

TOWN OF ULSTER PLANNING BOARD

January 11, 2022

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, January 11 2022, at 7:00 p.m. via *Zoom*. The following members were present:

Present:

Frank Almquist – Vice Chairman

Rory Lee

John Morrow (alt)

Geoffrey Ring – Chairman

Lawrence Decker

Andrew Stavropoulos

John Stowell (alt.)

David Church – Planner

The Pledge of Allegiance was recited.

Roll call was taken.

A motion to approve the minutes from the December 2021 meeting was made by Mr. Decker, with a second from Mr. Stavropoulos; all in favor.

A motion to appoint Frank Almquist as Vice-Chairman was made by Mr. Decker, with a second from Chairman Ring; all in favor.

A motion to appoint Gabrielle Perea as the Planning Board Secretary was made by Chairman Ring, with a second from Mr. Decker; all in favor.

PUBLIC HEARING

Johnson Route 28 – P-864

128 Route 28 & Route 28

SBL: 48.14-1-38, 48.13-2-21.200 & 48.13-2-21.300

Zone: HC

Minor subdivision

Paul Hakim, property manager, explained that they are adjusting a lot line to correct an encroachment issue that had been overlooked in previous approvals. The line to be adjusted is between the Central Hudson building and the self-storage facility, and the line will be moved approximately twenty-five feet (25) towards the self-storage facility.

Chairman Ring made a motion to open the public hearing, with a second from Mr. Almquist; all in favor. There was no public comment. Chairman Ring made a motion to close the public hearing, with a second from Mr. Almquist; all in favor.

Mr. Church read the resolution.

Action: A motion to approve the minor subdivision was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

WHEREAS, the applicant – Johnson Route 28 – is seeking minor subdivision / lot line revision approval to shift a lot line on three contiguous parcels in accordance with Section 161-10 and the town of Ulster code; and

WHEREAS, the affected parcels are 48.14-1-38, 48.13-2-21.200 & 48.13-2-21.300nd,

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the HC Highway Commercial Zoning District; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is classified as a Minor Subdivision, which is subject to the approval of the Town of Ulster Planning Board; and

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

- Completed Application for Subdivision Approval prepared by Johnson Route 28 LLC signed by Paul Hakim and dated 11/19/21;
- Map of Proposed Lot Line Revision on Lands of Johnson Rte. 28, LLC & Others prepared by Brinnier & Larios, P.C., dated 06/01/21;
- Signed Owner Consent Form for Filing from Paul Johnson;
- Signed Escrow Agreement from Paul Johnson;
- Completed Short Environmental Assessment Form undated; 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 few 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, in accordance with Chapter 161, Section 161-9 the Proposed Action is a Minor Subdivision and the Planning Board must hold at least one (1) public hearing before it can take final action but can waive the requirement for a preliminary public hearing; and

WHEREAS, at the December 14, 2021 meeting the Planning Board scheduled this matter for a Final Plat public hearing at the January 11, 2022 Planning Board meeting; and

WHEREAS, at its January 11, 2022 meeting the Planning board opened the public hearing and thereafter closed the public hearing; and

WHEREAS, the Planning board classified the Proposed Action as a SEQRA Unlisted Action and upon review of the entire record makes a SEQRA Negative Declaration after concluding that the action does not pose any large or significant adverse environmental impacts.

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

FURTHER BE IT RESOLVED, the Town of Ulster Planning board hereby grants Minor Subdivision approval as described above subject to the conditions, limitations and restrictions set forth below:

1. The Plat may be filed with the office of County Clerk after signing by the Chairman of the Planning Board.
2. Compliance with any comments from the Town of Ulster Water Superintendent
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 within 62 days of the date Final Plat is approved by the Planning Board; and
5. All fees, including consultant fees, shall be paid

OLD BUSINESS

Moe's Motor Cars LLC – P-862
454 Hurley Avenue
SBL: 48.17-1-41.100
Zone: OM
Site Plan Amendment

Chairman Ring explained that this has been before all Boards over the last few months and the applicant has now submitted a professional site plan for review and approval.

Mohammad Waheed, property owner, appeared before the board on behalf of his application for a used car dealership.

Mr. Waheed stated that after meeting with a representative from DPW, he brought the fence and gates back further from the front property line and roadway so that he can install landscaping on his own property without needing permission from the County. The fence will now be six to eight feet (6-8') further onto his property than initially proposed. By moving the gate back, there are no line-of-sight issues when pulling onto Hurley Avenue.

Mr. Waheed stated that he moved the trailer closer to the church side of the property so the trailer will be more hidden. There will be skirting of some sort added to the trailer to it will look like a permanent structure.

As of now, no signage nor lighting is being proposed. Should Mr. Waheed choose to install signage at a future date, he will use the existing pole sign on-site and apply for a permit.

There will be no water nor sewer connected to the property. Mr. Waheed stated that in the future if he chooses to construct a building, he will investigate connecting to water.

Mr. Waheed stated that he is proposing a six foot (6') wooden fence around the sides and rear of the property. The front fence will remain chain-link with slats.

Total greenspace will be above the required ten percent (10%.)

The front of the property will be asphalt and the rear of the property will be asphalt/blacktop millings.

The Department of Environmental Conservation (DEC) confirmed that the property has been properly cleaned and removed. Mr. Warren Tutt, Building Inspector, stated that he spoke with a representative from DEC and it was properly completed.

Chairman Ring stated that the Church had concerns over noise on Sunday mornings and chemical smells and as such there will be a condition of approval on noise and smells.

Mr. Waheed will be subcontracting detailing and mechanic work locally, so no work will be done on-site at all.

The applicant requires a handicap parking space and loading zone, which the applicant agreed will be added to the site plan prior to final approval by the Town Board.

There was a brief discussion on the proposed landscaping.

Mr. Stowell asked if the lack of water in an emergency situation would be an issue. Mr. Almquist stated that new shrubbery needs an inch of water a week for the first growing season. Mr. Waheed stated that the landscaper will take care of that issue. Mr. Almquist explained that boxwood may be a better choice as the shrubbery since deer don't seem to like them and they require less maintenance.

Mr. Church read the resolution.

Chairman Ring stated that he would like to see the shrubbery in front of the property be a minimum of three feet (3') in height with the objective of completely covering the fence. Mr. Almquist stated due to overhead wiring, it shouldn't be taller than six feet (6') tall.

There was a brief discussion on the next steps in the approval process and when public hearings will be.

Action: A motion to accept the resolution was made by Mr. Almquist, with a second from Chairman Ring; all in favor.

WHEREAS, the applicant – Moe’s Motor Cars LLC, seeks Special Permit Use and Site Plan approval for a new automotive sales and service use; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Planning Board including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Town Board of the Town of Ulster (Town Board) has final review and approval authority for this application in coordination with the Town of Ulster Planning Board (Planning Board); and,

WHEREAS, following a recommendation from the Planning Board, the Town Board has initiated the SEQRA process and declared its intent to be lead agency, has referred the application for review to the Ulster County Planning Board, and has scheduled a public hearing on the special use application; and,

WHEREAS, the Ulster County Planning Board returned a review memo #2021-220 & 221 dated 12/1/21 with comments and recommended modifications on Site Plan Completeness, Parking Layout, Lighting, Tank Closure, Health Department, and Access; and,

WHEREAS, the Planning Board has meet with the applicant at both Planning Board workshops and regular monthly meetings and recommends that the applicant has now complied with the Ulster County Planning Board recommendations pending final comments from the Town Engineer on tank closure documentation and pending evidence that the applicant has coordinated with Ulster County DPW on driveway access requirements to Hurley Avenue; and,

WHEREAS, said Planning Board has reviewed this application and recommends the Town Board take the following actions:

NOW THEREFORE BE IT RESOLVED, the Planning Board recommends the Town Board finds that this application is an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA) and makes a negative declaration under SEQRA; and,

BE IT FURTHER RESOLVED, the Planning Board recommends that the Town Board hold a public hearing for the Special Use application and consider all comments prior to any final action on this special use and site plan application; and,

BE IT FURTHER RESOLVED, the Planning Board has completed its advisory review of this application and recommends that the Town Board grants final approval of this application subject to any conditions which may arise after the closing of the public hearing, as well as subject to 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 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,
5. All fees, including consultant fees, shall be paid.

Woods Road Solar Farm – P-866 & 868
550 Woods Road and 600 Woods Road
SBL: 48.14-1-1.111 & 48.10-1-38.300
Zone: HC
Site Plan & Lot Line Deletion

Michael Morgante, Engineer, appeared before the Board on behalf of a lot line deletion and site plan approval for a 5mW solar farm.

Mr. Morgante stated that the two (2) lots will be combined to create one parcel.

The topography on the site descends on a southeast (SE) direction and there is a wetland in the SE portion of the site. The drainage from the site will be directed towards this location and go through different culverts that are under the NYS Thruway.

The panels will be installed to the east of the Central Hudson Gas & Electric easement and bounded to the Woods Road on the western side of the site.

The site sits low in topography and is surrounded by commercial properties and a residential subdivision which all sit at a higher elevation. The visibility and aesthetics of this project shouldn't be an issue.

There is access off Woods Road and very little disturbance involved as panels are screwed into the ground. Not creating any impervious surface except for the gravel access road, which is being constructed in accordance with DEC solar farm guidelines for impervious roads.

An erosion sediment control plan was done for this project and submitted for review.

The applicant is proposing a water service line easement on-site for the Town to be able to maintain their water lines.

Chairman Ring stated that some solar farms pour concrete pads that the panels sit on, this project does not do that. The panels will be installed directly into the ground with long screws that do not disturb the wetland nor create impervious surface.

Chairman Ring stated that the current property owner is allowing the Town to maintain their water line, but the intent of the applicant is to create a formal easement for the Town to maintain their water service line and Mr. Morgante agreed. There was a brief discussion about the size of easements.

Mr. Morrow asked what the life expectancy of the solar panels are. Mr. Keith Libolt stated that it is about twenty-five (25) years. The panels are financed on a twenty-year (20) curve and at the end of that time, they will be updated with newer panel models of that time. So the panels will run their financed lifetime and then be replaced with newer, higher power panels that will lower the disturbance area and still produce the same amount of power, as the farm is limited on the amount it can put on the power grid. Twelve (12) years ago, a solar panel was two-hundred watts (200W) and now a panel is five-hundred and twenty watts (520W). In the future, the site may only need half as many panels on the property to keep the same output that is allowed. Removal of the mostly aluminum racking in this grid system is fairly simple, so decommissioning is low-cost and will unbuild quite easily.

A decommissioning plan will be submitted as requested by Town Counsel. There will be meetings with the Town Supervisor, Assessor and other Departments to go over any outstanding issues.

Mr. Church stated that the Stormwater plan must be reviewed by the Town Engineer, the Decommissioning Plan by the Town Attorney, and the Water & Highway Superintendent the acceptance of road connections and water easement issues. A floodplain development permit will need to be applied for. The fire district will also need to review the plans. The applicant must also apply to the State Historic Preservation Office as the State had documented the site as “sensitive” so we will require a response from that office on file. The applicant must coordinate with DEC regarding the protected wildlife (Bald Eagle and Northern Long-Eared Bat.) A permit from the Army Corp. of Engineers must be applied for, as well.

Mr. Morgante stated that they will be applying for a Nationwide Permit and requests that the Board accept the review of that permit. Mr. Church stated that the request was reasonable, but that the Board will need documentation prior to final approval.

Mr. Church explained a draft resolution for the lot line adjustment/deletion.

Mr. Church read the resolution for the site plan to be referred to Town Board to initiate SEQR.

Action: A motion to accept the draft resolution for the lot line adjustment was made by Chairman Ring, with a second from Mr. Almquist; all in favor. A motion to accept the resolution referring the site plan to the Town Board was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor.

WHEREAS, the applicant – Woods Road Solar (aka Professional Commercial Group, LLC), seeks Site Plan and lot line adjustment approval for construction of a commercial solar facility / utility structure; and,

WHEREAS, the applicant has submitted complete Site Plan and lot line adjustment applications to the Town of Ulster including a submitted State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form; and,

WHEREAS, the Town Board of the Town of Ulster has final review and approval authority for the site plan application in coordination with the Town of Ulster Planning Board while the Town of Ulster Planning Board has final review and approval authority for the lot line adjustment; and,

WHEREAS, said Planning Board has reviewed the applications as complete.

NOW THEREFORE BE IT RESOLVED, the Planning Board finds that the lot line adjustment application is a Type II action and no further environmental review is required; however, the Planning Board recommends the Town Board find that the site plan application is a Type I Action under the New York State Environmental Quality Review Act (SEQRA) and the Town Board should be designated as Lead Agency; and,

NOW BE IT FURTHER RESOLVED, the Planning Board recommends the Town Board formally refers the site plan application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

Romeo Chevrolet – P-867
1665-1673 Ulster Avenue
SBL: 39.82-2-18.100
Zone: OM
Site Plan Revision

Michel Schatzel, contractor, was unable to appear at the meeting.

Chairman Ring stated that the applicant has an existing building that is used for sales and service and they are proposing to construct an addition to expand their maintenance facility.

The applicant has been to the workshop and there are minimal issues. The grease traps would need to be moved from their current location to a different location. A dumpster must also be moved.

Mr. Church read the resolution.

Action: A motion to accept the resolution as read was made by Mr. Stavropoulos, with a second from Mr. Almquist; all in favor.

WHEREAS, the applicant –; Romeo Chevrolet, seeks Site Plan Amendment approval for a 4,450 square foot addition to the northwest portion of their existing facility; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Town Board coordinated with the Town of Ulster Planning Board including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the application documentations submitted include:

Completed Application for Site Plan Amendment Review prepared by Michael Schatzel.

- 2 Maps with added notations on proposed site plan revisions: Proposed Site Plan and Proposed Erosion Plan, both prepared for Kingston Buick / GMC, and both prepared by Praetorius and Conrad, P.C., original dates 2010, undated notations.
- Signed Owner Consent Form for Filing, signed by Joseph Romeo
- Signed Escrow Agreement, signed by Joseph Romeo
- Completed Short Environmental Assessment Form, signed by Joseph Romeo; and,

WHEREAS, the Town Board, in coordination with the Planning Board, declared its intent to be Lead Agency and previously typed the application as a Unlisted Action under the New York State Environmental Quality Review Act (SEQRA); and,

WHEREAS, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board who have responded with a comment of No County Impact; and,

WHEREAS, the Planning Board, in coordination with the Town Board considered all of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of the Ulster County Planning Board, as well as Town consultants and staff; and,

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board recommends that the Town of Ulster Town Board makes a Negative Declaration under SEQRA for this Action; and,

BE IT FURTHER RESOLVED that the Town of Ulster Planning Board recommends Final Site Plan approval with conditions subject to the conditions, limitations and restrictions set forth below.

1. Compliance with any final comments as may be needed from the Town Sewer Department, and/or Town Water Department.
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;
4. Compliance with documentation, site plan, design plans and all details as cited herein;
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.

DISCUSSION

Chairman Ring welcomed Rory Lee as a new member of the Planning Board and John Morrow as an alternate member.

A motion to adjourn was made by Chairman Ring, with a second from Mr. Stavropoulos; all in favor.

Respectfully Submitted,
Gabrielle Perea
Planning Secretary