

TOWN OF ULSTER PLANNING BOARD  
September 11, 2018

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, September 11, 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 Stravopoulos  
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 June 2018 meeting was made by Mr. Almquist, with a second from Mr. Stravopoulos; all in favor.

### **Cypress Creek (Landau) – Site Plan**

Bryan Stumpf, Cypress Creek Renewables, appeared on behalf of the application submitted to construct two solar projects off of Route 32 and Route 213; one project is two megawatt (2mW) and the other project is four megawatts (4mW.) Mr. Stumpf stated that he had filled out an application for an Open-Development Area (ODA) and spoke with the Town of Ulster’s Supervisor James Quigley III, to verify if it was required or not. Landau’s legal counsel stated that they should apply for the ODA.

Mr. Stumpf explained that the application had now been changed from three (3), two megawatt (2mW) projects on three (3) parcels, to one (1), two megawatt (2mW) project on one (1) parcel and one (1), four megawatt (4mW) solar farm on a second parcel; this is after a minor resubdivision to convert three (3) parcels into two (2).

Mr. Stumpf stated that there was a community meeting held and that the overhead poles at the access point were mentioned as being visible. After said meeting, they decided to downsize from twenty-one (21) poles to twelve (12) which will reduce the aesthetic feature.

Mr. Stumpf stated that they have also made updates to their access roads. Mr. Sorensen stated that the applicant should apply for an ODA through the Town Board, and that they have no issues providing access and using the provided driveway and roads as most of that area is already paved. Mr. Sorensen stated that the Town can establish conditions and/or thresholds for the ODA to serve two lots and that he recommends applying. Mr. Sorensen told the applicant that he would need to amend the application to reflect the current proposal since the project has evolved since the initial application, as well as submit an updated Environmental Assessment Form (EAF.)

Mr. Stumpf stated that the leaf-off balloon test that was done in the spring showed that the area of concern was along Route 213 down to Eddyville and the Eddyville bridge that leads from Esopus to Town of Ulster. The applicant has responded to those concerns by setting the project back a bit further which is away from the edge and has very little visibility. Mr. Stumpf stated that they plan on leaving vegetation around the edges as a buffer. There was a visibility issue with one of the neighbors and it was brought to

their attention. The applicant attended a Planning Workshop and the applicant will be planting new trees of a different height to camouflage the proposed poles. Mr. Sorensen stated that a photo simulation of the proposal would be of great help to which Mr. Stumpf stated he “will attempt to get it done.”

Mr. Stumpf stated that a new Stormwater Pollution Prevention Plan (SWPPP) has been submitted to Brinnier & Larios for their review and reevaluation.

Mr. Sorensen reiterated that the applicant will need to submit an amended site plan application, as well as a subdivision application and detailed subdivision plans. The Board agreed to schedule the Public Hearing should the requested plans be submitted before September 18<sup>th</sup> as they are required for the Ulster County Planning Board (UCPB) referral. Mr. Stumpf stated that he will have everything submitted by that date.

Mr. Stumpf briefly stated that Cypress Creek uses native seeding pollinators such as wildflowers as the vegetation between the solar panels and that they usually hire locally for the maintenance to keep the vegetation around one foot (1’) height and two feet (2’) from the panels.

**Action:** A motion to refer this project to the Town Board for ODA approval was made by Mr. Almquist, with a second from Ms. Hayner; all in favor. A motion to forward the subdivision to a Public Hearing was made by Ms. Hayner; with a second from Mr. Stravropoulos; all in favor. A motion to forward the site plan to the Ulster County Planning Board (UCPB) was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

## **Esopus Agricultural Center – Lot Line Revision**

Robert Bernstein, Esopus Agricultural Center, and Cari, Scenic Hudson, appeared on behalf of an application that had been approved on May 8, 2018, but since the maps were never filed with the County Clerk, they applicant must get the Revision reapproved. The applicant addressed all the recommendations of the Board and attended a Planning Workshop. The SEQR review showed no adverse impacts, so the project is deemed a SEQR Negative Declaration and Mr. Sorensen recommended reapproval to the Board.

**Action:** A motion to classify this project a SEQR Negative Declaration was made by Mr. Allison, with a second from Mr. Almquist; all in favor. A motion grant the lot line revision was made by Mr. Stravropoulos, with a second from Mr. Almquist; all in favor.

## **Michael Fink / Crystal Ridge Subdivision – Major Subdivision**

Michael Fink appeared on behalf of his application to reapprove a major subdivision that was approved in 2009. Mr. Fink proposes subdividing a 99.5-acre parcel into twelve (12) single-family lots with a private road. Mr. Fink stated that the economy had taken a dive when the plans were approved and he did not think he would be able to sell twelve (12) lots so he held off on the project and would now like it to be reapproved.

Mr. Fink stated that the proposed road was already constructed and that it was built as designed. Mr. Fink is requesting that the Board try and approve in a timely fashion so that he may have time to overcome any unforeseeable issues in the future. Mr. Fink stated that nothing in his plans had changed.

Mr. Sorensen stated that the applicant must submit another subdivision application, as well as subdivision plans and that once those plans have been submitted the Board will hold the first Public Hearing needed on the October Planning Board meeting and the second Public Hearing during the November Planning Board meeting. Mr. Sorensen stated that the project was deemed a SEQR Negative Declaration and that the time of passage would not change the findings as long as nothing has changed in the plans. Since nothing has changed, the SEQR declaration is still valid. Mr. Sorensen stated that the Board should reaffirm the SEQR declaration. Mr. Sorensen would like Brinnier & Larios to review the SWPPP since some requirements have changed since 2009.

Mr. Fink thought it would be helpful to resurvey the road so can see as-built. Mr. Fink stated that he cannot find the original surveyor, but that he has another person that he can use. Mr. Sorensen stated that the applicant can use the already approved plans and submit as-builts to supplement the application.

The road was not originally wide enough, but is now wide enough with pull-offs along the road. Mr. Fink stated that he intends on leaving this road a private road as he likes the idea of it being more country and permeable. Mr. Fink stated that there is a covenant covering the road agreement. Mr. Fink stated that the covenant also covers the cutting of trees so that the land stays beautiful and keep the houses private and separate.

**Action:** A motion to reaffirm the Planning Board as lead agent and declare this project a SEQR Negative Declaration was made by Mr. Almquist, with a second from Mr. Allison; all in favor. A motion to refer this project to a Public Hearing on the subdivision was made by Mr. Almquist, with a second from Mr. Stravropoulos; all in favor. A motion to refer this project to the Saugerties Clerk, Town of Ulster Highway Superintendent, Brinnier & Larios and the Ulster County Planning Board (UCPB) for review was made by Ms. Hayner, with a second from Mr. Almquist; all in favor.

## Discussion

Mr. Almquist stated that he had a couple of comments on paragraph B of the proposed digital sign law regarding the wording. Mr. Kovacs, the Town of Ulster Attorney, stated that the Zoning Board of Appeals (ZBA) had influence behind the proposed law and had reviewed it many times. Timely Signs had done a demonstration of digital signs and after seeing it visually, the ZBA thought that eight (8) second intervals between switching messages sufficient as the Board did not want the images to flow together; they wanted graphic to graphic to be instantaneous. Mr. Almquist thought the word *may* should be switched to the word *must* in the sentence: “*Must* not have animation.” Mr. Almquist also thought that the one (1) second transition to change to the next screen should be instantaneous. Mr. Quigley, the Town of Ulster Supervisor, stated that increasing sophistication increases the price. In paragraph G, Mr. Almquist thought that the wording should say “at least three-hundred feet (300’)” instead of “located no closer than three-hundred feet (300’.)” Another thought was to have screening of some sort should a sign be faced towards a residential area. Once all the Boards have reviewed the proposed law and given their feedback, the Town Board is hoping to schedule the Public Hearing at the October 18<sup>th</sup> Town Board meeting.

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary