

TOWN OF ULSTER
PLANNING BOARD
August 8, 2017

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, August 8, 2017 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan-Chairman
Troy Ashdown
Alan Sorensen – Planner

Frank Almquist
Larry Decker

Absent:

Anna Hayner
Andrew Stravropoulos

Karl Allison

A motion to approve the minutes from the July meeting was made by Mr. Almquist with a second from Mr. Ashdown; all in favor.

A roll call followed.

Cypress Creek – Special Use/Site Plan Review

Ann Waling, Zoning Manager for Cypress Creek in New York State, appeared on behalf of the application to construct a 21 acre solar farm to be located in the quarries on Old Route 32. This area is in an R-60 zone, and this project would be considered a special permit utility use. The solar farm would produce approximately 2 megawatts of power. Ms. Waling said that the company is still currently speaking with the land owner about two other possible properties for the solar farms and that they are taking into consideration moving the original project to one of the other parcel options. Ms. Whaling handed out maps showing useable areas of said properties. There was a brief discussion that followed explanation of the maps.

Ms. Whaling also stated that she saw an article in a local paper stating that the Supervisor had stated that he would require an Environmental Impact Statement (EIS) if they decided to build on one specific side of the road to which she felt “was a prejudicial statement and that sometimes it comes from an experience that suffers from intense public scrutiny in the past.”

Mr. Sorensen’s recommendation that the project proceed to the Town Board for discussions with the Town Supervisor and they would have the option as to how to move forward in respect to SEQR, whether to require and EIS or not; if they choose to do so, through that environmental review process they can ask the applicant to consider alternatives to the initial proposal. Mr. Sorensen asked how usable many acres they would need to situate the solar array, to which Ms. Whaling answers “it varies, based on terrain and site constraints – we like to have 20 acres for a 2Mw project which leaves room for setbacks, roadway, the pad for the inverter, and leaves room for unseen complications in the future. Leaving row spacing leaves greenspace that is beneficial for the runoff and work better for their SWPPP; they can condense and use more expensive

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panels and squeeze it into a smaller space, but it is not as nice of a project as they'd like. Ms. Whaling stated that they have been in contact with the landowner and they are trying to purchase a larger property and do three 2Mw projects, instead of the initial proposal of one 2Mw project on approximately 23 acres.

Action: A motion to refer to the Town Board was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

Lia Honda – Lot Line Deletion and Site Plan Review

Eric Masterson, BBL Construction, appeared on behalf of the application. Mr. Masterson stated that they were looking for Ulster County Planning Board comments for an adoption of a Negative Declaration for SEQR, and wanted to acknowledge that the ZBA had approved the sign variances – pending County's modifications. He also stated that there was a review of Stormwater that was acceptable and that they were there for a lot line deletion, as well and comments or concerns to be clarified before the September 12th meeting.

Mr. Sorensen stated that commented that there were two distinct actions that could be taken with this application – The Planning Board had authority over the lot line deletion approval, while the Town Board has authority over the site plan approval. At this point in time, the applicant has a complete site plan and has completed a preliminary Stormwater Pollution Prevention Plan that has been reviewed by the Town's alternative consulting engineers, Praetorius & Conrad, who had some technical comments to move forward but the found nothing in the initial submission that would rise to a level of significant adverse impact that couldn't be resolved with the completion of the SWPPP.

Mr. Sorensen stated that he had completed Part Two of the EAF form, as well as a conditioned SEQR Negative Declaration, condition being that the final SWPPP is reviewed and accepted by Praetorius & Conrad. There was a brief discussion on minor technical details on the Site Plan set of things such as landscaping and some clarification questions. Mr. Sorensen's recommendation of action for the Board is to make a SEQR determination of a Conditional Negative Declaration and grant the lot line adjustment approval, so the applicant could consolidate the lots, and also to refer the complete plan set back to the UCPB. Mr. Sorensen read the resolution for the lot line deletion.

Action: A motion to declare this a SEQR condition Negative Declaration was made by Mr. Almquist, with a second from Mr. Ashdown; all in favor. A motion to approve the lot line deletion was made by Mr. Decker, with a second from Mr. Almquist. A roll call vote followed; all ayes. A motion to forward a full set of plans to the UCPB was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

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WHEREAS, the applicant – Lia Kingston Realty, LLC dba Lia Honda of Kingston – is seeking a Lot Line Adjustment approval involving the consolidation of Town of Ulster Tax Parcels SBL 48.50-2-16.110 & 16.221; 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:

- Project Narrative by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 24, 2017;
- Lot Line Adjustment Application by Brinnier & Larios, Eng. & Land Surveying, P.C. dated 7/24/17; and
- Lot Line Deletion Map by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 24, 2017;

- SEQR Full EAF Part 1 prepared by Joe E. Mihm, PE, B&L Eng. & Land Surveying, revised 6/14/2017;
- Cover Sheet prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated August 3, 2017;
- Existing Conditions Plan by Brinnier & Larios, Eng. & Land Surveying, P.C. revised August 3, 2017;
- Site Plan prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;
- Demolition Plan by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;
- Grading Plan by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;
- Site Utilities by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;
- Stormwater Management by Brinnier & Larios, Eng. & Land Surveying, P.C. revised August 3, 2017;
- Erosion & Sediment Control by Brinnier & Larios, Eng. & Land Surveying, P.C. dated August 3, 2017;
- Site Lighting/Photometric Plan by Brinnier & Larios, Eng. & Land Surveying, P.C. dated 8/3/17;
- Site Lighting/Photometric Plan by Brinnier & Larios, Eng. & Land Surveying, P.C. revised 8/3/17;
- Site Landscaping by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;
- Fire Apparatus Fire Plan by Brinnier & Larios, Eng. & Land Surveying, P.C. revised August 3, 2017;
- Details prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;

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- Site Sign Details by Brinnier & Larios, Engineering & Land Surveying, P.C. dated August 3, 2017;
- Segmental Retaining Wall Profile by Brinnier & Larios, Eng. & Land Surveying, P.C. dated 8/3/17;
- Architectural Rendering Sheet A-1 prepared by BBL Construction Services dated August 3, 2017;
- Main Level Floor Plan Sheet A-2 prepared by BBL Construction Services dated August 3, 2017;
- Lower Level Floor Plan Sheet A-2 prepared by BBL Construction Services dated August 3, 2017;
- Exterior Elevations prepared by BBL Construction Services dated August 3, 2017; and
- Draft Stormwater Management Pollution Prevention Plan by Brinnier & Larios, dated July 2017.

WHEREAS, the proposed lot complies with the bulk requirements of the HC-Highway Commercial 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 Lot Line Deletion Map was prepared by Christopher J. Zell, P.L.S. dated July 24, 2017 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the Lot Line Deletion Map; and

WHEREAS, a public hearing was not required since a Lot Line Adjustment is not a subdivision as defined in the Town Code; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) for the entire action (Proposed Site Plan and Lot Line Adjustment) found the Proposed Action did not pose a potentially significant adverse environmental impact based upon a review of the revised application materials, draft SWPPP and revised Plan Set dated August 3, 2017.

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 Conditioned Negative Declaration for the Proposed Action [Conditioned Negative Declaration Statement Attached]; and

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

1. Plat may be filed with 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. All fees, including consultant fees, shall be paid.

Lawrence Decker – Subdivision

Michael Vetere III appeared on behalf of the application for a minor subdivision. Mr. Decker's house was purchased in July of 1974, and then purchased his rental property next door in September of 1977; the very next day, he purchased from Van Etten a strip of land that he is now looking into dividing and adding to the two properties previously purchased. Mr. Decker would like to take 100 feet of the strip and add it to his property and take another 100 feet and add it onto his rental property, giving both properties separate fee access to the right-of way. There was a brief discussion.

Action: A motion to forward this to a Public Hearing in September was made by Mr. Almquist, with a second from Mr. Ashdown; all in favor.

HPT, Inc. – Change of Use

Joe Deegan and Dave Dyal appeared on behalf of this application. Mr. Deegan was working with Mr. Dyal as a Commercial Real Estate Broker, and they found him a suitable location for his current business at 1 Anaconda Drive. Mr. Dyal is relocating from Dutchess County to Ulster County. HPT Inc. is primarily a distributor of high purity tubing and fittings. They also evaluate different types of materials such as copper and stainless steel, where they perform specialty cleaning for oxygen distribution applications or electro polishing these different sized, stainless steel tubing fittings for solar distribution systems, primarily semi-conductor or solar, and biopharmaceutical applications. This office is part of a larger group that has offices worldwide, and is overall a One-Billion dollar company. The company is one of the largest brokers of stainless steel and has been around since WWII. Mr. Dyal stated that the location was perfect for their proposal. There was a brief discussion.

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Mr. Sorensen stated that this project would be a SEQR Type II action, the site plan is satisfactory, there is sufficient parking and traffic circulation is efficient. Mr. Sorensen recommends conditional site plan approval, with the condition that HPT reaches out to Ulster Hose #5 and the Town of Ulster Water Department. Mr. Sorensen read the resolution.

Action: A motion to grant Conditional Site Plan Amendment Approval was made by Mr. Almquist, with a second from Mr. Ashdown. A roll call vote followed; all ayes.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Dave Dyal, HPT, Inc., with the consent of John Stote (Big Matt Associates, Inc. (owner)) – is seeking Site Plan Amendment approval for a change-in-use within an existing 12,900 square-foot (sf) building to establish a manufacturing facility with ancillary offices for HPT, Inc., which makes ultra-high purity stainless steel tubing and fittings; and

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

- Written Narrative prepared by applicant HPT, Inc., dated July 21, 2017;
- Site Plan Consent Form signed by John Stote, Big Matt Associates, Inc., dated July 26, 2017;
- Site Plan Application signed by David Dyal and John Stote dated July 25, 2017;
- SEQR Short EAF Part 1 prepared by David Dyal, HPT, Inc., dated July 25, 2017; and
- Proposed Site Plan for Big Matt Associates by Brinnier & Larios, P.C., dated July 18, 2017.

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan amendment for this Proposed Action since the proposed modifications to the existing Site Plan does not result in new gross floor area; and

WHEREAS, the Site Plan provides for sufficient off-street parking and loading spaces for the intended manufacturing use on the Subject Site; and

WHEREAS, the Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan and change in use; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is a Type II Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

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

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to Dave Dyal, HPT, Inc. 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. Compliance with Town Water and Sewer Departments and Ulster Hose No. 5 requirements;
5. Compliance with State and federal requirements for operation of manufacturing facility;
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.

Wiedy's/Charmellos – Minor Subdivision

Christopher Zell appeared on behalf of the application for a minor subdivision. The application proposes deleting a parcel and splitting it between two parcels; one owned by Catskill Mountain Real Estate Holding, and the other by Datum Developers, to which Mary Wiedy is the principle. The proposal states taking the front of the third parcel owned by Datum Developers, come 30 feet off of an existing metal building, and add that portion to Catskill Mountain Real Estate property. The remainder of the land will be joined to the carwash property, which Mary Wiedy owns. This third parcel will be deleted with the proposed lot line deletion, with part going to Datum, and part to Catskill Mountain. There is an agreement between the two parties that there will be a Right-of-Way that Catskill Mountain will grant to Mary Wiedy so that they will have access to rear portion of carwash. There was a brief discussion, in which Mr. Sorensen stated that he recommends a Negative Declaration SEQR and that they skip a preliminary public hearing and go straight to a Public Hearing to be scheduled in September.

Action: A motion to declare this proposal a SEQR Negative Declaration was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to waive the preliminary hearing and schedule a Public Hearing for next month's meeting was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

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5th Element Properties – Site Plan Review

Carl Sumliner appeared on behalf of the application. He proposes to build a 5,000 square foot warehouse on his property located at 950 Old Route 9W, that will be used for his construction business, All About Construction. Mr. Sumliner explained that there is an existing detached garage and in order to fit the new building in, he will have to take the garage down. Mr. Sumliner briefly described the existing property and the proposed property. Mr. Mulligan stated that since it is over 2,500 square feet, it will need to be referred to the Ulster County Planning Board, and Mr. Sorensen stated that it will also need to be referred to County because it is new construction. There was a brief discussion. Mr. Sorensen stated that this project would be considered an Unlisted Action in reference to SEQR. Mr. Mulligan read the resolution.

Action: A motion to forward to the Ulster County Planning Board was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to refer to Water & Sewer Departments, Ulster Hose #5, and Highway Department was made by Mr. Almquist, with a second from Mr. Decker; all in favor. A motion to refer to the Town Board for Lead Agency was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by 5th Element Properties, LLC seeking a Site Plan approval to construct a 5,000 square-foot (sf) warehouse/workshop along with associated parking, access, landscaped areas and utility infrastructure on the subject site and to convert an existing house into an office to be leased to All About Construction; and

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

- Consent Form signed by Carl Sumliner – 5th Element Properties, LLC., dated August 2, 2017
- Application for Site Plan Approval by Carl Sumliner dated August 2, 2017;
- SEQR Short EAF prepared by Carl Sumliner dated July 18, 2017; and
- Sketch Map for Site Plan by Michael F. Vetere, Jr., PLLC dated August 1, 2017.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Site Plan and Special Permit application since more than 2,500 SF of new gross floor area is proposed; and

WHEREAS, the Town of Ulster Planning Board, upon review of the SEQR Short EAF Part 1 determined the Proposed Action was an Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law since it involves more than 4,000 square feet of new commercial construction; and

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WHEREAS, the Planning Board determined other Interested Agencies include: Ulster County Planning Board (NYSGML 239 1 and m reviews), Town of Ulster Highway Superintendent (site access); and Town of Ulster Water and Sewer Departments; and

WHEREAS, the Town's Consulting Planner recommended to the Planning Board that the Proposed Action be referred to the Town Board for the purpose of initiating a SEQR Unlisted Action-Coordinated Review with the Town Board so named as Lead Agency and to refer this matter to the Ulster County Planning Board.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board so that it can declare its intent to be Lead Agency for an Unlisted Action-Coordinated Review and refer this matter to the Ulster County Planning Board.

Sfoglino Pasta – Site Plan Review

Steve Gonzalez and Scott Ketchum, Sfoglino Pasta, appeared on behalf of the application. The business is currently located in Brooklyn, New York and they are looking to move their pasta manufacturing operations up here to 90-98 Boices Lane, Building 42, Zone OM to expand the company, as it is closer to trucking routes and closer to their farmers. Mr. Sorensen summed it up stating that they are proposing to lease 28,540 square feet of an existing building in TechCity that's a bit over 100,000 square feet. Their proposal is a permitted use in the Office and Manufacturing, but that the way the lots are set up there is unusual as the parking for one parcel is situated on an adjacent parcel. Mr. Sorensen recommends that they acquire some sort of letter stating that the parking on the adjacent site is available for this proposed projects parcel moving forward. Mr. Sorensen stated that this will be considered a SEQR Type II action, as there will only be renovations to the interior of the building. There was a brief discussion. Mr. Sorensen read the resolution.

Action: A motion to approve a conditional site plan amendment was made by Mr. Ashdown, with a second from Mr. Almquist; all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Roger Osterhoudt (AG Properties of Kingston, LLC) seeking Site Plan Amendment approval for a change-in-use to occupy 28,540 square-foot (sf) of space within an existing building [i.e., Building 042] to establish food processing facility with ancillary offices for Sfoglino NYC Pasta Shop; and

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

- Site Plan Consent Form signed by representative of AG Properties of Kingston, dated August 4, 2017;
- Site Plan Application signed by Roger Osterhoudt, AG Properties of Kingston, dated August 4, 2017;

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- SEQR Short EAF Part 1 prepared by Roger Osterhoudt, AG Properties dated August 4, 2017; and
- Proposed Floor Plan for Sfoglino NYC Pasta Shop by Charles Wesley dated June 12, 2017;
- Details for Sfoglino NYC Pasta Shop by Charles Wesley dated June 12, 2017; and
- Reflected Ceiling Plan for Sfoglino NYC Pasta Shop by Charles Wesley dated June 12, 2017.

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan amendment for this Proposed Action since the proposed modifications to the existing Site Plan does not result in new gross floor area; and

WHEREAS, the Site Plan provides for sufficient off-street parking and loading spaces for the intended manufacturing use on the Subject Site; and

WHEREAS, the Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan and change in use; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is a Type II Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

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

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to AG Properties of Kingston, LLC. 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. Submission of Site Plan and Letter from AG Properties of Kingston, LLC allocating 49 parking spaces to Sfoglino NYC Pasta Shop;
4. Compliance with site plan, design plans and all details as cited herein;
5. Compliance with City of Kingston Water Department and Town of Ulster Sewer Department requirements;
6. Compliance with State and federal requirements for operation of food processing facility;
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

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8. All fees, including consultant fees, shall be paid.

Mobilite – Site Plan Review

Paul Costa appeared on behalf of this application to install a new telecommunications tower for Sprint on John Clark Road. Mr. Costa stated that it will increase the coverage areas around Ulster Avenue that is at capacity, currently. The tower will be 45 feet tall from the ground to the top of the antennae. The proposed pole will be placed 3 feet from the shoulder of the road in a Town Right-of-Way. There was an agreement made between the Town and Mobilite to place the tower into the Right-of-Way. Mr. Sorensen stated that this proposal will be listed as a SEQR Negative Declaration.

Action: A motion to list this project as a SEQR Negative Declaration was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to approve this project was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Mobilite, LLC seeking approval to situate a Small Cell transmitter within the Town's John Clark Drive right-of-way in the vicinity of Volkswagen of Kingston Parking Lot; and

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

- Written Narrative prepared by Paul Costa of Mobilite, LLC, dated May 31, 2017;
- Site Plan Application prepared by Paul Costa of Mobilite, LLC, dated May 31, 2017;
- SEQR Short EAF Part 1 prepared by Paul Costa of Mobilite, LLC, dated May 31, 2017; and
- Photo Simulation and Sketch Plan by Mobilite, LLC dated May 31, 2017.

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan for this Proposed Action since the new structure is less than 2,500 square feet; and

WHEREAS, the Site Plan shows that the proposed cell pole would not interfere with traffic flow or cause any adverse visual impacts; and

WHEREAS, the Proposed Action did not require further 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, as Lead Agency, upon review of the entire record determined the Proposed Action is a Type II Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

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

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Approval to Mobilite, LLC within the Town of Ulster's John Clark Drive right-of-way 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. Compliance with Town of Ulster Highway Superintendent requirements;
5. Compliance with Town of Ulster Town Board approved use and occupancy agreement;
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.

A brief discussion regarding TechCity and Cypress Creek followed.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary