

TOWN OF ULSTER PLANNING BOARD

February 8, 2022

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, February 8 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 January 2022 meeting was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor.

OLD BUSINESS

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

Keith Libolt & Daniel Graziano appeared before the board on behalf of their application for a 5 MW solar farm.

There were no further documents submitted after the workshop that was held in January. The Country required the outstanding documents and re-referral.

There was a brief discussion on some comments received by the County from attendees of the meeting.

Mr. Libolt stated that there is a decommissioning plan in the works, but not a decommissioning agreement, yet.

Mr. Libolt stated that they had contacted and applied through the Army Corp. of Engineers but that it could take up to forty-five days to go through.

Mr. Church stated that the Alternate Town Designated Engineer (ATDE) will need to review the SWPPP and road connection specs once they are submitted. Mr. Libolt stated that their engineer, Michael Morgante, will connect with the Town Engineer.

There is also a temporary water line that crosses the property that needs to be made permanent. Mr. Libolt explained that he was waiting on outstanding information but that he will reach out to the Town Supervisor on Monday to go over this information.

A floodplain development permit needs to be coordinated with the Towns Floodplain Development Officer and Building Inspector, Warren Tutt.

Final plans need to be submitted to the Fire Chief for his review and comments.

The Town needs to receive a memo from the State Historic Preservation Office (SHPO). Mr. Libolt stated that they had done a phase I archaeological study but that he hopes to have a memo by the next meeting.

Mr. Libolt stated that they have a memo from the DEC and that they comply with all the regulations concerning bald eagle habitats.

Chairman Ring advised that the applicant attend the February 16th workshop to go over the outstanding items since he is aware the applicant has a tight timeline. At the workshop they will determine if there is enough documentation to resend to the County for review.

There was a brief discussion on an old barn present on site.

Mr. Church stated that there seem to be two issues from County that this Board had not discussed. The first is the glare that the panels could reflect from the on/off ramp and the thruway. The applicant will submit cutsheets for the non-glare panels they are installing. The second is that the county would like the property secured with wildlife fencing. The details will be discussed at the workshop.

Action: No action was taken at this time.

NEW BUSINESS

JLM – P-822

1076-1090 Morton Boulevard

SBL : 48.42-3-22

Zone : HC

Site Plan Amendment Extension

Chairman Ring explained that this project was approved one year ago for a drive-thru window at the old TCBY location and that the approval is expiring and the applicant needs to extend the approval.

Action: A motion to extend site plan approval for one year was made by Mr. Decker, with a second from Mr. Stavropoulos; all in favor.

WHEREAS, the applicant – JLM, seeks approval to amend site plan for addition of a drive thru service window and associated parking and traffic circulation updates; and

WHEREAS, the applicant seeks a one-year extension for the site plan amendment approved on February 9, 2021; and

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

- Consent Form signed;
- Escrow Agreement signed;
- Complete Application for Site Plan Amendment Application;
- Short EAF Part 1;
- Site Plan Modification (two sheets) showing Existing Conditions and Site Plan Modification dated 1/21 as prepared by Brinnier & Larios, P.C.; and

WHEREAS, the applicant held a site visit for Town senior staff from which the above referenced Site Plan Modification was made from an earlier version submitted to the Town Planning Board; and,

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the Site Plan Amendment in accordance with the Town Code; and

WHEREAS, the Proposed Action is exempt from 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, upon review of the entire record determined the Proposed Action is a Type II Action and no additional action is required under SEQRA.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan Amendment approval for the Proposed Action 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. 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.

Carle Terrace Spa – P-869
85 Carle Terrace
SBL : 39.82-2-2
Zone : HC
Site Plan Amendment

Zhi Yuan Ke, owner, and Jing Zheng, friend, appeared before the board on behalf of their application to reuse an existing space for a massage spa.

There is an encroachment issue with a building present and the applicant must reach out to Romeo about correcting the encroachment issue by a lot line adjustment. The applicant will then have to submit a new site plan showing the new property lines. The site plan must also have a parking compliance table and new title block showing the new owner and use.

Mr. Ke explained that he purchased this property and that his mother owns Happy Beauty Spa on Morton Boulevard and that they are looking to move the business to this new location.

Chairman Ring stated that the applicant should attend a workshop to go over the outstanding issues.

The business will have four (4) massage rooms and will employ licensed massage therapists.

Action: No action was taken at this time.

EZ HVAC Apartment – P-870
2016 Ulster Avenue
SBL: 39.16-1-32
Zone: HC
Special Use Permit

Dale Brenner, leasee, appeared before the Board on behalf of an application to locate an apartment on the applicant's otherwise non-residential property.

There was a brief discussion on how the Board may approach the approval of this request, either by a special use permit or by use variance. The Board chose to move forward with a special use permit as it is allowed.

Mr. Brenner explained that he currently leases the property but is interested in purchasing the property if he is allowed to make an apartment out of a portion of it for himself.

There is ample parking on site for this use and the applicant is willing to dedicate certain parking spaces for said apartment if required.

Action: A motion to refer this proposal recommending approval to the Town Board was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

WHEREAS, the applicant – EZ HVAC, seeks Special Permit approval to locate an apartment on the applicant’s otherwise non-residential property; and,

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

WHEREAS, the Ulster Town Board has final Site Plan review and approval authority for this application; and,

WHEREAS, the Planning Board recommends that the application is a Type II Action under SEQRA and no further environmental review is required; and,

WHEREAS, the Planning Board recommends that the application is exempt from referral to the Ulster County Planning Board; and,

NOW THEREFORE BE IT RESOLVED, based on a review of the application the Town of Ulster Planning Board recommends the Town Board take the following actions:

BE IT RESOLVED, the Town Board of the Town of Ulster should determine that the Special Use application is a Type II Action under the New York State Environmental Quality Review Act (SEQRA) and that the application is exempt from referral to the Ulster County Planning Board; and,

NOW BE IT FURTHER RESOLVED, the Planning Board recommends approval of the requested Special Permit for an apartment given the unique conditions of this application that the proposed apartment is functionally equivalent to a residential use over a non-residential use. This approval should be 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.

Mr. Stavropoulos had to leave the meeting early, so Chairman Ring appointed John Morrow as a sitting member of the Board in his place.

Donald Feller – P-871
30 & 36 Hoyer Road & Hoyer Road
SBL: 47.2-3-8.100, 9 & 10
Zone: R60
Minor Subdivision

Chris Zell, representative, appeared before the Board on behalf of an application for a minor subdivision.

The application is essentially a few lot line adjustments and if the applicant had applied for a couple separate lot line adjustments, no public hearing would be required.

Mr. Feller owns several properties off Hoyer Road and he will be moving lot lines around to comply with zoning and also add some acreage to a property with an existing cottage that the tenant is interested in purchasing. Another lot line will be moved to allow both adjoining properties (lots 9 & 10) rights to an existing private roadway. Lot 10 will also now have access through lot 9.

The subdivision started with three lots and ends in three lots and will bring all lots into compliance with zoning.

The Board agreed that the easiest way to approve this is to treat it as a series of lot line adjustments and the Town Attorney, Jason Kovacs, agreed.

Mr. Church read the resolution.

Action: A motion to approve the resolution as read was made by Mr. Morrow, with a second from Mr. Decker, all in favor with a roll call vote.

WHEREAS, the applicant – Donald Feller (with Sandra Feller) – is seeking minor subdivision approval in accordance with Section 161-9 & 10 of the Town of Ulster code; and

WHEREAS, the applicant proposes to makes lot line revisions between three (3) contiguous lots owned by the applicant; and,

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the R60 Zoning District and certain proposed lot line revisions bring one (1) of these lots into fuller compliance; and

WHEREAS, pursuant to Section 161-9 & 10 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 Lot Line Revision prepared by Donald Feller and Christopher J. Zell, PLS. undated.
- Map of Proposed Lot Line Revisions on Land of Donald Feller & Sandra Feller, 36 Hoyer Road, prepared by Brinnier & Larios, P.C., dated January 6, 2021
- Signed Owner Consent Form for Filing
- Signed Escrow Agreement by Donald Feller, dated 1/24/22
- Completed Short Environmental Assessment Form including EAF Mapper Summary, prepared by Donald Feller, dated 1/24/22

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 Town of Ulster Subdivision of Land 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 request of the applicant and consistent with same Chapter 161, Section 161-10C the Planning Board agrees to waive the requirement of a final public hearing as the application is a set of complementary lot line revisions between contiguous lots not resulting in the creation of any non-conforming lot under provisions of Town of Ulster and NYS codes; and,

WHEREAS, the Planning Board declares its intent to be Lead Agency, classifies 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 potential, 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 and Lot Line Revision 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 Highway 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

DISCUSSION

Samadhi Center – P-865

150 Sawkill Road

SBL: 48.14-2-32.200

Zone: OM

Site Plan Revision – final plan approval

David McNamara state that no changes have been made since the Board approved the plans in December. The site plan meets all the Boards requirements.

Action: A motion that the fourth condition of site plan amendment approval was satisfied was made by Chairman Ring, with a second from Mr. Decker; all in favor with a roll call vote.

WHEREAS, the applicant – Samadhi Center - seeks approval to amend site plan for a change of use to operate a professional services and office facility; and

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

- Completed Application for Site Plan Amendment Review prepared by David McNamara, Samadhi Center Inc.
- Map of Survey Prepared for Amygdala Holding LLC, no date.
- Signed Owner Consent Form for Filing, signed by Leonard K. Pickard, MD, dated 11/20/21
- Signed Escrow Agreement, signed by David McNamara, dated 11/30/21
- Completed Short Environmental Assessment Form, dated 11/28/21; and,

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the Site Plan Amendment in accordance with the Town Code; and

WHEREAS, the Proposed Action is exempt from 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, upon review of the entire record determines the Proposed Action is Type II under SEQRA and no further action is required related to environmental assessment.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan Amendment approval for the Proposed Action 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. Based on discussion at the December 14, 2021 Planning Board meeting and within 30 days of that meeting, submission of a complete, updated site plan map, with exterior lighting details, for review and approval by the Town building inspector and the Town Planning Board.
5. Compliance with any comments from the Town of Ulster Water Superintendent;
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 motion to adjourn was made by Chairman Ring, with a second from Mr. Almquist; all in favor.

Respectfully Submitted,
Gabrielle Perea
Planning Secretary