

## TOWN OF ULSTER PLANNING BOARD

October 9, 2018

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, October 9, 2018 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Anna Hayner  
Frank Almquist  
Andrew Stravropoulos  
Alan Sorensen – Planner

Karl Allison  
Lawrence Decker  
Gary Mulligan-Chairman

Absent:

Troy Ashdown

Roll call was taken.

A motion to approve the minutes from the September 2018 meeting was made by Mr. Almquist, with a second from Ms. Hayner; all in favor.

### **Cypress Creek (Landau Solar) – Minor Subdivision**

A motion to open the Public Hearing was made by Mr. Decker, with a second from Ms. Hayner; all in favor. Mr. Mulligan asked if anyone in the audience had any comments regarding Cypress Creek; no one commented. A motion to close the Public Hearing was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

There was no public comment. The minor subdivision is just one aspect of approvals from Landau and Landau II; they are also seeking site plan special permit approval and open area development approval to construct one two-megawatt (2mW) solar energy facility and one four megawatt (4mW) solar energy facility. Both facilities will be located at 2986-3040 NYS Route 32. Mr. Sorensen stated that the resolution that has been prepared for the Planning Boards consideration recommends that the Town Board schedule a Public Hearing for the Special Permit application or the proposed Landau Solar LLC and Landau Solar II LLC projects and to designate the subject property as an Open Development Area (ODA) pursuant to NYS Town Law Section 280A. Mr. Sorensen stated that even though both facilities will have road frontage off of Route 32, the applicant would like it designated as an ODA so that they can have access to both properties through a common driveway that is already constructed and runs into the sites.

The applicant has prepared a draft expanded Environmental Assessment Form (EAF) which has been provided to the Town Board and they are currently amending and finalizing some of the studies within that EAF, but it is sufficiently advanced enough that Mr. Sorensen feels comfortable recommending to schedule the Public Hearing.

The Town Board is the designated lead agency for the SEQR review. The Town Board will need to make a SEQR determination before the Planning Board can take action on the minor resubdivision. Mr. Sorensen read the resolution.

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

### **RESOLUTION RECOMMENDING THE TOWN BOARD SCHEDULE A PUBLIC**

**HEARING FOR THE SPECIAL PERMIT APPLICATION FOR THE PROPOSED LANDAU SOLAR, LLC AND LANDAU SOLAR II, LLC PROJECTS AND DESIGNATE THE SUBJECT PROPERTY AS AN OPEN DEVELOPMENT AREA (ODA) PURSUANT TO NYS TOWN LAW §280-A**

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Cypress Creek Renewables dba Landau Solar, LLC and Landau Solar II, LLC (with the consent of Isidore Landau for Eddyville Corp) (the “Applicant”); and

**WHEREAS**, the Applicant is seeking Site Plan, Special Permit, Minor Resubdivision and Open Development Area approval to construct, operate and maintain: (1) a 2 Mega Watt (MW) Solar Energy Facility and; (2) a 4 MW Solar Energy Facility, both to be located at 2986 - 3040 Route 32, on parcels identified as S-B-L: 56.14-1-24, 56.14-2-18 and 56.14-2-36.1, near the hamlet of Eddyville, as well as a PILOT Agreement with the Town of Ulster (collectively, the “Proposed Action”); and

**WHEREAS**, the proposed use (i.e. utility and “electric generating”) is allowed subject to Site Plan and Special Permit approval by the Town Board (Lead Agency) within the R60-Residential Zoning District, in accordance with the standards set forth in §190-69 Table of Uses and §190-75 of the Town Code; and

**WHEREAS**, the following materials related to the Minor Subdivision were provided by the Applicant for review:

- Consent Form & Agent Authorization signed by Isadore Landau, Landowner;
- Application for Preliminary Subdivision approval by Cypress Creek Renewables dated 9/18/2018;
- SEQRA Full EAF Scoping Document prepared by Cypress Creek Renewables dated July 18, 2018;
- Minor Subdivision Plat Sheet 1 by Lawson Surveying & Mapping dated September 17, 2018;
- Minor Subdivision Plat Sheet 2 by Lawson Surveying & Mapping dated September 17, 2018;
- Minor Subdivision Plat Sheet 3 by Lawson Surveying & Mapping dated September 17, 2018;
- Minor Subdivision Plat Sheet 4 by Lawson Surveying & Mapping dated September 17, 2018; and
- Minor Subdivision Plat Sheet 5 by Lawson Surveying & Mapping dated September 17, 2018.

**WHEREAS**, Minor Re-subdivision approval is required by the Planning Board (Involved Agency) to reconfigure the three (3) existing tax lots to two (2) tax lots in order to better conform to the proposed layout of each solar energy system; and

**WHEREAS**, pursuant to NYS Town Law §280-a, the Minor Resubdivision requires Open Development Area (ODA) approval by the Town Board to allow access to the proposed lots by right-of-way or easement; and

**WHEREAS**, referral of the Minor Re-subdivision 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 proposed lots comply with the bulk requirements of the R-60 Residential

Zoning District; 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 Minor Subdivision Plat was prepared by Lawson Surveying & Mapping dated September 17, 2018 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the Map of Lot Line Revision; and

**WHEREAS**, the Town of Ulster Planning Board has scheduled a public hearing on the Minor Re-subdivision for October 9, 2018; and

**WHEREAS**, the Planning Board upon review of the entire record (Draft Full Environmental Assessment Form) found the Proposed Action did not pose a potentially significant adverse environmental impact; and

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board hereby refers this matter to the Town Board with a recommendation that it schedule a Special Permit Public Hearing and designate the subject site as an Open Development Area (ODA) pursuant to NYS Town Law Section 280-a (4) 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 final site plan, design plans and all details as cited herein; and
4. The number of lots allowed within the Open Development Area (ODA) shall be limited to two (2) lots and uses restricted to uses allowed within the R-60 Zoning District.

### **Crystal Ridge/ Michael Fink & Karen Pardini – Major Subdivison**

A motion to open the Public Hearing was made by Ms. Hayner, with a second from Mr. Almquist; all in favor. Mr. Mulligan asked if anyone in the audience had any comments regarding the Crystal Ridge Subdivision. Mary Jane Coughlin, a neighbor that borders most of the rear of Mr. Fink's property, asked what Mr. Fink's plan for the backyards of the subdivisions would be. Mr. Fink answered that there is a wetland that goes through his property towards her side and that there will be no building on that side of his property. Mr. Fink stated that there is a ridgeline present and that the houses will be located above that ridgeline.

A woman that runs Catskill Animal Sanctuary to the north of Mr. Fink's property also had a question. She asked if the houses that will be built on the ridgeline visible from their property on Old Stage Road. Mr. Fink responded no, he does not believe so as he had a stipulation that the homeowners will not be able to cut anymore trees so that the neighbors and the owners can have privacy.

Having no further comments from the public, there was a motion to close the Public Hearing made by Mr. Decker, with a second from Mr. Almquist; all in favor.

Mr. Sorensen explained that the applicant had been before the Board and was approved back in 2009, but since then the approval has expired so they have to go back through the major subdivision process. The plans have not changed since 2009. Mr. Sorensen recommends the Board reaffirm the SEQR Negative Declaration that was originally granted in April of 2009. Mr. Sorensen also recommends that the Board

grant Preliminary Plat approval since the Board opened and closed the Preliminary Public Hearing and schedule the Final Plat Public Hearing for the November 13<sup>th</sup> meeting. Mr. Sorensen read the resolution.

**Action:** A motion to accept the resolution as read was made by Mr. Allison, with a second from Mr. Almquist; all in favor with a roll call vote. A motion to reaffirm the SEQR Negative Declaration was made by Mr. Decker, with a second from Mr. Allison; all in favor. A motion to schedule a Final Plat Public Hearing was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

**WHEREAS**, the applicant's – Michael Fink and Karen Pardini – submitted an application for Major Subdivision Approval to allow them to subdivide a 99.5-acre parcel into twelve (12) single-family lots; and

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

- Revised Full EAF prepared by Wilkie & Graff, LLC, Counselors at Law dated June 12, 2008;
- SWPPP for Lands of Fink/Pardini prepared by Rothe Engineering dated April 5, 2007;
- Set of Plans prepared by Rothe Engineering dated April 5, 2007;
- Declaration as to the Maintenance of the Private Road and Drainage Facilities & Protective Covenant Declaration prepared by Wilkie & Graff, LLC, Counselors at Law dated June 12, 2008;
- Survey Map prepared by Ringler Land Surveying, PLLC dated September 11, 2008;
- Proposed Access Road Plan Profile prepared by Rothe Engineering dated September 10, 2008; and
- Revised Declaration as to the Maintenance of the Private Road and Drainage Facilities & Protective Covenant by Wilkie & Graff, LLC, Counselors at Law dated September 11, 2008.

**WHEREAS**, proposed site improvements include the construction of a 2,370 foot private cul-de-sac that will contain a 20-foot running surface and two-foot shoulders to provide access to these residential lots; and

**WHEREAS**, the Planning Board, Town Board, and Superintendent of Highways granted a waiver from the Section 161-19 (E) of the Town Code to allow the proposed length of the cul-desac to exceed 1,200 linear feet after consideration of the site-specific aspects of the proposed development and the incorporation of pull-outs; 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 consultant planner & engineers made via memoranda (which memoranda are incorporated herein by reference) and recommendations from the Town Highway Superintendent and Fire District; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Full EAF Parts 1 & 2) found that the proposed subdivision will not have an adverse impact on the environment; as Lead Agency made a determination of non-significance and reaffirmed its Negative Declaration pursuant to Part 617 of SEQRA.

**WHEREAS**, in accordance with Section 161-13 (A) of the Town Code, the Planning Board held a public hearing on October 9, and there were no objections to the Proposed Action.

**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

**FURTHER BE IT RESOLVED**, the application by – Michael Fink and Karen Pardini – for Preliminary Plat Approval to subdivide a 99.5-acre parcel into twelve (12) single-family lots is granted, subject to the conditions, limitations and restrictions set forth below.

1. Within six (6) months after the approval of the preliminary plat, the subdivider shall file the plat in final form with the Planning Board, accompanied by required fees and information required in Article V of Chapter 161 of the Town Code;
2. The following "Note" shall be added to the Final Plat: "The approval of this subdivision plat by the Town of Ulster Planning Board shall not be deemed to constitute or imply the acceptance by the Town of Ulster of any street, easement or storm drainage facility shown on said plat;"
3. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and
4. All fees, including consultant fees, shall be paid.

### **Uncle B's Carwash – Site Plan Amendment**

Richard Tompkins, Mauri Architects, appeared on behalf the applicant, Bart Panessa DBA Uncle B's LLC, on behalf of their application to add solar panels to the roof of the proposed carwash and lube and laundromat. Mr. Tompkins stated that the solar panels are only nine inches (9") off of the roof and they are below the parapet, which are two feet (2') tall so they will be screened.

Mr. Tompkins stated that they also revised the elevation to the laundromat. Mr. Tompkins explained that he only added the roof panels to the south and east elevation as there was some concern as to whether it was visible from 9W or Old Neighborhood Road. The west elevation is similar to the east elevation and they are all screened by the parapet.

Mr. Tompkins stated that the only other outstanding item was with the fire truck turning radius and he had reached out to Ulster Hose regarding that and the Chief happened to be on vacation. Mr. Tompkins did speak with the Chairman of the Board of Fire Commissioners and they had stated that they would try to get Mr. Heppner to write a letter but that he did not know if one had been received.

Mr. Sorensen read the resolution.

The applicant had attended a Planning Board workshop and they proposed having apartment buildings instead of the proposed office building. Phase two was originally a seventy-five hundred (7,500) square foot office building. The original footprint would change slightly to seventy-seven hundred (7,700) square feet and would include another small twenty-five hundred (2,500) square foot building on the end of the parking. There would be twelve (12) apartments in the main building and four (4) apartments in the second building, so the parking would remain the same as required by Code. Mr. Tompkins and the applicant wanted to get a feel from the Board on this new proposal prior to getting into engineering for Phase II. Mr. Tompkins showed the Board the rendering of the larger concept building, which is similar to the laundromat. The apartments will all be two-bedroom units.

The Board had no objections, so Mr. Tompkins will be coming back to the Board once the plans are complete.

**Action:** A motion to approve 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 – Bart Panessa dba Uncle B's Car Wash Inc. (Property Owner) –

recently received Town Board approval to develop a car wash, laundromat (Phase 1) and office building (Phase 2) on the subject site; and

**WHEREAS**, the applicant is seeking an amendment to the approved Site Plan to install “rooftop-mounted” solar panels on the approved 8,895 square-foot (sf) Car Wash & Quick Lube Building and 4,086 sf Laundromat; and

**WHEREAS**, the solar panels are a permitted accessory use to the proposed development, subject to Site Plan amendment approval by the Planning Board; and

**WHEREAS**, the Town of Ulster Planning Board has the authority to approve the Proposed Action since less than 2,500 SF of new Gross Floor Area (GFA) is proposed; and

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

- Proposed Site Plan prepared by Richard K. Tompkins, Architect, AIA dated September 20, 2018;
- Existing Conditions Plan prepared by Richard K. Tompkins, Architect, AIA dated September 20, 2018;
- Proposed Site Plan Phase 1 prepared by Richard K. Tompkins, Architect, AIA dated September 20, 2018;
- Proposed Site Plan Phase 2 prepared by Richard K. Tompkins, Architect, AIA dated September 20, 2018; Proposed Landscape Plan prepared by Richard K. Tompkins, Architect, AIA dated September 20, 2018;
- Proposed Elevations Car Wash by Richard K. Tompkins, Architect, AIA dated September 20, 2018;
- Proposed Elevations Laundromat by Richard K. Tompkins, Architect, AIA dated 9/20/2018;
- Solar Panel Details prepared by Richard K. Tompkins, Architect, AIA dated September 20, 2018;
- Proposed Elevations Car Wash by Richard K. Tompkins, Architect, AIA revised October 3, 2018;
- Proposed Elevations Laundromat by Richard K. Tompkins, Architect, AIA revised October 3, 2018; and
- Fire Vehicle Turning Plan by Richard K. Tompkins, Architect, AIA dated September 20, 2018.

**WHEREAS**, the Current Proposed Action did not require referral to the Ulster County Planning Board (UCPB) pursuant to the Land Use Referral Guide between the Town and County; 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**, the Planning Board, as Lead Agency, upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action (i.e., installation of roof-mounted solar panels) did not pose any potentially significant adverse environmental impact or require supplemental SEQRA review.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues SEQR Negative Declaration for the Proposed Action; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Conditional Site Plan Amendment approval to Bart Panessa dba Uncle B's, LLC as described above 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 final site plan, design plans and all details as cited herein;
4. The applicant provides elevations of the buildings showing the roof-top solar panels mounted at 5 Degrees;
5. All conditions imposed by the Town Board on the original Site Plan approval shall remain in effect;
6. The Town's consulting planner, engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
7. All fees, including consultant fees, shall be paid.

### **Stewart's Shops – Site Plan Amendment**

Charles Marshall, Stewart's Shops, appeared on behalf of his application to construct a five-hundred and ninety-five (595) square foot building addition on the side of Catskill Avenue and to place a one hundred and ninety-four (194) square foot freezer on the backside of the building. Mr. Marshall explained that Stewart's had received both of their variances; one for the building addition and one for the parking. Mr. Marshall stated that the building addition will be brick on three sides and that the exterior freezer will be metal Pro Panel. There will be an additional light added that will match the existing lighting. Mr. Marshall stated that Stewart's took the Board's recommendation and added an eight foot (8') vinyl fence around the perimeter. There were two areas where Stewart's was able to add landscaping beds for perennials and shrubs. The existing mansard gas canopy will be replaced with a white fypon enclosure. Mr. Sorensen stated that this project is a SEQR Negative Declaration. Mr. Sorensen read the conditions of the resolution.

**Action:** A motion to declare this project a SEQR Negative Declaration was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to approve the site plan amendment was made by Mr. Allison, with a second from Mr. Almquist; all in favor with a roll call vote.

**WHEREAS**, the applicant – Ross Galloway for Stewart's Shop (Owner) – is seeking Site Plan Amendment approval to construct a 596 square-foot addition to the side on the convenience store and installation of an enclosed cooler/freezer behind the convenience store; and

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

- Project Narrative Form prepared by Ross Galloway (Agent) for Stewart's Shops, dated June 29, 2018;
- Consent Form signed by Ross Galloway (Agent) for Stewart's Shops, dated June 29, 2018;
- Site Plan Review Application by Ross Galloway (Agent) for Stewart's Shops, dated June 29, 2018;
- SEQRA Short EAF Part 1 by Ross Galloway (Agent) for Stewart's Shops, dated June 25, 2018;
- Title Sheet by Stewart's Shops and signed by Scott Edwin Kitchner, L.P.E., dated May 22, 2018; and
- Proposed Site Plan by Stewart's Shops and signed by Scott Edwin Kitchner, L.P.E., dated May 22, 2018.

**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 more than 2,500 square feet of new gross floor area; and

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board (UCPB) pursuant NYS GML Section 239 1 and m; and

**WHEREAS**, the Ulster County Planning Board (UCPB) determined the Proposed Action had No County Impact; 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 was an Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law;

**WHEREAS**, the Proposed Action required an Area Variance from the Zoning Board of Appeals (ZBA) to reduce the number of on-site parking spaces, which was granted by the ZBA; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose a potentially significant adverse environmental impact.

**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 hereby issues a SEQR Negative Declaration for the Proposed Action; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Site Plan Amendment approval to Stewarts Shops 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 shall submit hard copies of the revised Site Plan Set and Building Elevations reviewed at the October 9, 2018 Planning Board meeting, which shall include a detail of the new fencing;
5. If the parking lot is re-stripped, the stripping shall use a double striped line closed at the aisle end;
6. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
7. All fees, including consultant fees, shall be paid.

### **Begnal Motors – Site Plan Amendment**

Dennis Larios, Brinnier & Larios, appeared on behalf of Begnal Motors for an application for a site plan amendment to create a vehicle storage area at their new location on Route 28. Mr. Larios explained that they had made the requested changes from the last meeting and added a cross-access easement and had rearranged the vehicle storage area. Mr. Larios stated that Begnal has had more business than expected at their new location so they are adding a new gravel vehicle storage area to an existing site plan with proper stormwater collection treatment. Mr. Larios stated that they had received comments from Praetorius &



Conrad, Town of Ulsters alternate designated engineers, and they have no issues with what they are requesting regarding stormwater. The Ulster County Planning Board requested that the site plan amendment be denied and the Board reviewed the comments.

Mr. Sorensen explained the project and stated that the applicant applied most of the Boards requests to their site plan. They still need to add their vehicle evacuation plan to the site plan, but it may be one of the conditions of approval. Mr. Larios stated that Begnal has a property on the corner across from their old dealership for evacuation storage and also keeping some of the land of their old dealership as vehicle evacuation area storage. Mr. Larios explained that the land is three to four feet (3'-4') below the base flood elevation and to raise it up would be a tremendous expense and they consider this an interim plan. Mr. Larios stated that with the Lower Esopus, there is typically a notice of twenty-four plus(24+) hours for a major flood event which would give them time to evacuate the cars to their alternate site; there are sixteen (16) employees that would do this. Mr. Larios explained that this field has flooded maybe once or twice in the past thirty (30) years.

Mr. Sorensen stated that another issue that County had raised is the screening issue along Route 28. Mr. Larios explained that there is currently a fence that screens that area from the Thruway, although it was not noted on the plans. Mr. Larios stated that there is also dense shrubbery, that although not all of it is attractive, that it does provide screening on both sides of the fence and it will be maintained. Mr. Larios stated that it would be difficult to screen it from 28, as the road is elevated at least twenty feet (20') above the proposed lot, but if the Board wants to require additional landscaping as a condition they are willing to do that and will get consent from Begnal. Mr. Larios explained that across the road, to the northern side there are camper and car display lots with no screening at all along the Thruway ramps. Mr. Almquist stated that when someone drives down the Thruway at seventy (70) miles per hour the site comes up so quick you barely notice it, and Mr. Larios concurred.

Mr. Mulligan stated that he wanted to make the applicant and the Board is aware of the County's concerns and that after going over them, he feels comfortable recommending that the Town Board override the comments with the provisions that were spoken of; the evacuation plan and some measurement of frequency of potential flooding. Mr. Larios explained that the flooding frequency is a calculation done by FEMA; all frequency based hydraulic models. Mr. Larios stated that they will put that language in their documentation. Mr. Larios stated that when the bell goes off and there's a warning Begnal will start to move the cars.

Mr. Sorensen wrote a draft resolution to refer this matter to the Town Board to grant conditional site plan amendment approval. Mr. Sorensen read the resolution and amended the resolution as he read to include the provisions spoken of at this meeting.

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

**WHEREAS**, the applicant – Five Star Realty Holdings, LLC – is seeking Site Plan approval to construct a 1.6-acre gravel vehicle holding area on a vacant 3.5-acre parcel adjacent to the existing Begnal Motors Car dealership, which is located at 129 NYS Route 28, opposite the Johnson Ford dealership; and

**WHEREAS**, the subject site is situated within the HC-Highway Commercial Zoning District where an automotive sales and service business is permitted by right subject to Site Plan approval; and

**WHEREAS**, the Town Board has the authority to approve the Site Plan upon recommendation by the Planning Board since the Proposed Action would utilize a ground area of more than one (1) acre, even though no structure is proposed [see §145-2 A (3) of the Town Code]; and

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

- Site Plan Narrative by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 2018;
- Site Plan Application by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 24, 2018;
- Site Plan Consent Form signed by agent of Five Star Realty Holdings, LLC dated July 24, 2018;
- SEQR Full EAF Part 1 by Brian Begnal, Member Five Star Realty Holdings, LLC. dated July 24, 2018;
- Cover Sheet by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 2018;
- Existing Conditions by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 2018; and
- Site Plan by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 2018; revised 8/15/2018;
- Erosion Control Plan by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 2018; and
- Grading Plan prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 2018.

**WHEREAS**, the Town of Ulster Town Board initiated Unlisted Action-Coordinated review in August 2018 and is the designated Lead Agency for the SEQRA review pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

**WHEREAS**, this matter was referred to the Ulster County Planning Board since the Proposed Action was not exempt from the referral agreement between the County and Town; and

**WHEREAS**, the Ulster County Planning Board provided written recommendations concerning the Proposed Action, and recommended disapproval of the Proposed Action; and

**WHEREAS**, the Town of Ulster Planning Board found the reasons cited for disapproving the vehicle holding area were not sufficient to deny the applicant's request to store new motor vehicles on the subject site.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board hereby refers this matter to the Town Board with a recommendation to override the UCPB's denial recommendation, to issue a SEQRA Negative Declaration and to grant Conditional Site Plan Approval to – Five Star Realty Holdings, LLC – 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 final site plan, design plans and all details as cited herein;
4. Applicant addresses all technical comments by the Town Alternate Designated Engineers (TADE) Praetorius and Conrad, PC and acceptance of the SWPPP by the TADE;
5. The applicant provides a revised "Vehicle Evacuation Plan," which identifies those locations controlled by the applicant where vehicles would be transported to in the event of a flooding event along the Esopus Creek;

6. The applicant will be required to secure a Flood Plain Development Permit from the Building Inspector prior to storing vehicles on the subject site;
7. The applicant proposed a revised Site Plan, which provides additional landscaping along the interior of the existing fence along the NYS Thruway to help screen the vehicle holding area;
8. The Town's consulting planner, engineer 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
9. All fees, including consultant fees, shall be paid.

### **Esopus Agricultural and Town of Ulster – Lot Line Adjustment**

Thomas Benton, attorney, appeared on behalf of the applicant, Robert Bernstein for Esopus Agricultural Center, for an application for a lot line adjustment that would convey one (1) acre of land to the Town of Ulster. Mr. Benton stated that this application is being proposed as a resolution to a usage dispute for a small area of land adjacent to the baseball field at the end of Esopus Avenue, near Orlando and Buckley. Mr. Benton showed the Board an aerial of the area he is speaking of.

Mr. Benton explained that the baseball field abuts Esopus Agricultural Center on the eastern side. Over the years the Town has been mowing the area to the east of the field so that spectators would have room to walk around and see the baseball games from a different area. The strip of land being mowed is owned by Esopus Agricultural and its usage for farming operations is not critical and there was a potential claim of adverse possession which brought on litigation and delay. As a means to resolve this issue in a peaceful way, Mr. Benton got into discussions with Jason Kovacs, Town of Ulster attorney, and came up with this solution to donate an acre of land to the Town of Ulster. Mr. Benton explained that the simpler approach would be a lot line revision and that is what is before the Board for their approval.

Mr. Sorensen stated that the Town will treat this application as a lot line adjustment. Mr. Sorensen stated that the application and the plans look fine and there is nothing in the proposed action that would have any significant adverse impacts. There is no Public Hearing required.

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

**WHEREAS**, the applicant – Esopus Agricultural Center, LLC (S-B-L: 48.41-1-1, 48.49-1-1) and Town of Ulster S-B-L: 48.48-1-9) – is seeking Lot Line Adjustment approval to transfer 1.021-acres from its lands to the Town of Ulster; and

**WHEREAS**, pursuant to Section 161-9 of the Town Code, the Proposed Action is 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 Robert Bernstein dated September 11, 2018;
- Application for Lot Line Revision prepared by Robert Bernstein dated September 11, 2018;
- SEQR Short EAF prepared and signed by prepared by Robert Bernstein dated September 11, 2018; and
- Map of Lot Line Revision prepared by Christopher J. Zell, P.L.S., dated September 24, 2018.

**WHEREAS**, the proposed lots would still comply with the bulk requirements of the R-10 Residential Zoning District after the Proposed Action; 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 proposed 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 Map of Lot Line Revision was prepared by Christopher J. Zell, P.L.S. dated September 24, 2018 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the map subject to a minor technical revision; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose a potentially significant adverse environmental impact.

**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 hereby issues a SEQR Negative Declaration for the Proposed Action; and

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

1. The Town of Ulster Town Board accepts the dedication of land to the Town;
2. The applicant provides a revised map entitled Lot Line Adjustment Map to address the Town Planner's requested technical revision;
3. Plat 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;
5. The Final Plat and deed 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.

### **Miguel Franco Rodas – Lot Line Adjustment**

Bill Spade, Praetorius & Conrad, appeared on behalf of the applicant, Miguel Franco Rodas, for a lot line deletion to combine two parcels into one parcel located at 6 and 8 Cedarwood Lane.

Mr. Sorensen stated that the application is straight forward and that it is classified as a SEQR Negative Declaration and requires no Public Hearing. Mr. Sorensen recommends that the Planning Board grant the lot line adjustment. Mr. Sorensen read the resolution.

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

**WHEREAS**, the applicant – Miguel Franco Rodas – is seeking a Lot Line Adjustment approval involving Town of Ulster Tax Parcels SBL 39.35-1-20 & 21; 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 Miguel Franco Rodas (owner) dated August 31, 2018;
- Application for Lot Line Adjustment prepared by Praetorius and Conrad, P.C., dated 8/8/18;
- SEQR Short EAF prepared by Praetorius and Conrad, P.C., dated August 8, 2018; and
- Preliminary Lot Line Deletion Map Praetorius and Conrad, P.C., dated August 21, 2018.

**WHEREAS**, the proposed lot complies with the 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 did not pose a potentially significant adverse environmental impact.

**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 hereby issues a SEQR Negative Declaration for the Proposed Action; and

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

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

## **Healthquest – Site Plan**

Ben DiSanto (Associate Vice President of Construction for Healthquest), Larry Bell and Mike Zolnik (Healthquest) and Doug Degroat (Environments 4 Healthcare (E4H)) appeared on behalf of the application to subdivide a part of the mall where the old Macy's was and convert that building into a Healthquest. Mr. DiSanto explained that a lease agreement was signed over a month ago to lease eighty-eight thousand, one-hundred (88,100) square feet of the one-hundred and twenty thousand (120,000) square feet of the old Macy's building. The owner of Hull Property Group will be demolishing the remaining forty thousand (40,000) square feet remaining between the mall and the future Healthquest. The Hull Group will also be responsible for the subdivision of this property.

Mr. DiSanto explained that there are approximately four-hundred and fifty to five hundred parking spaces, and at their square footage they should have plenty of parking. Mr. DiSanto explained that they are in charge of the buildout of Healthquest and that there will be a façade changes; new windows and additional windows, a new canopy, move the entrance on the south side over just a little bit and the rest of the entrance and exits will be used as is. They will use a stone veneer product on the exterior of the building. Mr. DiSanto stated that they had just recently built a building in the Town of Lloyd which just opened and these plans are based off of that model. There will be a walkway from the mall to Healthquest.

Mr. DiSanto explained what rooms will be which specialties within the building. Mr. DiSanto stated that they expect to be finished with the design by the end of the year and they are trying to work out a strategy that will make it possible for them to do the demolition now, get their change of use, and possibly some under-slab plumbing before the winter sets in. Mr. DiSanto explained that they are working on the architectural piece of the elevations so as to break up the continuity of the long building by adding some sort of architectural element.

Mr. DiSanto stated that they are looking for guidance. They are changing the space from retail to healthcare and they are trying to move as fast as possible and appreciate the Board allowing them to be there so quickly.

