

TOWN OF ULSTER
PLANNING BOARD
December 12, 2017

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, December 12, 2017 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan-Chairman
Karl Allison
Troy Ashdown
Andrew Stravropoulos

Anna Hayner
Frank Almquist
Larry Decker
Alan Sorensen – Planner

Roll call was taken.

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

Lia Honda – Revote

Joseph Mihm, Brinnier and Larios, appeared on behalf of the application for a revote on the Honda lot line revision that was originally voted on this past August. The plans were not submitted to the County in time, so the Board had to revote so the plans may be active to get submitted to County. Mr. Sorensen recommended that the Board reapprove the lot line revision. A roll call vote followed.

Action: A motion to reapprove the lot line revision was made by the Board; all in favor.

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;

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- 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;
- 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

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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

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.

Cypress Creek – Site Plan Review

Aaron Mann, Cypress Creek Zoning Manager, appeared on behalf of the application to construct three, two megawatt solar power farms off of Route 32. Cypress Creek originally had one application submitted, but is now three separate applications for three separate projects. Mr. Mann stated that he had a few of their engineers present, should the Board have any questions. Mr. Sorensen read his comments from his project notes.

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Within those notes, Mr. Sorensen stated that the three, two megawatt projects are located on a little over 100 acres and the Board members had all been on a site visit. At this point in time, Cypress Creek has a complete application. The minor resubdivision approval is within the Planning Board's purview, but the open development area designation is within the Town Board's purview. Mr. Sorensen stated that he determined that this project is a SEQR Type I action and that the Town Board will be the lead agency for the SEQR review. Mr. Sorensen prepared a resolution recommending that the Town Board initiate SEQR Lead Agency Type I action coordinated review. Mr. Sorensen stated that it would be a good opportunity if the Board had any questions regarding the project to make them known. Mr. Sorensen also stated that he made some recommendations in his review notes that the applicant received and they should make modifications based upon those recommendations. Mr. Mulligan asked Mr. Mann if he thought the buffer requirements recommended would work, to which Mr. Mann stated they would.

Mr. Mann stated that the resubdivision was requested to be made clearer, and that he had plans to show the Board showing a clear layout. Mr. Mann introduced Krystal Eggers, a visual consultant for Cypress Creek, who came before the Board and presented said visual.

Mr. Mann stated that the Town of Ulster is pursuing a solar ordinance, and they are trying to match said ordinance, in respect to the size of projects. Mr. Sorensen stated that the access will be by the existing shared common driveway present, which is where the open development area designation would come into play. Mr. Mulligan asked about the trees that will be removed, to which Mr. Mann stated that they will harvest the trees for additional funding by selling as timber and what timber is not salvageable will be chopped or shredded and used for mulch on-site if the need arises.

Mr. Almquist stated that during their site visit he noticed that some of the area down by Route 32 was thin, as far as vegetation goes, and is wondering if they plan on planting more vegetation or if they would let nature take its course. Mr. Mann stated that they could propose and work with the Board on landscaping to fill in some of the sparse areas off of 32. Mr. Mann stated that they typically work with a lot of evergreens to fill in, but they will use the Board's input on landscaping and what types of plants they would like to see there. Mr. Mann stated that he is aware that the Town Board was concerned with the buffer off of 32 as well as by Banister Animal Hospital. Mr. Sorensen read the resolution.

Action: A motion to refer this project to the Town of Ulster Town Board to declare their intent to be Lead Agency for a Type I action coordinated review was made by Mr. Decker, with a second from Ms. Hayner; all in favor.

WHEREAS, the Town of Ulster Town Board and its consultant planner have reviewed an application by Cypress Creek Renewables dba Landau Solar, LLC, Landau Solar II, LLC and Landau Solar III, LLC (with the consent of Isidore Landau for Eddyville Corp) – is seeking Site Plan, Special Permit, Minor Resubdivision and Open Development Area approval to construct, operate and maintain three (3) 2 Mega Watt

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(MW) Solar Energy Facilities at State Routes 32 and 213, near the hamlet of Eddyville, as well as a PILOT Agreement with the Town of Ulster; and

WHEREAS, the proposed use (i.e. utility and “electric generating”) is allowed subject to Site Plan and Special Permit approval 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 materials submitted in support of the Proposed Action includes:

- Cover Letter for Landau Solar, LLC, Landau Solar II, LLC and Landau Solar III, LLC by Aaron Mann, AICP, Zoning Manager dated 11/9/17;
- Application for Site Plan Review, Special Permit by Cypress Creek Renewables dated November 9, 2017;
- Letter of Intent for Landau Solar, LLC, Landau Solar II, LLC and Landau Solar III, LLC by Aaron Mann, AICP, Zoning Manager dated 11/9/17;
- Consent Form & Agent Authorization signed by Isadore Landua, Landowner dated September 19, 2017;
- SEQRA Full EAF Part 1 prepared by Mike Stanton of Cypress Creek Renewables dated 11/9/2017;
- (C-100) Title Sheet prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture (hereafter referred to as “Langan Engineering”), dated November 3, 2017;
- (C-150) Existing Conditions and Demolition Plan by Langan Engineering dated November 3, 2017;
- (C-200) Site Layout and Materials Plan prepared by Langan Engineering dated November 3, 2017;
- (C-300) Grading & Drainage Plan prepared by Langan Engineering dated November 3, 2017;
- (C-400) Erosion & Sediment Control Plan prepared by Langan Engineering dated November 3, 2017;
- (C-500) Details (1 of 2) prepared by Langan Engineering dated November 3, 2017;
- (C-501) Details (2 of 2) prepared by Langan Engineering dated November 3, 2017;
- (C-600) Overall Site Layout Plan prepared by Langan Engineering dated November 3, 2017; and
- Stormwater Pollution Prevention Plan for Landau Solar, LLC, Landau Solar II, LLC, and Landau Solar III, LLC by Langan Eng., dated November 3, 2017.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Site Plan pursuant to §145-2 the Town Code as well as the Special Permit in accordance with Chapter 190 of the Town Code; and

WHEREAS, the Planning Board, pursuant to §161-10 the Town Code, has approval authority for the 3-lot Minor Resubdivision.

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WHEREAS, the Town of Ulster Town Board has the authority to approve (pursuant to NYS Town Law §280-a), Open Development Area (ODA) designation of the subject site to allow access to the solar farms by right-of-way or easement;

WHEREAS, the Town of Ulster Planning Board, upon review of the SEQR Full EAF Part 1 determined the Proposed Action is a Type 1 Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law, since it exceeds one of the Type I thresholds established pursuant to Section 617.4 of the SEQRA regulations (i.e., physical alteration of more than 10 acres); and

WHEREAS, the Planning Board determined Involved Agencies include: the Town of Ulster Town Board (Site Plan, Special Permit, Open Development Area and PILOT Agreement), Town of Ulster Planning Board (Resubdivision), New York State Department of Transportation (Driveway Permit), New York State Department of Environmental Conservation (SWPPP and SPDES) and New York State Energy Research and Development Authority (NYSERDA) (NY-Sun MW Block Program Incentives); and

WHEREAS, Interested Agencies would include the Ulster County Planning Board (NYS GML 239 review), New York State Office of Parks, Recreation and Historic Preservation (Consultation with respect to archeological and historic resources) and NYSDEC Division of Fish, Wildlife & Marine Resources; U.S. Fish & Wildlife Service (Consultation with respect to Threatened and Endangered Species); U.S. Army Corps of Engineers (Notice of Intent); the City of Kingston (NYS GML 239-nn notice); Town of Esopus (NYS GML 239-nn notice); Town of Rosendale (NYS GML 239-nn notice); and

WHEREAS, the Town's Consulting Planner recommended to the Planning Board that the Proposed Action be referred to the Town Board for the sole purpose of initiating a SEQR Type 1 Action-Coordinated Review with the Town Board so named as Lead Agency.

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 a Type 1 Action-Coordinated Review.

Frank Tiano – Site Plan Review

Mike Vetere Jr. appeared on behalf of the application to have a wedding venue in an R-60 zone. Mr. Vetere stated that the Zoning Board of Appeals approved the Use Variance. He reiterated the project, stating that they have numerous spots for the events to take place on site, power to the site, they will be outsourcing lights and air-conditioned bathrooms and that there is plenty of parking. Mr. Vetere stated that the emergency access can fit a Seagrave Aerial Scope 2 truck, which is a 47 foot truck, which is the largest the Town of Ulster has on hand. Frank Tiano also goes in and out all day with a 72 foot truck for his business with no problem. Kathy Stevens, the second largest adjacent landowner, appeared at the Zoning Board Public Hearing in approval of the

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proposed project. Mr. Vetere stated that Mr. Tiano has been in contact with Mr. Fink, the largest adjacent property owner, and he, too, is in approval, but could not attend the Public Hearing last week. Mr. and Mrs. Davis also appeared in approval of the project and the majority of neighbors agree this would be an asset to the community and neighborhood. Mr. Tiano is looking to have revenue from this property somehow without having to subdivide. The Zoning Board approved 20 events to be held from May 1st until January 2nd, and abide by the Town of Ulster noise ordinance. Ms. Hayner asked if they thought of constructing a barn on site. Mr. Vetere stated that the tent companies will promote the venue and the Tiano's would discuss the possibility in the future. There was a brief discussion. Mr. Sorensen stated that this project would be considered a SEQR Negative Declaration and that they must comply with the Zoning Board's conditions. Mr. Vetere asked if since they got a use variance, not a special use permit, if they would have to go through the same process they just did again to change any of the conditions. Mr. Sorensen stated if it was anything structural, they would have to be seen before the Planning Board again.

Action: A motion to declare this project as a SEQR Negative Declaration as made by Mr. [redacted] was made by Mr. Decker, with a second from Mr. Allison; all in favor. A motion to grant site plan approval was made by Ms. Hayner, 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 Frank Tiano seeking Site Plan approval by the Town Board to establish a wedding venue on the subject site, which is situated within the R-60 Residential Zoning District; and

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

- -Consent Form signed by Frank C. Tiano dated August 20, 2017;
- -Site Plan Application prepared by Frank C. Tiano dated August 22, 2017;
- -SEQR Short EAF Part 1 prepared by Michael F. Vetere, Jr, LS, PLLC, dated August 22, 2017; and
- Site Plan for Frank C. Tiano prepared by Michael F. Vetere, Jr, LS, PLLC, dated August 4, 2017.

WHEREAS, the proposed use "a wedding venue" is not listed as a permitted or special permit use, thus requiring an Use Variance from the Zoning Board of Appeals; and

WHEREAS, the Zoning Board of Appeals (ZBA) held its required public hearing and thereafter granted a "Use Variance" to allow a wedding venue on the subject site subject to certain conditions, limitations and restrictions that are incorporated, herein, by reference to the ZBA decision; and

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WHEREAS, the Planning Board has the authority to review and approve the Site Plan for the Proposed Action in accordance with Chapter 161 of the Town of Ulster Code; and

WHEREAS, the applicant submitted a complete Site Plan application for the Proposed Action; 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 upon review of the entire record (including State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form Part 1 and Part 2 found the Proposed Action was a Unlisted Action pursuant to NYCRR Part 617 of SEQRA; and

NOW THEREFORE BE IT RESOLVED, the Planning Board hereby makes a SEQRA Determination of non-significance and issues a SEQRA Negative Declaration.

FURTHER BE IT RESOLVED the Planning Board has determined they have complied fully with the procedural requirements of NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA); and

FURTHER BE IT RESOLVED, the application by Frank Tiano for Site Plan approval as described above is granted, 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, building elevations and all details as cited herein;
4. The applicant submits a revised Site Plan, which addresses the minor technical revisions requested by the Planning Board at its December 2017 PB meeting;
5. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and;
6. All fees, including consultant fees, shall be paid.

Metro PCS – Change of Use

Jawad Mir, Metro PCS, appeared on behalf of the application for a Change of Use to open a pre-paid wireless provider retail store located at 1100-1104 Ulster Avenue in the former Enterprise Car Rental unit. Mr. Sorensen stated that the use is allowed and that the applicant submitted sign details which do comply with the Town Codes. Mr. Sorensen

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stated that there was a site plan prepared by Brinnier and Larios, updated last year, and the only condition he would recommend would be that the applicant reaches out to Brinnier and Larios to have the site plan updated to show the current proposed use on the site plan.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Jay Mir seeking Site Plan approval for a change-in-use to establish a Metro PCS retail establishment on the subject site, which is located at 1100-1104 Ulster Avenue (U.S. Route 9W) and situated within the RC-Regional Commercial Zoning District; and

