover Sheet, Existing Site Plan, Proposed Site Plan, Proposed Grading Plan, Proposed Utility Plan, Proposed Erosion Control Plan, and Proposed Truck Access Plan prepared by Praetorius & Conrad, PC dated 6/30/2020;
- Floor Plans for Proposed Building and Building Elevations (2 sheets) prepared by Syvertsen Rigosu, Architects
- Letter from R. Daniel MacKay, NYS Parks, Recreation and Historic Preservation dated March 11, 2020 and stating that “...no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project....”

Received October 2020:

- Updated copies of all previously submitted documents, plus Traffic Comparison Study by Creighton Manning;
- Stormwater Pollution Prevention Plan (SWPPP) by Praetorius and Conrad P.C.
- Lighting specification sheets

- Additional and updated schematics and elevations; and,

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

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

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

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

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 Plant is approved by the Planning Board; and
4. All fees, including consultant fees, shall be paid.

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

1. Compliance with any final comments as may be needed from the Town Engineer, Town Sewer Department, Town Water Department, and applicable Fire District.
2. Compliance with comments from Ulster County Planning Board as they specifically relate to landscaping and signage within the Route 9W Corridor Enhancement Plan area; with the exception that the Planning Board recommends over-riding the requested modification for street trees paralleling Route 9W and instead agrees that a series of uniform, evenly spaced, low lying plantings be included in the landscaping that are consistent with the Route 9W Corridor Enhancement Plan and will be reviewed by the Town consulting planner and building inspector;
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;

7. Lighting specifications shall meet, and be documented on the site plan to meet, the maximum average foot candle requirements of the Town code. Additionally, exterior lighting will include controls to dim during hours whenever this approved site plan use is not in operation including at night; and,
8. All fees, including consultant fees, shall be paid.

**Lincoln Park Grid Support Center – P-691**

**Frank Sottile Blvd/Miron Lane**

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

**Zone: OM**

***Extension of Site Plan Approval***

Chairman Mulligan stated that the project required a one-year extension. The applicant had issues beginning the project as there were delays in materials required to begin said project. Warren Tutt, Town of Ulster Building Inspector, requested that the Board grant the year extension with the condition that applicable fees are paid. The Board agreed.

**Action:** A motion to approve a one-year extension of the resolution for site plan was made by Mr. Almquist, with a second from Mr. Decker; 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.

**WHEREAS**, the application requested a one year extension on the site plan;

**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.

**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**

***Extension of Major Subdivision Approval***

Paul Hakim appeared on behalf of an application to extend his major subdivision approval. Mr. Hakim explained that the sixty-two (62) day time limit had expired and he would like a sixty-two day extension to be able to file in time.

**Action:** A motion to grant the sixty-two (62) day extension was made by Mr. Decker, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

**WHEREAS**, the applicant – Johnson Route 28, LLC c/o Paul Hakim - is seeking subdivision approval in accordance with Section 161-10 and the Town of Ulster code; and

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

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

**WHEREAS**, pursuant to Section 161-9 of the town Code, the Proposed Action is classified as a Major Subdivision, which is subject to the approval of the town of Ulster Planning Board; and

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

- Consent to File Form and Escrow Agreement, signed by Paul Hakim as Agent dated 9/30/19;
- Map of Proposed Boundaries prepared by Christopher J. Zell PLS, dated 9/25/19;
- Application for Preliminary Plat Approval by Paul Hakim as Agent, dated 9/30/19;
- SEQR Short Form EAF Part 1, dated 9/30/19;
- Application Project Review Notes by Alan Sorensen, AICP dated 1/13/20; and,

- Application Project Review by David Church, AICP dated 8/9/20.

**WHEREAS**, referral was made to the Ulster County Planning Board as required pursuant to the UCPB Land Use Referral Guide, and a finding of No County Impact was returned; and

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

**WHEREAS**, in accordance with Chapter 161, Section 161-9 the Proposed Action is a Major Subdivision and the Planning Board held public hearings – (November 12, 2019), (July 14, 2020) and Final (August 11, 2020) before taking final action; and

**WHEREAS**, at its November 12, 2019 meeting the Planning Board classified the Proposed Action as a SEQRA Unlisted Action and made a Negative Declaration upon review of the entire record (including SEQR Short Form EAF Part 1 & 2) issued a SEQRA Negative Declaration after concluding that the action did not pose any large or significant potential adverse environmental impacts.

**WHEREAS**, the application requested a sixty-two (62) extension on the major subdivision;

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

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning board hereby grants Major Subdivision approval as described above to Johnson Route 28 subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with all Major Subdivision plans and all details as cited herein;
4. All fees, including consultant fees and legal fees, shall be paid;
5. A fully executed Road Maintenance Agreement, as approved by the Town Attorney, shall be filed with the Ulster County Clerk within 62 days of the date the final plat is signed by the Chairman of the Planning Board;
6. 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
7. The Final Plat must be signed by the Chairman of the Planning Board and filed with the Office of the Ulster County Clerk within 62 days of the date Final Plat is approved by the Planning Board; and
8. The Owner grants to the Town of Ulster a permanent easement and right-of-way in, under and along the property for the purpose of building, constructing, maintaining, using, operating, repairing, and reconstructing sanitary sewer and water mains and pipelines, in a form approved by the Town Attorney; the exact location of the easement area subject to mutual agreement between the Owner and the Town.

**Scenic Hudson/Samuel Watson - P-806**  
**Devils Lake Road & 172 John Street**  
**SBL: 48.52-7-9 & 48.16-3-8.100**  
**Zone: R10 & OM**  
*Extension of Lot Line Adjustment Approval*

This project requires a sixty-two (62) day extension since the plans were not filed in time.

**Action:** A motion to grant the sixty-two (62) day extension was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor with a roll call vote.

**WHEREAS**, the applicants – Scenic Hudson Land Trust representing Quarry Waters LLC and Samuel W. Watson III – are seeking Lot Line Adjustment in accordance with Section 161-9 & 10 and the town of Ulster code; and

**WHEREAS**, the applicant Scenic Hudson Land Trust representing Quarry Waters LLC proposes to convey to Samuel W. Watson III 0.109 acres; and

**WHEREAS**, the proposed lots comply with the minimum lot size and dimensions of the R-10 and OM Zoning Districts; 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 to File Form signed by , Seth McKee for Scenic Hudson Land Trust and Quarry Waters LLC, dated 6/18/2020
- Application for Lot Line Adjustment by Quarry Waters LLC and Samuel W. Watson III, dated 6/18/2020;
- SEQR Short Form EAF Part 1 prepared by Seth McKee as noted above, dated 6/18/2020; and
- Map of Lot Line Revision prepared by Brinnier & Larios, PC , dated 6/8/2020

**WHEREAS**, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves few 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 Lot Line Adjustment and no public hearing is required; and

**WHEREAS**, at its July 14, 2020 meeting the Planning Board granted approval and waived the need for a public hearing ; and

**WHEREAS**, the Planning board classified the Proposed Action as a SEQR 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; and
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

### **NEW BUSINESS**

**Glenerie Cottages – P-808**  
**101-113 Glenerie Boulevard**  
**Saugerties, NY 12477**  
**SBL: 39.7-8-1.200**  
**Zone: R30**

#### ***Change of Use/Site Plan Amendment***

Anthony Lewoc, owner, and Paul Jankovitz, Architect, appeared on behalf of an application to convert seasonal cottages to year-round housing. Mr. Jankovitz stated that the applicant currently has six (6) seasonal cottages and he wants to convert five cottages that are in the 500-year floodplain to year-round housing and demolish one cottage that is in the 100 year floodplain. Mr. Jankovitz explained that each unit is two to three (2-3) bedroom apartments for long-term use.

Mr. Jankovitz stated that the intent is to remodel the five (5) existing units to make them year-round. Chairman Mulligan stated that there is one cottage that is an encroachment onto the 100-year floodplain and Mr. Jankovitz stated that this particular encroachment is very small, like two or three feet (2'-3') and that all of the cottages are raised units, so this is a minor issue that can be rectified with the elevation of the unit itself. Mr. Tutt agreed that any building that is within the flood fringe, as long as it is built two feet (2') above the base flood elevation within the 100-year floodplain is fine.

Mr. Church stated that a member had raised the question of where the snow would be stored during winter months. Mr. Jankovitz stated that there is plenty of acreage there to provide for snow storage; there are a lot of open areas between the buildings as well as near the Esopus Creek. There is 4.7 acres with only five (5) cottages, so there is plenty of room.

Mr. Church read the resolution referring the project to the Town Board for final approval.

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

**WHEREAS**, the applicant – Glenerie Cottages – is seeking Change of Use and Site Plan approval to convert and renovate a set of existing cottages from seasonal rentals to year round residential rentals. Specifically five (5) cottages will be converted and renovated; and,

**WHEREAS**, the materials submitted to the Planning Board consist of a complete application for such approval; and

**WHEREAS**, the Town of Ulster Town Board retains the authority to approve the Change of Use / Site Plan in accordance with the Town Code while the Planning Board serves as advisory to said Town Board; and

**WHEREAS**, the Proposed Action was exempt from referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster as it is a site plan for re-occupancy or reuse of existing structures not increasing parking and not needed access to County or State road; and,

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board, based upon review by the Planning Board of the entire record, recommends the Town Board determine to be Lead Agency, to designate the Proposed Action is an Unlisted Action, and to declare a negative declaration warranted under SEQRA; and,

**BE IT FURTHER RESOLVED**, the Town of Ulster Planning Board recommends to the Town Board the granting of Change of Use / Site Plan approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

1. Issuance of a Negative Declaration under SEQRA;
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;
4. Compliance with submitted site plan, design plans and all details noting that said site plan should show the following: a. removal of a single cottage within the mapped flood hazard area, and b. provision of adequate snow removal and storage at the north end of Glenerie Boulevard;
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.

**Urban PreCast – P-809**  
**6-8 Kieffer Lane**  
**SBL: 48.66-2-2.210**  
**Zone: OM**  
***Site Plan Amendment***

Liz & Luis Mello, Mello Engineering, appeared on behalf of an application to enclose a temporary batch plant for Urban Precast.

Mrs. Mello explained that the applicant is proposing a three-thousand five-hundred and thirty-three square foot (3533 sf) building addition to enclose a temporary batch plant through the winter. Mrs. Mello stated that there is an existing slab there and that they will not be expanding the operation, only enclosing it. The enclosure will be on the North side of the building.

There will be one wall mounted dark-sky compliant light fixture on the addition.

Mr. Church read the resolution.

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

**WHEREAS**, the applicant – Urban PreCast, seeks Site Plan amendment approval for construction of 3,533 square foot addition to existing building; and,

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

**WHEREAS**, the Planning Board agrees that the Ulster Town Board has final review and approval authority for this application.

**NOW THEREFORE BE IT RESOLVED**, the Planning Board recommends to said Town Board that this application for a nonresidential facility involving less than 4,000 square feet is a Type II Action under the New York State Environmental Quality Review Act (SEQRA) and requires no further review or action under SEQRA .

**NOW BE IT FURTHER RESOLVED**, the Planning Board recommends said Town Board formally refers this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

**Adam’s Fairacre Farms – P-810**  
**1560 Route 9W**  
**SBL: 48.8-1-24**  
**Zone: RC**  
***Site Plan Amendment***

Ed Claivie appeared on behalf of an application for a façade change.

Mr. Claivie explained that there is not a change to the footprint of the building, but that Adam’s would like to add a roof over the new entryway into Adam’s. Mr. Claivie stated that the new awning will mirror the existing gable on the northern side of the front of the building. Mr. Claivie stated that it is aesthetically pleasing and that it serves his customers by giving them shelter when walking into the store from weather.

Mr.s Hayner asked why the changes to Adam’s had not been before the Planning Board for review and Mr. Claivie stated that since they had no change to the footprint, they did not think they needed approvals as it was an interior remodel.

There was a brief discussion amongst the Board.

Mr. Church read the amended resolution.

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

**WHEREAS**, the applicant –seeks approval for front/west façade improvements to an existing building including a new walkway canopy roof, concrete pad, and modifications to façade windows and other associated improvements; and

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

- Consent Form signed;
- Escrow Agreement signed;
- Complete Application for Site Plan Amendment Application;
- Short EAF Part 1;
- Site Plan including Exterior Elevations, Building Canopy Sections, Slb Structure & Foundation Plan, and Canopy Structural Plan prepared by D.F. Valente Architect and Planner, dated 9/10/2020; 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 determined the Proposed Action is a Type II Action and no additional action is 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. 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.

**Tibetan Charities – P-811**

**623 Route 28**

**SBL: 47.2-3-23.200**

**Zone: HC**

***Sign Site Plan Amendment***

Steve Drago, Tibetan Charities, appeared on behalf of an application to install a freestanding sign.

Mr. Drago stated that the sign will be in front of the thrift store on Route 28 and that there will be landscaping around the sign. The sign will be uplit with LED spotlighting and will abide by lighting ordinance so it will not disturb traffic.

Mr. Drago stated that he spoke with the New York State Department of Transportation (DOT) and he complies with all required setbacks through DOT and the Town.

Mr. Church read the amended resolution.

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

**WHEREAS**, the applicant –seeks approval for a new free-standing, double sided, post and panel sign fronting and advertising the Aid Tibet Thrift Store at 623 Route 28; and

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

- Consent Form signed;
- Escrow Agreement signed;
- Complete Application for Site Plan Amendment Application;
- Short EAF Part 1;
- Site Plan for Sign (two sheets) showing sign elevation and details as well as sign superimposed on photo of site, prepared by Timely Signs; 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 determined the Proposed Action is a Type II Action and no additional action is 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. 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.

**Vincent Organtini – P-812**  
**148 & 150 Esopus Avenue**  
**SBL: 48.49-1-18.110 & 120**  
**Zone: R10**  
***Major Subdivision***

Michael Vetere, Vetere Surveying, appeared on behalf of an application for a major subdivision to divide two (2) existing lots into four (4) lots.

Mr. Vetere stated that all the proposed lots will be over the requirement for bulk lot requirements.

Mr. Vetere stated that at the east end of the property, there will be road that is under the one-hundred foot (100’) requirement to have a turnaround but that the applicant is proposing a turnaround at the end of the shared road. Mr. Vetere stated that there will be a road maintenance agreement. There was a discussion amongst the Board regarding the possibility of the road maintenance agreement and who should be responsible for the roadways. Mr. Vetere requested that the Town provide him with a definitive breakdown of what is required with private roads with road maintenance agreements.

Mr. Vetere stated that the homes will be serviced by Town water and Sewer. Easements through the road for these services was discussed amongst the Board.

Mrs. Hayner asked if these properties were within a flood zone as it has flooded in that area in the past. Mr. Vetere stated that these properties are above the area that flooded and there are no issues with flooding in that location.

Mr. Vetere stated that he will revise the plans to show water /sewer lines, but that he does not want that to hold up moving the project forward.

There was a brief discussion on how utilities become the homeowner's responsibility once the lines come from the main lines to the homes.

The Board discussed private roads and having a plan in place so if there was not a homeowner, the road would still be maintained as the Town should not have to maintain privately owned roads once abandoned. Mr. Vetere reiterated that he would like code clarification on private roads and easements since there have been precedents set in the past, he would like a definitive explanation on the code.

**Action:** A motion to forward this project to a preliminary plat public hearing was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor.

**Joseph Emanuele – P-813**  
**2310-2332 Route 9W**  
**SBL: 39.12-1-24**  
**Zone: HC**  
***Site Plan Amendment***

Michael Vetere III, Vetere Surveying, appeared on behalf of an application to construct a building and an addition, totaling forty-five hundred square feet (4,500 sf).

Mr. Vetere stated that Mr. Emanuele had been approved in 2017 for a single forty-five hundred square feet (4,500 sf) building. Mr. Vetere stated that the applicant would like the same previously approved square footage, but split into two different buildings.

Mr. Vetere stated that the largest emergency vehicle in the Town has space to maneuver around the building and it is shown on the plans.

There will be two (2) downward, LED dark-sky compliant wall lighting fixtures on each of the two (2) buildings and they will face the fence in the rear of the property. There will be one pole light, as previously approved. Mr. Vetere explained that he does not currently have a photometric light plan.

There is now a septic reserve area behind the larger of the two (2) buildings shown on the plans.

Mr. Vetere stated that the applicant plans to extend the privacy fencing in the rear of property so the entire property will be fenced in.

Mr. Vetere stated that there should be no impact on parking and there is ample parking available on site. There are twenty (20) gravel parking spaces and there is not expected to be any new clientele. Chairman Mulligan stated that the parking seems tight on that site and Mr. Tutt explained that for forty-five hundred square feet (4,500 sf), six and a half (6.5) parking spaces are required to be considered warehouse space

per code, and the applicant is providing twenty (20). Mr. Stavropoulos asked if there are still parking stops proposed as were approved of in the 2017 site plan amendment and Mr. Vetere said that they were.

The matter must be referred to the Town Board to initiate SEQR Lead Agency and forwarded to the County once the application is complete for review.

Mrs. Hayner stated that in the applicant's previous application for a minor subdivision, the addition was intended for more room to work on cars and that the applicant wanted a car lift for a car body company. Mrs. Hayner asked how the Board can be assured that now the proposed additions will only be used as warehouse storage space. The Board agreed that restrictions on the uses or the additions can be put on the site plan or as conditions of approval. The applicant will need to speak with the Town Attorney, Jason Kovacs, for proper terminology to be placed on the site plan referencing these restrictions.

**Action:** A motion to refer this project to the Town Board to initiate SEQR Lead Agency and refer the project to the UCPB for review was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote.

**WHEREAS**, the applicant –Joseph Emanuele, seeks Site Plan approval for construction of two new storage buildings with stockade fencing extension; and,

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

**WHEREAS**, the Planning Board agrees that the Ulster Town Board has final review and approval authority for this application.

**NOW THEREFORE BE IT RESOLVED**, the Planning Board recommends that said Town Board be designated as lead agency and type the application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA).

**NOW BE IT FURTHER RESOLVED**, the Planning Board recommends said Town Board formally refers this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

**Nellie & Brad Hill – P-814**

**21 Old Sawkill Road**

**SBL: 48.14-3-39**

**Zone: R30**

***Lot Line Adjustment***

Bradley, Brian and Nellie Hill appeared before the board on behalf of an application for a lot line adjustment. Mr. Hill stated that they are trying to purchase a piece of property from the Maggiores' that had been naturally split into two (2) pieces when Sawkill Road was built. The Hills' would like to add the piece of that parcel that is behind their property to their property and keep the other piece of the parcel that is on the other side of Sawkill Road as a separate parcel.

Mr. Church stated that this would improve the conformity of his lot adding .0385 acres to the Hills' lot.

This proposal is a SEQR Type II action.

Mr. Church read the resolution.

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

**WHEREAS**, the applicant – Nellie and Brad Hill – are seeking Lot Line Adjustment in accordance with Section 161-9 & 10 and the town of Ulster code; and

**WHEREAS**, the applicant proposes to add 0.385 acres from SBL 48.14-3-29.220 to SBL 48.14-3-39; and

**WHEREAS**, the proposed lots comply with the minimum lot size of the R30 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, dated 10/2/2020; and,
- Sketch Plan Lot Line Adjustment Map of Lot Line Revision prepared by Praetorius and Conrad, P.C. dated 10/1/2020.

**WHEREAS**, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves few 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 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

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary