

TOWN OF ULSTER PLANNING BOARD
MEETING MINUTES
MARCH 8, 2022

MEETING HELD IN PERSON

CALLED TO ORDER BY CHAIRMAN GEOFFREY RING AT 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL BY MEGAN HAY (FILLING IN FOR GABRIELLE PEREA):

FRANK ALMQUIST – VICE CHAIRMAN

RORY LEE

JOHN MORROW (ALT)

DAVID CHURCH – PLANNER

LAWRENCE DECKER

ANDREW STAVROPOULOS

JOHN STOWELL (ALT)

GEOFFREY RING – CHAIRMAN

ALSO IN ATTENDANCE:

JASON KOVACS, TOWN ATTORNEY

WARREN TUTT, BUILDING INSPECTOR

4 IN PERSON ATTENDEES

APPROVAL OF MINUTES – FEBRUARY 8, 2022

MOTION – FRANK ALMQUIST

SECOND – LAWRENCE DECKER

ALL IN FAVOR

NEW BUSINESS

SMITH SUBDIVISION – P-84

601/605 LENOX PL

SBL# 48.57-1-27 & 48.65-4-3

ZONE : R-10

MINOR SUBDIVISION

MIKE VETERE, SURVEYOR, REPRESENTED WILLIAM AND KELLY SMITH ON BEHALF OF THEIR DAUGHTER AND SON IN LAW JORDAN AND BRAD KING FOR A MINOR SUBDIVISION.

TWO LOT SUBDIVISION

TOTAL OF 7.4+ ACRES – LOT 1 BEING 6.8 +/- ACRES - LOT 2 BEING 0.545 +/- ACRES

MAJORITY OF PARCEL IS IN THE A-E FLOOD ZONE – NO DEVELOPMENT IN THE AREA.

PLANNING TO BUILD A RESIDENTIAL HOME ON LOT 2 WHICH IS IN ZONE X – NO BASE FLOOD ELEVATION.

BUILDING DEPT CONCERN:

- WOULD BE TO MAKE SURE THE FOUNDATION ISNT NEAR THE FLOOD PLAIN. BUILDING CODE SAYS THE FOUNDATION NEEDS TO BE A CERTAIN DISTANCE AWAY FROM THE FLOOD ZONE.

MIKE ASSURED THAT THEY WILL BE BRINGING FILL IN TO RAISE THE ELEVATION OF THE AREA INTENDED TO BUILD ON 10 - 20 FEET ABOVE THE FLOOD ZONE.

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SEWER/WATER DEPTS CONCERN:

- HAVE NO PROBLEMS WITH WATER/SEWER CONNECTIONS.

HIGHWAY CONCERNS:

- A BERM SO THE WATER WOULDN'T FLOOD THE HOUSE.
- MAKING A PLAN OF WHERE TO PLOW THE SNOW, BEING AS THAT IS USUALLY WHERE THE SNOW IS PLOWED TO, WHERE DRIVEWAY WOULD BE.

BRIEF DISCUSSION ON ULSTER PARCEL VIEWER NOT BEING ACCURATE FOR PROPERTY LINES AT THE MOMENT.

-NO FURTHER DISCUSSION OR QUESTIONS-

DAVID CHURCH PROCEEDS TO READ A RESOLUTION SCHEDULING A PUBLIC HEARING.

WHEREAS, the Applicant – William and Kelly Smith - has applied for a minor subdivision dividing a single lot into two (2) lots; and,

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

WHEREAS, the Town of Ulster Planning Board has final subdivision review and approval authority for this application.

NOW THEREFORE BE IT RESOLVED, based on a review of the application the Town of Ulster Planning Board takes the following actions;

FURTHER BE IT RESOLVED that the Town of Ulster Planning Board determines that this Minor Subdivision application is an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA) and that the Planning Board declares intent to be Lead Agency; and,

FURTHER BE IT RESOLVED, that as a minor subdivision this application is exempt from referral to the Ulster County Planning Board as per the Ulster County Planning Board Land Use Referral Guide; and,

FURTHER BE IT RESOLVED, the Planning Board waives the procedural requirement for preliminary plat submission as well as a preliminary hearing consistent with Town of Ulster Subdivision of Land Chapter 161 Section 161-10B, and schedules the Final Public Hearing for April 12, 2022.

ACTION: APPROVAL OF RESOLUTION

MOTION – FRANK ALMQUIST

SECOND – ANDREW STAVROPOULOS

ALL IN FAVOR

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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 AND DANIEL GRAZIANO ATTENDED

CHECKLIST OF THINGS NEEDED:

ENGINEER REVIEW OF STORMWATER ACCES TO THE TOWN ROAD – HIGHWAY SUPERINTENDENT OK WITH PLANS SUBMITTED TO THEM.

TOWN ATTORNEY DECOMMISSIONING AGREEMENT – NO EXCEPTION WITH IT, END USER WILL HAVE TO HAVE A DISCUSSION WITH TOWN ATTORNEY.

FLOODPLAIN DEVELOPMENT PLAN – FILED WITH BUILDING DEPT.

FIRE DISTRICT – CHIEF HEPPNER REVIEWED AND IS HAPPY WITH THE PLAN.

STATE HISTORIC PRESERVATION OFFICE – DEMO PERMIT ACQUIRED FOR THE BARN TO BE TAKEN DOWN AND AREA WILL BE SURVEYED FOR ARCHEOLOGICAL RESOURCES.

DEC-BALD EAGLE NEST DOCUMENTED OVER 0.5 MILES AWAY AND FURTHER ACTION MAY BE REQUIRED. TREE REMOVAL SHOULD OCCUR DURING THE NOVEMBER 1 THROUGH MARCH 31 WINDOW.

ARMY CORP. –WAITING TO HEAR FROM THEM. THEY HAVE 45 DAYS TO RESPOND TO INITIAL APPLICATION (WHICH THE 45TH DAY IS TODAY MARCH 8, 2022) – IF YOU DO NOT HEAR FROM THEM WITHIN THAT TIME PERIOD, YOU FALL UNDER THE GENERAL PERMIT. THEY SHOULD HAVE SOMETHING IN WRITING SOON.

MISC. COUNTY COMMENTS – NON-GLARE TECHNOLOGY DISCUSSED
FENCING NEEDS TO HAVE AN OPENING AT THE BOTTOM BIG ENOUGH TO LET WILDLIFE PASS THROUGH;
SMALL ENOUGH TO PREVENT TRESSPASSERS.
APPLICATION TO COUNTY WAS INCOMPLETE.

LANDSCAPING –A LOT OF UNDER BRUSH FROM PROPERTY AND A FEW TREES WILL BE CLEARED.
GROUND COVERING WILL BE A FAST GROW MIX PRIOR TO CONSTRUCTION AND A VINE AND ORCHARD MIX OF THICK GRASS POST CONSTRUCTION.

TOWN BOARD WILL MAKE THE DETERMINATION BASED ON WHAT PLANNING BOARD ADVISES.

WILL RESUBMIT TO COUNTY WITH COMPLETE INFORMATION

ACTION: NONE AT THIS TIME

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BLAIR / MILICI – P-854

165 GALLIS HILL ROAD

SBL: 47.4-1-23

ZONE: R-60

REAPPROVAL OF SUBDIVISION

A MOTION EXTENDING FOR ANOTHER 62 DAYS

NO FURTHER DISCUSSION

DAVID CHURCH READ THE RESOLUTION.

WHEREAS, the applicant –Scott Milici and Brooke Bair- is seeking re-approval for a major subdivision in accordance with Town of Ulster (Town) code titled Subdivision of Land Section 161-10; and

WHEREAS, the applicant proposes to create seven (7) residential lots from an existing lot utilizing shared driveways and a shared private road accessing a Town road; and,

WHEREAS, the proposed lots as presented comply with the minimum lot size and dimensions of the R60 Zoning District; and

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

WHEREAS, the Applicant has provided the following documents to the Town of Ulster Planning Board:

Completed Application for Subdivision prepared by Matt Towne, PE dated 8/21/21

Signed Owner Consent Form for Filing by Scott Milici and Brooke Bair dated 8/21/21

Signed Escrow Agreement by Scott Milici and Brook Bair dated 8/21/21

Completed Short Environmental Assessment Form with EAF mapper information, prepared by Andrew Willingham, dated 8/24/21

Memo from Matthew Towne, PE, Willingham Engineering, dated August 31, 2021 describing the application proposal and site conditions.

Sheet of six (6) sheets, all prepared by Willingham Engineering, dated 8/31/21 as follows:

Sheet S-1, Preliminary Subdivision Plat

Sheet SP-1, Existing Conditions Plan

Sheet SP-2, Grading, Utility & Erosion Control Plan

Sheet SP-3, Grading, Utility & Erosion Control Plan

Sheet SP-4, Private Road Profile & Details

Sheet SP-5, Erosion & Sediment Control Details

Milici & Bair Subdivision Stormwater Pollution Prevention Plan (SWPPP) prepared by Willingham Engineering, September 2021.

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Memo from Matthew Towne, Willingham Engineering, dated 9/24/21 reporting applicant is still working on driveway and road maintenance agreements, and Ulster County Health Department submission for wastewater disposal systems.

Completed Agricultural Data Statement dated 9/24/21.

Review Memo from Frank C. Petramale, Town Highway Superintendent including four (4) comments.

Referral Review Memo No. 2021-206 from Ulster County Planning Board, dated 10/6/21 and including five (5) comments.

Survey Plat for the Lands of Scott Milici and Brooke Bair, prepared by Margaret M. Hillriegel, Licensed Land Surveyor, dated 3/13/21.

Survey of Lands of Dietz, prepared by Robert L. Campbell, Land Surveyor, dated 8/5/1992 (note this is property contiguous and north / northeast of the applicant property); and,

WHEREAS, the Planning Board opened and closed a preliminary subdivision public hearing on October 12, 2021 and by resolution granted Preliminary Subdivision Approval, and also held a final subdivision public hearing on December 14, 2021 after which the Planning Board granted final approval for this subdivision; and,

WHEREAS, based on the application documents provided by the Applicant, the Town of Ulster Planning Board takes the following actions:

NOW THEREFORE BE IT RESOLVED, the Planning Board as Lead Agency has determined that this Application is an Unlisted Action as defined under Part 617 of the State Environmental Quality Review (SEQRA) Law, and that said Planning Board makes a Negative Declaration that this application will not result in any significant adverse environmental impacts under SEQRA; and,

FURTHER BE IT RESOLVED, that the Planning Board referred this application to the Ulster County Planning Board consistent with NYS General Municipal Law 239, and finds that this application will comply with the Ulster County Planning Board comments titled Health Department, Agreements and Easements, Sustainability, and Visual Impacts (related to limits of disturbance). However, the Planning Board seeks to over-ride the comment on requiring visual impact analysis and on required use of low-reflective glazing and blended color building materials, as well as the comment requiring a Habitat Suitability Assessment; noting, the Planning Board has discussed the use of such glazing and building materials with the applicant, and said Planning Board has also provided the applicant with a memorandum advising them to coordinate with NYS Department of Environmental Conservation and known protocols for the protection of Northern Long-eared Bat and Bald Eagle habitat ; and,

FURTHER BE IT RESOLVED, that the Planning Board re-approves the grant of Final Subdivision approval for this application from December 14, 2021, subject to the following conditions, limitations and restrictions set forth below:

- 1) The applicant will gain final approval from the Ulster County Health Department, and.

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- 2) The applicant has provided shared driveway maintenance agreements, acceptable to the Ulster Town Attorney, for all shared driveways that are a part of this subdivision application; and,
- 3) The applicant has provided a Stormwater Pollution Prevention Plan that has been approved by Town Engineer and Town MS4 Officer; and,
- 4) Design as well as Bond Estimate for all private road connections work to Town road will be approved by Town Engineer and/or Highway Superintendent; and,
- 5) The applicant will follow all applicable protocols for the protection of Northern Long-eared Bat and Bald Eagle habitat protection as set by the NYS Department of Environmental Conservation; and,
- 6) Tree lines as shown on approved final Plat will be preserved to provide buffers to adjoining lots; and,
- 7) The Plat may be filed with the office of County Clerk after signed by the chairman of the Planning Board; and,
- 8) 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
- 9) 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
- 10) All fees, including consultant fees, shall be paid

ACTION: APPROVAL OF RESOLUTION TO EXTEND FOR ANOTHER 62 DAYS

MOTION- LAWRENCE DECKER

SECOND – RORY LEE

ALL IN FAVOR.

MOTION TO ADJOURN MEETING AT 7:44 PM – CHAIRMAN RING

SECOND – ANDREW STAVROPOULOS

Respectfully Submitted,

Megan Hay