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

- Lease in favor of Jay Mir signed by Mark Catalinotto dated November 4, 2017;
- Site Plan Application signed by Jay Mir dated December 8, 2017;
- SEQR Short EAF Part 1 prepared by Jay Mir dated December 8, 2017;
- Proposed Sign Details by Fast Signs, Kingston, NY dated December 4, 2017; and
- Site Plan prepared by Brinnier & Larios, P.C. dated June 29, 2016;

WHEREAS, the Planning Board has the authority to review and approve the Proposed Action in accordance with Chapter 161 of the Town of Ulster Code; and

WHEREAS, the applicant submitted a complete application for the Proposed Action; 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 upon review of the entire record (including State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form Part 1 and Part 2 found the Proposed Action was a Type II Action pursuant to NYCRR Part 617 of SEQRA.

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

FURTHER BE IT RESOLVED, the application by Jay Mir dba Metro PCS for Site Plan Amendment approval as described above is granted, 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, building elevations and all details as cited herein;

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4. The applicant submits a revised Site Plan, which addresses the minor technical revisions requested by the Town's consulting Planner in his Project Review Notes dated 12/12/2017;
5. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and;
6. All fees, including consultant fees, shall be paid.

Action: A motion to approve the Change of Use was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

Discussions

Lincoln Park Grid Support Center

There was a discussion updating the Board on the Lincoln Park Grid Support Center. The Town Board has declared its intent to be Lead Agency. On December 21st, the Town Board will be accepting their status as Lead Agency. After that, they will have to make a determination to move forward, including whether or not it's a SEQR Positive Declaration. If it's declared a SEQR Positive Declaration, there will be a draft Full Environmental Impact Statement prepared to keep the process moving forward. Supervisor Quigley stated that there was an article in the paper today that should hopefully ease the community. Concerns from the community included the fracking of natural gas. Mr. Quigley stated that most of the residents coming out in protest are from outside of the community, although there were some from the Riseley, and Sunrise Park are who were concerned about the noise. Mr. Quigley asked the Board to be very diligent about protection from noise pollution as the project goes through this process. Mr. Sorensen stated that they are also thoroughly assessing visual impacts and require the applicant to follow New York State Department of Environmental Conservation protocol for assessing and mitigating potential impacts. With the visual impacts, there will be a balloon test required, which will be publicly announced, to which the Board members and community will have to go out there and see first-hand the height of the balloons related to the exhaust stack. There was a brief discussion. There are two 100 foot exhaust stacks, so this leaf-off condition is the perfect time to conduct the test. Glidepath did provide a preliminary digital model showing potential areas of visibility, but that model was based on leaf-on conditions, so Mr. Sorensen required that they submit a model based on leaf-off conditions. A brief discussion followed, regarding the possibility of a charitable donation of a piece of property behind the Hudson Valley Mall from Frank Sottile Boulevard to NY State Route 199, being donated as a forever wildlife protection zone, should this project be approved.

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Kingston Buick GMC

Mr. Quigley stated that this lot was originally approved for a retail/pharmacy type structure in 2007 by the Planning Board as a part of Quickchek's subdivision and site plan. It is currently being used to store cars for Romeo and they are looking to extend their temporary site plan to keep parking Romeo's vehicles there. The site plan expires February 5, 2018.

Action: A motion to recommend to the Town Board that they grant a one year extension was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

Fire Training Center

Ulster County Planning Board would like to be Lead Agent for this project. The project is on Town of Ulster land, but Mr. Sorensen stated that it makes sense for the County to take lead agent on this and that would be his recommendation. The Center will be located across from Charles Ryder Park on Ulster Landing Road. Mr. Stravropoulos asked what the water source would be, and Mr. Quigley stated that there are currently wells that has been tested by the Board of Health and that there are no residuals of PFOA's or any foam agents that were allegedly used at that site in the past. Since it is a public facility, they would have to raise the level of testing on the wells to that of a public water supply. Domestic water will be used from the wells, and the training fire water will be used out of existing ponds present on the site.

Action: A motion to recommend consent to the County Planning Board to be lead agent was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary