

**TOWN OF ULSTER PLANNING BOARD
FEBRUARY 14, 2023
MEETING MINUTES**

PLEDGE OF ALLEGIANCE
EMERGENCY EXITS

ROLL CALL

MR. STAVROPOULOS
MR. ALMQUIST
CHAIRMAN LEE

MR. STOWELL
MR. DECKER

APPROVAL OF JANUARY MEETING MINUTES

MOTION – MR. STAVROPOULOS
SECOND – MR. ALMQUIST
ALL IN FAVOR – MR. DECKER ABSTAINED.

PUBLIC HEARINGS

BVH SAPPHIRE TRUST- P-891

127-133 GLENERIE BLVD
SBL# 39.7-8-1.1
ZONE: R30
MINOR 3 LOT SUBDIVISION / SITE PLAN

OPEN PUBLIC HEARING

MOTION – MR. DECKER
SECOND – MR. ALMQUIST
ALL IN FAVOR

CLOSE PUBLIC HEARING

MOTION – MR. DECKER
SECOND – MR. ALMQUIST
ALL IN FAVOR

NO DISCUSSION

A RESOLUTION WAS READ:

Resolution:

WHEREAS, the applicant and owner, BVH Sapphire Trust, proposes a three (3) lot minor subdivision of a 3.656-acre parcel fronting Glenerie Boulevard, and also proposes a site plan for two (2), new 3-unit apartment buildings each on two (2) of the proposed three (3) new lots; and,

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

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

WHEREAS, the Town Board of the Town of Ulster has final site plan approval authority in coordination with and based on recommendations from the Town of Ulster Planning Board; and,

NOW THEREFORE BE IT RESOLVED, based on a review of both these applications, the Town of Ulster Town Board takes the following actions:

AS PER THE SITE PLAN APPLICATION, BE IT RESOLVED, the Town Board of the Town of Ulster has final review and approval authority for the site plan application in coordination with and based on recommendations from the Town of Ulster Planning Board; and,

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

NOW BE IT FURTHER RESOLVED, upon recommendation of the Town of Ulster Planning Board, the Town Board agrees to type the Site Plan application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA) and said Town Board should be designated as Lead Agency; and,

NOW BE IT FURTHER RESOLVED, 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.

Motioned by: Mr. Almquist

Seconded by: Mr. Decker

Votes: All in favor.

Date: 2/14/2023

ABEEL SUBDIVISION – P-900

1215 MAIN STREET

SBL# 39.1-4-1

ZONE: R60

MINOR SUBDIVISION

OPEN PUBLIC HEARING

MOTION – MR. STAVROPOULOS

SECOND – MR. DECKER

ALL IN FAVOR

CLOSE PUBLIC HEARING

MOTION – MR. ALMQUIST

SECOND – MR. DECKER

ALL IN FAVOR

NO DISCUSSION

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A RESOLUTION WAS READ:

WHEREAS, Applicant and owner – Mark Abeel, proposes a two-lot subdivision to create two (2) new residential lots accessed by Main Street (aka Ruby Road) near hamlet of Ruby. The existing lot with an existing multiple residences will *divide* into a new 18.960-acre lot (Lot 1) with one (1) residence, with the remainder 3.138 acres and second existing house being the second lot (Lot 2); and,

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the R60 Zoning District; 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 Subdivision prepared by Brendan Johnson (surveyor) and Mark Abeel (owner) dated 12/27/2022

Preliminary Subdivision Plat Prepared for Abeel, prepared by Brendan Johnson PLS, dated 12/17/2022

Signed Owner Consent Form for Filing

Signed Escrow Agreement

Completed Short Environmental Assessment Form including EAF Mapper Summary, signed by Brendan Johnson PLS, dated 12/27/2022; 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 fewer than 5 lots and access roads and structures are not situated within the 100-year floodplain; and

WHEREAS, the Planning Board considered the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants and Town staff made via memoranda (which memoranda are incorporated herein by reference) as well as comments from a public hearing described below; 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, consistent with same Chapter 161, Section 161-10C the Planning Board held such Public Hearing on February 14, 2023, and considered all comments made at such Public Hearing; and,

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WHEREAS, the Planning Board declared its intent to be Lead Agency, and classified the Proposed Action as a SEQRA Unlisted Action at its January 10, 2023 meeting; 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 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.

Motioned by: Mr. Stowell

Seconded by: Mr. Almquist

Votes: All in Favor

Date: 2/14/2023

NEW BUSINESS

IBM BUILDING 27 MODIFICATION PROJECT – P-901

ENTERPRISE DRIVE/ BOICES LANE

SBL# 48.7-1-29.270

ZONE: OM

SITE PLAN REVISION

- UNSURE OF LANDSCAPING
- BUILDING FOOTPRINT APPROXIMATELY 50% INCREASE
- 1 STORY TO TWO STORY
- DEC REQUIREMENT MADE OF IBM TO UPGRADE

A RESOLUTION WAS READ:

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WHEREAS, the applicant – IBM, proposes to modify an existing groundwater treatment facility with the construction of a new 2000 square foot, two story building to improve current groundwater treatment and site remediation. This proposal is a part of on-going obligations of the former site owner and operator, and is covered by the IBM existing easement on the subject property as well as a Order on Consent from NYS Department of Environmental Conservation related to the former IBM property.

The proposal is for accessory uses related to an existing non-residential site plan. These include the new/modified treatment building, utility connections, and landscaping.; and,

WHEREAS, the applicant has submitted a complete Site Plan application 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 (Town Board) has final review and approval authority for the site plan application in coordination with the Town of Ulster Planning Board; and,

WHEREAS, said Planning Board has reviewed the application as complete and has recommended to the Town Board of the Town of Ulster the actions as described below; and,

NOW BE IT RESOLVED, The Town Board as lead agency finds that the site plan application is a Type II Action under the New York State Environmental Quality Review Act (SEQRA) not requiring further environmental review; and,

NOW BE IT FURTHER RESOLVED, 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.

Motioned by: Mr. Almquist

Seconded by: Mr. Stowell

Votes: All in favor

DATE 2/14/2023

KINGSTON AREA SOCCER – P-902

12-45 KUKUK LANE

SBL# 39.16-4-1.100

ZONE: OM

SITE PLAN REVISION

A RESOLUTION WAS READ:

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WHEREAS, the applicant and owner – Kingston Area Soccer, seeks site plan amendment approval to add a single story 8125 square foot metal building serving two (2) indoor tennis courts and future indoor soccer training with existing parking to be increased by 20 spaces; and, in 2014 the Applicant received site plan approval to construct two (2) regulations soccer fields with parking and related facilities; and this application would amend that approval; and,

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

WHEREAS, the Town Board of the Town of Ulster has final site plan approval authority in coordination with and based on recommendations from the Town of Ulster Planning Board; and,

WHEREAS, said Planning Board has reviewed the site plan application and has recommended that the Town Board of the Town of Ulster take the actions listed below; and,

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Ulster takes the following actions:

BE IT RESOLVED, that the site plan application be typed as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA) and the Town Board be designated as Lead Agency; and,

NOW BE IT FURTHER RESOLVED, 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.

Motioned by: Mr. Almquist
Seconded by: Mr. Stavropoulos
Votes: All in favor.

OLD BUSINESS

PRESTIGE AUTOMOBILES, INC. – P-898
756 E. CHESTER STREET BYPASS
SBL# 48.50-2-7
Zone – RC
SITE PLAN REVISION

A RESOLUTION WAS READ :

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WHEREAS, the applicant – Prestige Automotive, Inc. (aka Prestige Toyota) seeks Site Plan Amendment approval to add a 2,480 square foot addition to the existing dealership primary building. Also proposed is 920 square foot expansion of mezzanine area above new expansion as well as remodeling of customer portion of facility, building façade changes, and minor modifications to existing parking and to utility gas and electric lines only; and,

WHEREAS this applicant seeks approval for the same site plan amendment originally submitted to and approved by the Ulster Town Board in 2012, based on recommendations from the Town of Ulster Planning Board; and,

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

WHEREAS, the Town Board, in coordination with the Planning Board, previously determined the Town Board was lead agency, typed the application as a Type II Action under the New York State Environmental Quality Review Act (SEQRA) and no further action under SEQRA is required; and,

WHEREAS, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board who returned comments in a memo for Referral No. 2023-018, dated 02/01/23 with the following required modifications:

“...Approvals need to indicate that offloading cars on the right of way is not permitted. Specific unloading areas for autor carriers are to be designated on the site plan and both access to the area and the space itself be required to be kept free of parked vehicles. This concern should be expressed to NYSDOT, and the applicant should be required to request signage be installed to restrict parking and unloading along the site frontage whose costs if granted should be borne as directed by NYSDOT.

...Approvals should be conditioned on the coordination and approval of NYSDOT for the applicants proposed stormwater system.

...Updated lighting details were not provided as part of this review. At the time of the earlier review (for reference in 2012), the use of Metal Halide fixtures was still typical. Since then the Town and County have required the use of LED fixtures. Dark sky, full cutoff fixtures meeting the definition of “fully shielded”

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should be required. An updated photometric plan may be necessary given the change in the type of fixture from the original submittals.”

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

Completed Application for Site Plan Amendment Review prepared by Robert J. Dupont, Architect and Agent for Applicant, dated 11/28/2022.

One page Project Narrative, titled Prestige Toyota Image USA 2 Dealership Improvements, prepared by Robert J. Dupont, Architect LLC, no date.

Site Plan Maps and Sheets consisting of eight (8) sheets titled Image USA II Renovations For: Prestige Toyota, prepared by Robert J. Dupont, Architect LLC, dated 11/29/2022 and consisting of:

Sheet A-1, Existing Conditions Site Plan

Sheet A-2, Proposed Conditions Site Plan

Sheet A-3, Existing Facility First Floor Plan

Sheet A-4, Existing Facility Mezzanine Floor Plan

Sheet A-5, Existing Facility Building Elevations

Sheet A-6, Proposed Facility First Floor Plan

Sheet A-7, Proposed Facility Mezzanine Floor Plan (note this sheet is mis-titled in submission)

Sheet A-8, Proposed Facility Building Elevations

Signed Owner Consent Form, by H. Jonathan Brauer, dated 11/29/2022

Signed Escrow Agreement

Completed Short Environmental Assessment Form, signed by H. Jonathan Brauer, dated 11/29/2022

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

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board recommends that the Town Board make final decision that this application is a Type II Action and no further environmental review is required under SEQRA; and,

BE IT FURTHER RESOLVED that the Town of Ulster Planning Board recommends, that the Town Board makes final review of this Application and grants Conditional Site Plan approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

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1. Compliance with all Required Modifications made by the Ulster County Planning Board in Referral No. 2023-018 as described above.
2. Compliance with the full Site Plan Amendment Approval, including five (5) conditions made by resolution of the Ulster Town Board at their October 18, 2012 meeting; and,
3. Compliance with applicable zoning and building laws, rules and regulations;
4. Compliance with all representations made by the applicant;
5. Compliance with documentation, site plan, design plans and all details as cited herein;
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.

Motioned by: Mr. Almquist
Seconded by: Mr. Decker
Votes: All in favor

**SDJ PROPERTY MANAGEMENT
REAPPROVAL OF LOT LINE REVISION**

APPROVAL
MOTION -MR. DECKER
SECOND – MR. ALMQUIST
ALL IN FAVOR. – MR. STOWELL RECUSED

PRESS LEAP LLC – P-892
71-77 KUKUK LANE
SBL# 39.16-4-7.100
ZONE– OM
MINOR 2 LOT SUBDIVISION- REAPPROVAL

APPROVAL
MOTION – MR. ALMQUIST
SECOND – MR. STAVROPOULOS
ALL IN FAVOR

MEETING ADJOURNED
MOTION -MR. DECKER

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SECOND – MR. ALMQUIST
ALL IN FAVOR

Respectfully submitted,

Megan Hay