Mr. Mulligan asked what their time frame on the build-out would be and Mr. DiSanto stated that they would like to be a part of the education residency program with Hudson River Healthcare, which is vital to the medical education, and they are hoping to be at that phase by the end of June; all of the life safety, the front entrance and the common area would have to be in place by then and the rest of it can follow. Mr. DiSanto stated that this project is about a twenty-five million dollar (\$25,000,000) investment, construction being around fifteen to seventeen million (\$15,000,000-\$17,000,000). There will be urgent care within the building, as well.

The building will be a stand-alone building and the electric, water and sewer will be brought over to the proposed building.

Mr. Quigley, Town of Ulster Supervisor, asked the Board what they would need for the review and also asked Mr. DiSanto how long he would need to provide the necessary documents. Mr. Sorensen recommends that the applicant submits the site plan set showing existing conditions and a demolition sheet showing the building to be removed. Also, more specific to the Healthquest building, should include parking compliance table, proposed site plan, landscaping, lighting plan, zoning compliance table, sign details, utility plans (water & sewer line connections), floor plan, building elevation renderings and a fire apparatus turning radius. Mr. Sorensen stated that as long as they can provide proof that they comply with the Town Code regarding parking and signage, this project would not need to be referred to the County

for review. Mr. Sorensen stated that the Planning Board will hold an advisory role for this project, since the project is more than twenty-five hundred (2,500) square feet and has a demolition plan, and the Town Board will be the deciding Board. Mr. Sorensen stated that as the project moves along the applicant can feel free to contact himself or the Building Department for his contact information to help guide them to the process. Mr. Quigley asked if it was possible to get a plan set ready, Mr. Mulligan and Mr. Sorensen can have a separate Workshop meeting with Healthquest so if there are any comments, they will have time to change it all prior to the November 13<sup>th</sup> meeting. There was a brief discussion amongst the Board.

**Action:** There was no action made.

### **Healthquest / Hudson Valley Mall – Minor Subdivision**

Rob Johnson, Hull Property Group, appeared on behalf of the application of a minor subdivision to create a separate parcel of just under nine (9) acres of the overall sixty-two (62) acre property for Healthquest. Mr. Johnson explained that he has Chris Zell, Brinnier & Larios, working on the full-size plans at the moment. Mr. Sorensen stated that they are a part of an open-development area (ODA), so they have no issues with that. Mr. Sorensen stated that he does not see any issues with the proposed configuration of the lot, but procedurally there are a couple items that need to be addressed. There needs to be a cross access easement between the lot that's being created and the ring road, to which Mr. Johnson stated that there will be a declaration agreement in place that will cover the cross-access easement as well as the utilities. Mr. Sorensen stated that there will also need to be a parking agreement in place. Mr. Sorensen asked if there are any common areas that will need to be maintained, to which Mr. Johnson stated there currently is and they are being maintained; none within the building.

Mr. Mulligan stated that they will need one Public Hearing and Mr. Sorensen recommends that the Board schedules said Public Hearing to be held November 13<sup>th</sup>.

Mr. Stravropolous questioned if any storage dumpsters or snow storage areas should be on this site plan. Mr. Sorensen stated that should there be any dumpsters or snow storage areas that they should be noted on the site plan. Also, if there will be any wayfinding signage, the Board will needs specs for that.

Mr. Quigley asked if there should be no public comment on the 13<sup>th</sup> if it is feasible that the minor subdivision would be approved that night, and Mr. Mulligan stated that he believes so as long as the application and plans are correct and complete.

**Action:** The Board forwarded the project to a Public Hearing to be held November 13, 2018.

### **Discussion – Proposed Sign Law**

Mr. Mulligan stated that Mr. Almquist has been working on the language for the proposed law and Mr. Geoffrey Ring, Town of Ulster Zoning Board of Appeals Chairman, is present so that they can move the proposed law forward. Mr. Almquist went through his adjustments with the Board. Mr. Ring explained that a sign company had a demonstration which showed that the brighter the sign, the more visible it was. Mr. Ring stated that his Board is satisfied with the levels of intensity proposed. There was a discussion amongst the Board as to the brightness of the signs level during daytime, sunset and total darkness. Mr. Almquist stated that he does not want any motion at all in the signs; the transition period should be a second or less. The Board had a brief discussion. Mr. Quigley believes it can be approved within thirty (30) days.

**Action:** A motion to forward the Zoning Amendment to the Town Board was made by Ms. Hayner, with a second from Mr. Decker; all in favor.

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary