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**SEQRA LONG EAF, PART 1 ADDENDUM
CREEK MEADOW APARTMENTS, LLC APPLICATION FOR SITE PLAN AND
SPECIAL USE PERMIT APPROVALS FOR A 176 UNIT MULTI-FAMILY
RESIDENTIAL APARTMENT PROJECT**

I. DOCUMENTS.

The Application Documents submitted with this Addendum are being made in order to address particular project matters with respect to the multi-family project known as "Creek Meadows". The Project is proposed for the 26.5 acres of lands located at 701-703 Boices Lane Extension, Town of Ulster, New York 12401.

II. SEQRA CLASSIFICATION.

The Project is classified as Type I Action pursuant to 6 NYCRR Part 617.4(b)(9).

III. SEQRA.

The Town of Ulster Planning Board will, presumably, be the Lead Agency for coordinated review with all involved and interested agencies.

The process of forwarding the current Application by my client is permitted under SEQRA, with the understanding that the Applicant required to obtain Site Plan Approval from the Town of Ulster Town Board, pursuant to the Town of Ulster Zoning Law requirements. SEQRA does not change the existing jurisdiction between or among local agencies. Morse v. Town of Gardiner Planning Board, 164 AD2d 336 (3rd Dept., 1990).

Accordingly, SEQRA affirmatively recognizes that Planning Boards do not possess the legal authority to adjudicate legal issues concerning compliance with local government zoning. In re Dutchess Sanitation Inc., NYSDEC Comm. Decision (April 11, 1980).

SEQRA Findings operate within the context of environmental review based upon and related to information within the lead agency record. Troy Sand & Gravel Company, Inc. v. Town of

Nassau, 101 AD3d 1505 (3rd Dept., 2012). Therefore, site plan and special use permit criteria under the Town of Ulster Zoning Law is relevant for SEQRA Findings purposes, but the actual determinations as to the grant of Site Plan and Special Use Permit must await the conclusion of SEQRA review by the Lead Agency.

Once the Planning Board has had an opportunity to conduct initial review of the Project Application, it is requested that the Planning Board circulate its Notice of Intent to Serve as Lead Agency for coordinated SEQRA review to all involved agencies and interested agencies, pursuant to 6 NYCRR Part 617.6(b)(3)(i). [A copy of a draft Notice of Intent to Serve as Lead Agency has been provided for by your writer.]

IV. PERMITS AND APPROVALS.

A coordinated Unlisted Action SEQRA review will further necessitate review by additional administrative authorities for requisite approvals. In this regard, a listing of the agencies ascertained by the Applicant for SEQRA review and the applicable regulatory authority governing said review and requisite permitting is as follows:

A. Involved Agencies:

1. Town of Ulster Town Board.
 - i. Special Use Permit.
 - ii. Offer of Cession Agreement. [Roadways Deed].
2. Town of Ulster Planning Board.
 - i. Site Plan Approval.
 - ii. SEQRA Approval.
3. New York State Department of Environmental Conservation.
 - i. SPDES Stormwater Permit.

B. Statutory Authority:

1. Town of Ulster Zoning Law.
2. Town of Ulster Code.
3. Section 274-a of the Town Law of New York State.
4. Section 274-b of the Town Law of New York State.

5. SEQRA [6 NYCRR Part 617 et. seq.].
6. SPDES General Permit for Stormwater Discharges GP-0-25-001.

C. Interested Agencies:

1. Ulster County Planning Board.
 - i. Referral and Recommendations on Site Plan and Special Use Permit.
2. Town of Ulster Code Enforcement Officer.
 - i. Building Permit.
 - ii. Certificate of Occupancy.
 - iii. Fire/Safety Inspections.
3. New York State Office of Parks, Recreation and Historic Preservation.
 - i. No Adverse Effects Letter issuance.
4. Town of Ulster Floodplain Development Administrator.
5. United States Fish and Wildlife Department.
6. Town of Ulster Police Department.
7. Town of Ulster Zoning Board of Appeals.
8. Town of Ulster Highway Department.
9. Ulster County Health Department.
10. United States Department of the Army Corps of Engineers.
11. Additional Interested Agencies as may be identified during the pendency of environmental review.

D. Statutory Authority:

1. Town of Ulster Zoning Law.
2. Town of Ulster Code.
3. Section 239-m of the General Municipal Law of New York State.

4. Section 377-383 of the Executive Law of New York State. [NYS Building and Fire Prevention Code].
5. Section 274-a and Section 274-b of the Town Law of New York State.
6. SEQRA: 6 NYCRR Part 617 et. seq.
7. SPDES GP-0-25-001.
8. Municipal Sewer Connection.
9. Municipal Water Connection.
10. Article II of the Public Health Law of New York State.
11. Section 14.09 of the Parks, Recreation and Historic Preservation Law.
12. Section 64 of the Town Law of New York State.

The foregoing is not meant to be an exhaustive list of all agencies and statutory authority which may be part of the review of this project and the Applicant hereby incorporates all additional agencies and/or regulations herein by reference for all future administrative review procedures.

V. CONSULTANTS.

- A. Michael A. Moriello, Esq.: Legal
111 Green Street
PO Box 4465
Kingston, New York 12402
- B. Medenbach, Eggers & Carr Civil Engineering and Land Surveying, PC: Engineering
Barry Medenbach, PE
4305 US Highway 209
Stone Ridge, New York 12484
- C. Tracker Archaeological, Inc.: Cultural Resources
Alfred G. Cammisa, MA
62 Pickerel Road
Monroe, New York 10950

D. Mike Nowicki: Endangered/Threatened Species and Wetlands
Ecological Solutions, LLC
121 Leon Stocker Drive
Stratton, Vermont 05360

In conjunction with Lead Agency circulation for coordinated SEQRA review, as initiated by the Town of Ulster Planning Board, it is hereby requested that this Addendum be made a part thereof for involved/interested agency consideration.


VI. CONCLUSION.

The Creek Meadow Apartments Project is permitted under the Town of Ulster Zoning Law pursuant to Site Plan and Special Use Permit reviews for a 176 unit multi-family apartment project located within the Office Manufacturing ["OM"] Zoning District.

SEQRA review completion is to occur prior to any other discretionary permits and/or approvals occurring. The Applicant hereby requests that the SEQRA review process for this Type I Action Coordinated Review be forwarded to the Town of Ulster Town Board by way of circulation of a Notice of Intent to Serve as Lead Agency to all involved and interested agencies.

Thanking the Town of Ulster Planning Board for its consideration, this Addendum is,

Respectfully Submitted,



Michael A. Moriello, Esq.

Dated: May 20, 2025

Town of Ulster Town Board
1 Town Hall Drive
Lake Katrine, New York 12449

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY

1. Town of Ulster Planning Board
1 Town Hall Drive
Lake Katrine, New York 12449
2. Ulster County Health Department
239 Golden Hill Lane
Kingston, New York 12401
3. Town of Ulster Code Enforcement Officer
Town Hall
1 Town Hall Drive
Lake Katrine, New York 12449
4. Town of Ulster Highway Department
1 Town Hall Drive
Lake Katrine, New York 12449
5. United States Department of the Interior
Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045
6. Ulster County Planning Board
Post Office Box 1800
Kingston, New York 12402
7. New York State Office of Parks, Recreation
and Historic Preservation
Peebles Island
PO Box 189
Waterford, New York 12188
8. Town of Ulster Zoning Board of Appeals
1 Town Hall Drive
Lake Katrine, New York 12449
9. Town of Ulster Police Department
1 Town Hall Drive
Lake Katrine, New York 12449

10. New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561
11. Ulster County Department of Public Works
315 Shamrock Lane
Kingston, New York 12401
12. Town of Ulster Floodplain Development Administrator
Town Hall
1 Town Hall Drive
Lake Katrine, New York 12449
13. United States Department of the Army Corps of Engineers
New York District, Western Permits Section
26 Federal Plaza
New York, New York 10278
14. Dahyabhai M Patel and Chandika Patel
20 Eck Road
Wappingers Falls, New York 12590
15. Creek Meadows Apartments, LLC
1 Hillcrest Center Drive
Spring Valley, New York 10977

RE: In The Matter of The Application of Creek Meadow
Apartments, LLC for Site Plan and Special Use
Permit Approvals for a 176 Unit Multi-Family
Residential Development

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY

Sir/Madam:

Pursuant to 6 NYCRR Part 617.6 (b) (3) (i) of the New York State Environmental Quality Review Act [SEQRA] Regulations, the Town of Ulster Town Board is circulating herewith certain annexed Application documents, together with Part 1 of the SEQRA Long Environmental Assessment Form, and related exhibits, for the above referenced multi-family apartments project situate within the Offic Manufacturing ("OM") Zoning District on 26.50 acres of lands owned in fee by Dabyabhai M. Patel and Chandika Patel, as located at 701-703 Boices Lane, in the Town of Ulster, Ulster County, New York [S/B/L Number 48.7-2-35.100].

This residential development Project for an 176 multi-family apartments is classified as an Type I Action pursuant to 6 NYCRR Part 617.4(b)(9). In this regard, there are several involved agencies for discretionary permit related approvals, including the New York State Department of Environmental Conservation, the Town of Ulster Planning Board and the Town of Ulster Town Board. Therefore, in accordance with 6 NYCRR Part 617.6(b)(3)(i), a coordinated review is being undertaken.

The Town of Ulster Town Board wishes to establish itself as Lead Agency for the environmental review of this Application. Pursuant to 6 NYCRR Part 617.6(b)(3)(i) a Lead Agency is to be determined within thirty (30) calendar days of the date that the annexed materials were transmitted. Please state your agency's interest regarding selection of Lead Agency and any potential environmental effects of the proposed action.

The Town Board wishes to expedite the designation of Lead Agency. If you agree to the Town Board being designated as Lead Agency, please sign the enclosed copy of this letter and return it to the Town Board at the above address as soon as possible. If your agency does not submit a written objection to the Town Board within 30 days of the mailing date of this notification, the Town Board will act in its capacity as Lead Agency for this project review.

Should you have any questions with regard to the review process related to this Application, please contact the Town of Ulster Town Board at (845)382-2765.

Dated: _____

Sincerely,

RORY LEE, Chairman
Town of Ulster Planning Board
1 Town Hall Drive
Lake Katrine, New York 12449

Enclosures