

TOWN OF ULSTER PLANNING BOARD

584 EAST CHESTER BYPASS KINGSTON, NY 12401
PHONE – 845-340-3884 Email - Planningzoning@townofulster.ny.gov

APPLICATION FOR SITE PLAN/SPECIAL USE PERMIT

Date 04/28/2025

Applicant 's Name Mark Turner Phone # (916) 835-8119

Company Name Alcazar ESS, LLC

Address 437 Madison Ave, Suite 22A New York, NY 10022

Email mturner@terra-gen.com

Owner's Name Ulster Land Development, LLC Phone # 212-203-6974

Address Zulfiya Huseynova, West 40th Street, Ste 2302, New York, NY 10018

_ Email zh@mekhlaw.com

Site Address 430 Hurley Avenue Zoning District OM & R-30

Section Block & Lot 48.17-1-26

Site Acreage of parcel 15.3

Is the site located in an existing municipal water district Yes No

Is the site located in an existing municipal sewer district Yes No

The following documents should be submitted with the application:

Written Narrative Describing the proposed action (one page preferred)

Site Plan per Chapter 145 of the Code of the Town of Ulster (contact Planning Department for # of copies) All submissions shall bear a signature, seal, and license number of professional responsible for preparing each item.

Electronic copy of all documents

Signed SEQRA Environmental Assessment Form (EAF), Part 1

Filing Fee and Escrow

Additional items may be required.

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ALL DOCUMENTS MUST BE SUBMITTED 2 WEEKS PRIOR TO THE MEETING SEE WEBSITE FOR DATES

Based on documentation available from the New York State Department of Environmental Conservation (NYSDEC), lands throughout the Town of Ulster are known to be, or have the potential to be, habitat for two (2) protected wildlife species: the Bald Eagle, and the Northern Long-eared Bat. Applicants should be aware of this protection and the standards that limit land development or land use changes on, or in proximity to, the habitat of these species

Eastern Natural Resources, LLC (and its affiliates) is authorized by the current owner of the property (Ulster Land Developments LLC) to act as owner’s agent and on owner’s behalf in applying for any land use entitlements and permits, as set forth in the Memorandum of Purchase and Sale Agreement and Joint Escrow Instructions recorded on February 24, 2025 as Instrument No. 2025-2229 in the Official Records of Ulster County, New York (a copy of which is attached hereto)

I, _____, give my permission for _____

to act as my agent in all aspects of my application that has been submitted to the Town of Ulster Planning Board.

I Hereby give permission to the Town or the Town’s legal representative to visit the site and conduct an on-site inspection

I understand that my agent will attend all meetings on by behalf and act as a liaison between myself and the Planning Board.

Owner’s Signature Date

Received on _____

File # P- _____



ULSTER COUNTY – STATE OF NEW YORK
 TAYLOR BRUCK, ACTING COUNTY CLERK
 244 FAIR STREET, KINGSTON, NEW YORK 12401

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



Recording:

Cover Page	5.00
Recording Fee	60.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

BOOK/PAGE: 7459 / 118
 INSTRUMENT #: 2025-2229

Total: 85.00

**** NOTICE: THIS IS NOT A BILL ****

Receipt#: 2025014621
 Clerk: SM
 Rec Date: 02/24/2025 12:56:56 PM
 Doc Grp: D
 Descrip: AGREEMENTS
 Num Pgs: 9
 Rec'd Frm: J.S. LAND SERVICES

Party1: ULSTER LAND DEVELOPMENTS LLC
 Party2: EASTERN NATURAL RESOURCES LLC
 Town: ULSTER

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

WARNING***

*** Information may be amended during the verification process, and may not be reflected on this cover page.

THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316-a (5) & 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

Taylor Bruck

Taylor Bruck
 Acting Ulster County Clerk

Recording Requested by:

And when Recorded Return to:

Eastern Natural Resources, LLC
11455 El Camino Real, Suite 160
San Diego, CA 92130
Attn: Director of Real Estate

Tax ID #: 48.17-1-26

**MEMORANDUM OF PURCHASE AND SALE AGREEMENT
AND JOINT ESCROW INSTRUCTIONS**

THIS MEMORANDUM OF PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS (this "Memorandum") is made and entered into as of the last date this Memorandum is signed, as shown next to each signature (the "Effective Date"), by and between ULSTER LAND DEVELOPMENTS LLC, a New York limited liability company, on the one hand ("Seller"), and EASTERN NATURAL RESOURCES, LLC, a Delaware limited liability company, on the other hand ("Buyer"). * 110 West 40th Street, Suite 2302, New York NY 10018

** 11455 El Camino Real Suite 160
RECITALS San Diego, CA 92130

A. Buyer and Seller are parties to that certain Purchase and Sale Agreement and Joint Escrow Instructions dated August 20, 2024 (the "Purchase Agreement"), pursuant to which Seller has agreed to sell to Buyer certain real property more particularly described on Exhibit "A" attached hereto (the "Land"), together with all of Seller's interest in any rights and/or interests (including, but not limited to, any mineral and water rights) benefitting or otherwise appurtenant to the Land (together with the Land, the "Property").

B. Buyer and Seller now desire to provide for public notice of the existence of the Purchase Agreement and Buyer's rights thereunder.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants provided herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Buyer and Seller hereby agree as follows:

1. Purchase Agreement. Subject to the terms and conditions of the Purchase Agreement, Seller has agreed to sell the Property to Buyer.
2. Escrow Term. Subject to the terms and conditions set forth in the Purchase Agreement, the date for closing of the sale of the Property is to be on or before the date that is three (3) years after the Effective Date, as more particularly set forth in Section 8.6 of the Purchase Agreement.
3. Permitting. As provided in Section 5 of the Purchase Agreement, Seller hereby authorizes Buyer or its successors or assigns to act as Seller's agent and on Seller's behalf in applying to any public agency for land use entitlements and permits necessary or convenient for the development, construction or operation of improvements on the Property (collectively, the "Permits"), including without limitation general plan amendments, zone changes, conditional use permits, variances, lot line adjustments, setback waivers, and environmental review.
4. Interest in Real Property. The Purchase Agreement (and rights of Buyer and the obligations of Seller thereunder) shall be deemed an interest in and encumbrance upon the Property and shall be binding upon the Property and Seller and its successors and assigns, and shall inure to the benefit of Buyer and its successors and assigns.

5. ~~Miscellaneous~~. This Memorandum is prepared for the purpose of recordation in the Official Records of Ulster County, New York to provide record notice of the existence of the Purchase Agreement and the rights of Buyer thereunder. All capitalized terms not otherwise defined herein shall have the same definition as set forth in the Purchase Agreement. In the event of any inconsistency between this Memorandum and the Purchase Agreement, the terms of the Purchase Agreement shall control. This Memorandum may be executed in multiple counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document.

[Remainder of Page Intentionally Left Blank – Signature Page Follows]


IN WITNESS WHEREOF, the parties hereto have executed this Memorandum as of the date of the acknowledgements below but to be effective as of the Effective Date.

SELLER:

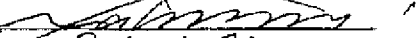
ULSTER LAND DEVELOPMENTS LLC,
a New York limited liability company

By: MGT Investment Services LLC

September
Date: August 30, 2024


By: 
Name: Daniel Muro
Title: Manager

By: Tiber Services LLC

By: 
Name: RUBEN SANTILLAN
Title: Manager

BUYER:

Eastern Natural Resources, LLC,
a Delaware limited liability company

By: 
Name: Ken Wagner
Title: Vice President

Date: ~~August~~ 2024
11/18/2024

ACKNOWLEDGMENT

STATE OF Florida)
COUNTY OF Broward) ss.:

On the 30 day of September, in the year 2024, before me, the undersigned, personally appeared Ruben Santurian, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

J. Molina
Notary Public



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

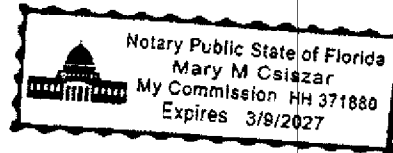
STATE OF ^{Florida} ~~CALIFORNIA~~)
COUNTY OF Sarasota) ss.

On November 18, 2024, before me, Mary M. Csizsar, Notary Public, personally appeared Ken Wagner who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Mary M. Csizsar
Notary Public



ACKNOWLEDGMENT

STATE OF Florida)
COUNTY OF Broward) ss.:

On the 30 day of September, in the year 2024, before me, the undersigned, personally appeared Anibal Murral, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

J. Lee
Notary Public



EXHIBIT A to Memorandum

Description of Property

ALL that certain lot, piece or parcel of land situate, lying and being on the southerly side of State Highway Route No. 209, leading from Kingston to Hurley in the Town of Ulster, County of Ulster and State of New York, which according to a survey of Augustus S. Brinnier, P.E. & L.S., dated January 11, 1961, is more particularly bounded and described as follows:

BEGINNING at a concrete fence post on the southerly side of State Highway Route #209, leading from Kingston to Hurley, said point being the northwesterly corner of lands of Robert Milliken and running:

- (1) THENCE along the westerly line of lands of Robert Milliken South $37^{\circ} 04'$ East 621.39 feet to a concrete monument on the northwesterly taking line of the New York State Thruway,
- (2) THENCE along the right-of-way taking line of said thruway the following courses and distances: South $43^{\circ} 35'$ West 410.53 feet to a concrete monument;
- (3) THENCE South $40^{\circ} 43'$ West 496.67 feet to a concrete monument;
- (4) THENCE South $36^{\circ} 57'$ West 217.75 feet to a point on said northwesterly right of way taking line;
- (5) THENCE along other lands of the Golf Course Properties Corporation, North $5^{\circ} 55'$ West 1,302.54 feet to a point on the southerly side of the aforementioned State Highway Route #209;
- (6) THENCE along the southerly side of State Highway Route #209, North $84^{\circ} 29'$ East 500.00 feet to the Place of BEGINNING.

**Attachment 1A
Town of Ulster
Zoning Law Request**

Young / Sommer LLC

ATTORNEYS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com

E. Hyde Clarke, Esq.
Writer's Telephone Extension: 264
hclarke@youngsommer.com

March 12, 2025

Town of Ulster
Attn: Warren Tutt, Building Inspector
584 East Chester Street
Kingston, New York 12401

RECEIVED

MAR 28 2025

YOUNG, SOMMER LLC

RE: Battery Energy Storage System - Zoning Law Interpretation Request
Utility Company Structure Classification

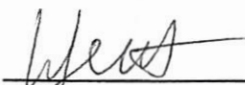
Dear Mr. Tutt,

This firm, working alongside Stockade Strategies, LLC, represents Terra-Gen, LLC (referred to as the "Applicant"). The Applicant is proposing the construction of a 250 MW utility-scale battery energy storage system ("BESS") (the "Project") on property located at 430 Hurley Avenue (Tax Map No. 48.17-1-26). The parcel is split into two (2) zoning districts: OM and R-30. Pursuant to the Zoning Code of the Town of Ulster Zoning Law, "utility company structures" are an allowed use in both districts, subject to special permit and site plan review approval. We respectfully submit the following interpretation request:

The proposed BESS is classified as a utility company structure under the Town of Ulster Zoning Code. This interpretation is consistent with similar applications approved in the Town of Ulster, including the Lincoln Park Grid Support Center proposed by GlidePath and approved in 2019, as well as several solar projects.

Thank you for your consideration and prompt attention to this matter. If you have any questions or would like additional information from the Applicant, please feel free to contact me directly.

AGREED TO BY:


Warren Tutt
Building Inspector

3/18/25
Date

Very truly yours,

YOUNG/SOMMER LLC



Robert A. Panasci, Esq.
E. Hyde Clarke, Esq.
Attorneys for the Applicant

cc: James E. Quigley, Supervisor
Jason Kovacs, Town Attorney
Dan Ahouse, Stockage Strategies, LLC

**Attachment 1B
Appendix D - Sample
Application for Site Plan
Approval**

Appendix D
SAMPLE APPLICATION FOR SITE PLAN APPROVAL

DATE (check appropriate box) <input checked="" type="checkbox"/> PRELIMINARY <input type="checkbox"/> FINAL			
Name of proposed development:			
Applicant name: Alcazar ESS, LLS		Plans prepared by: Ulteig	
Phone:		Phone:	
Address: 437 Madison Ave, Suite 22A		Address: 5701 S. Corporate Place, Suite 1	
City: New York		City: Sioux Falls	
State: NY	Zip: 10022	State: SD	Zip: 57108
Owner name (if different):		If more than one owner, provide information for each	
Phone:			
Address:			
City:			
State:	Zip:		
Ownership intentions (i.e., purchase options):			
Proposed zoning: OM & R-30			
Proposed site use(s): Utility Company Structure			
Describe proposed use (include primary and secondary uses; ground floor area; height; and number of stories for each building): For residential buildings include: number of dwelling units by size (efficiency, one-bedroom, two-bedroom, three- or more bedrooms) and number of parking spaces to be provided; For non-residential buildings include: total floor area and total sales area; number of automobile and truck parking spaces; Other proposal structures (Use separate sheet if needed):			
Please refer to attached Project Narrative.			
PARCEL INFORMATION			
Tax Map Identification	Section 48.17	Block 1	Lot 26
Total site area (sq. feet or acres):			
Current zoning: OM & R-30			
Current land use (agricultural, commercial, undeveloped, etc.): Commercial			
Current condition (buildings, brush, etc.) Building			
Surrounding land character (urban, wetlands, etc.): Urban and Forested			
CONSTRUCTION INFORMATION			
Anticipated construction time: 12 Months			
Will development be staged? No			
Estimated cost of improvement: TBD			
Anticipated increase in number of residents, shoppers, employees, etc. (as applicable)			
N/A			
STATE AND FEDERAL PERMITS (list type and appropriate department)			
GP-0-25-001			