

Town of Ulster Planning Board Agenda
Town Hall
1 Town Hall Drive
Lake Katrine, NY 12449
February 20, 2024
7:00 PM

The meeting was called to order at 7:00 PM.
The Pledge of Allegiance was recited.
Emergency Exits were noted.

Roll Call

Approval of January minutes
Motioned by – Mr. Stowell
Seconded by – Mr. Crispell
All in favor

New Business

Venue on the Hill – P-930
261 Sawkill Rd
SBL: 48.10-1-17.100
Zone: R30
Special Use Permit

Joshua Ortman appeared to present the proposed venue. This Venue will be used for Church members and immediate family for gatherings and church services. Will be considered a private venue.

This site plan/Special Use permit must be referred to the Ulster County Planning Board for comment.

The applicant is going to get stamped plans ASAP for the county referral.

David Church read a resolution referring to the Ulster County Planning Board.

Resolution:

WHEREAS, the applicant and property owner, Kings Fire International of Kingston, seeks a site plan approval to hold church-based or sponsored outdoor events on approximately 70 acre parcel; *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 Town of Ulster Planning Board, upon review of the entire record determines this application to be a Type II action under the New York State Environmental Quality Review Act (SEQRA), and no further environmental assessment is required; *and*,

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WHEREAS, the Proposed Action will be referred for comment to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster prior to any further action on this application.

Motioned by: Mr. Crispell
Seconded by: Mr. Stowell
Rory Lee, Chair
Frank Almquist, Vice Chair

DATE: February 20, 2024

Old Business

I.Park87 – P-927

Enterprise Drive
SBL: 48.7-1-29.120,130,140,160,250 & 270
Zone: OM
Lot Line Revision

George Distefano appeared to represent for LaBella associates and the I.Park team.

David Church read a resolution for conditional approval.

Resolution

WHEREAS, the applicant – iPark87 proposes a set of lot line adjustments on lands referred to as the southern portion of the East Campus of iPark87 (previously known as TechCity and IBM Kingston). These lands are specifically six (6) contiguous tax parcels north of Boices Lane and east of Enterprise Drive. The following is a listing of the existing Section, Block and Lot (SBL) reference numbers for these parcels followed by the new Lot reference number. The new Lot reference number will be used in documentation until full SBL numbers are provided by the County of Ulster.

48.7-1-29.120	Lot 12
48.7-1-29.130	Lot 13
48.7-1-29.140	Lot 14
48.7-1-29.160	Lot 16
48.7-1-29.250	Lot 25
48.7-1-29.270	Lot 27

WHEREAS, the new lots fully comply with the minimum lot size and dimensional requirements of the ROD zoning district, and this proposed Action substantially improves the compliance of the existing lots with the current Town of Ulster zoning and subdivision codes; and,

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

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

Completed Application for Subdivision/Lot Line Revision, prepared by iPark87 LLC dated 11/02/2023

Signed Owner Consent Form for Filing, signed by Joseph Cotter, President iPark87 LLC, granting consent to George Distefano and LaBella Engineers, dated 11/02/2023

One-page narrative titled Lot Line Adjustment Application – i.Park 87 East Campus, from Joseph Cotter, dated 11/28/2023

Short Environmental Assessment Form, prepared by Virginia A. Feddes, dated 12/08/2023

Sheet of four (4) map sheets, titled iPark87 East Complex, Map of Lot Line Adjustments of Parcels 12, 13, 14, 16, 25 & 27 of Filed Map 10649, prepared for National Resources, prepared by LaBella Engineers and David H. Dippel, L.S. dated 11/28/2023 as follows:

Sheet SV1

Sheet SV2

Sheet SV3

Sheet SV4

Letter in Support, unsigned, from Yidel Pachman, Authorized Agent of Kingston Realty Team LLC, to Town of Ulster Supervisor James E. Quigley III and Planning Board Chairman Rory Lee, dated 02/14/2024, confirming support by Kingston Realty Team LLC, Abe's NY Realty LLC, and BSD Realty LLC, of iPark87 applications to the Town of Ulster and confirming agreement on an amendment to a shared Management Agreement

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action is not a subdivision and is only a set of lot line adjustments; however, in cooperation with the County of Ulster the Town of Ulster did receive and review comments on this application from the Ulster County Planning Board via memo dated 12/06/2023,

WHEREAS, the Town of Ulster Planning Board (Planning Board) considered the application materials submitted by the applicant and by Town consultants and staff; and,

WHEREAS, this application was the subject of a prior public meetings and discussion with the Town of Ulster Planning Board on 11/14/2023 and on 12/12/2024; and,

WHEREAS, this application is complementary to associated applications received by the Town of Ulster for both rezoning of the subject parcels to Redevelopment Overlay District (ROD) zoning as well as a proposed Comprehensive Design Plan, and a complete site plan application with maps and detail sheets for mixed use development on said parcels. These two (2) complementary applications have also provided substantial documentation which was considered by the Town of Ulster Planning Board and the Ulster Town Board. This documentation includes a set of Environmental Assessment Forms, as well as a Supplementary Generic Environmental Impact Statement (SGEIS) for the ROD rezoning and the proposed site plan titled Draft Supplementary Environmental Impact Statement iPark87 – East Campus, dated April 25, 2023 and revised June

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27, 2023. Also provided is a five (5) page memorandum titled i.Park 87 East Campus Master Plan – Environmental, dated June 22, 2023; and,

WHEREAS, in accordance with Chapter 161, Section 161-9 and 11.1 the Proposed Action is a Lot Line Adjustment and no public hearing is required; and

WHEREAS, because this Action is a set of lot line adjustments and consistent with 9 NYCRR §617.5 c 17, the Planning Board classifies the Proposed Action as a SEQRA Type II action and no further action is required upon review of the entire record including a SEQR Short Form EAF Part 1 as well as SGEIS as noted above; and,

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 Lot Line Adjustment approval as described above subject to the conditions, limitations and restrictions set forth below.

1. Consistent with §161-11.1B the Applicant has filed with the Town of Ulster a map for this Lot Line Adjustment prepared by a licensed surveyor.
2. These lot line adjustments are to be complementary to a pending site plan approval for a mixed use development within the ROD zoning district on the same parcels.
3. These lot line adjustments will not conflict with any property rights or easements previously granted to a set of other, current property owners of lands within the former IBM East Campus (aka TechCity) as reviewed by the Town of Ulster Town Attorney.
4. Applicant shall produce for the Town of Ulster a "Declaration of Protective Covenants, Easements, and Restrictions," amending the document recorded at Liber 2641 of Deeds at Page 0148, signed by all required parties, including but not limited to IBM Corp., in executed form and recorded with the Ulster County Clerk's Office.
5. Upon filing of the map noted above, said map or Plat may be filed with the office of County Clerk after being signed by the Chairman of the Planning Board.
6. 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.
7. 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.
8. All fees, including consultant fees, shall be paid.

Motioned by: Mr. Crispell
Seconded by: Mr. Almquist
Rory Lee, Chair
Frank Almquist, Vice Chair
DATE: 2/20/2024

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I.Park87 – P-908

Enterprise Drive

SBL: 48.7-1-29.120,130,140,160,250 & 270

Zone: OM

Site Plan Review

County Comments were received, and the Planning board would like to consider recommending to the Town board to override 3 of the recommendations from the County

- 1) Traffic calming
- 2) 10% affordable housing units
- 3) Phasing requirement

Motion to override 3 of the UCPB recommendations.

Motioned by – Mr. Crispell

Seconded by – Mr. Almquist

All in favor by roll call vote

David Church read a resolution recommending to Town Board for final decision.

Resolution:

WHEREAS the Applicant – i.Park 87 LLC, seeks approval of a site plan to redevelop a portion of the “east campus” of the former IBM Kingston facility (formerly aka TechCity), having the above-referenced lot numbers, previously foreclosed and owned by Ulster County and subsequently transferred to the Ulster County Economic Development Alliance prior to sale to current owner; and,

WHEREAS this site plan application is summarized in a 08/29/2023 memorandum (one page) from Joseph Cotter, as President of i.Park 87 LLC, to the Town of Ulster Planning Board. This memorandum notes a residential component of 880 units of multifamily housing in a range of building types, a residential amenity component, an existing commercial / retail buildings component for the renovation of two (2) existing buildings, and a new construction commercial / retail buildings component for a new visitor center and retail building; and,

WHEREAS the applicant has submitted a Site Plan application to the Town of Ulster including a set of Civil Drawings, a set of Architectural Drawings, and a submitted State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form, Part 1 and Supplemental Generic Environmental Impact Statement (SDEIS). Documents submitted include a complementary and complete application for rezoning of the applicable land parcels to ROD as well as a complete application for a set of lot line adjustments. These two applications have received final approval from the Ulster Town Board and Town of Ulster Planning Board, respectively; and,

The Town of Ulster Planning Board has reviewed a Letter in Support from Yidel Pachman (unsigned), Authorized Agent of Kingston Realty Team LLC, to Town of Ulster Supervisor James E. Quigley III and

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Planning Board Chairman Rory Lee, dated 02/14/2024, confirming support by Kingston Realty Team LLC, Abe's NY Realty LLC, and BSD Realty LLC, of iPark87 applications to the Town of Ulster and confirming agreement on an amendment to a shared Management Agreement; 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; and,

WHEREAS, said Planning Board has reviewed the applications as submitted and during multiple public meetings including on 09/12/2023, 11/14/2023, 12/12/2023, and 02/13/2024; and,

NOW THEREFORE BE IT RESOLVED, the Planning Board (i) approves the site plan application described herein and (ii) recommends to the Town Board that the site plan application should be defined as a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA), and that said Town Board, having declared intent to be Lead Agency, can proceed to make a findings statement and negative declaration based on substantial SEQRA and associated documentation provided by the applicant and the Town's consultants as noted above; and,

NOW THEREFORE BE IT FURTHER RESOLVED, the Planning Board recommends the Town Board proceed to final review and approval of this site plan application, subject to the following conditions:

Compliance with all comments from Town of Ulster engineers including those found in the following memorandum: Review of Proposed Stormwater Pollution Prevention Plan (SWPP) for iPark87 by Brinnier and Larios, PC dated 12/07/2023 (two pages); Review of Proposed Site Utility Plans (Water & Sanitary Sewer) iPark87 by Brinnier and Larios, PC dated 02/02/2024 (two pages); Traffic Review #1 dated 01/31/2024 (two pages) and Traffic Review #2 dated 02/12/2024 (three pages) for i.Park 87 LLC ... CM Project No. 124-014 by Creighton Manning. The applicant has responded to the above memorandum demonstrating compliance with, or intent to comply with, these memorandums. The site plan application shall be revised to address all comments made by these Town of Ulster engineers being Brinnier and Larios, PC, and Creighton Manning.

Referral to the Ulster Fire District #5 for review, and applicant compliance with any comments received.

Compliance, as determined by NYS Department of Environmental Conservation and/or the Town of Ulster Town Attorney or Town Engineer, with current and any revised or updated versions of the Interim Site Management Plan, 300 Enterprise Drive, Kingston, NY Site, Town of Ulster, Ulster County, New York, NYSDEC Site Number 356002 as submitted to IBM Corporation, July 2023. Specifically, compliance with all provisions of Operational Unit 4 (OU-4) found in this documentation, as the same may be amended, modified or supplemented from time to time.

After review of the Recommendation Memo from Ulster County Planning Board (nine (9) pages), Referral No. 2023-163 & 180, dated 12/06/2023, the applicant has responded to that Recommendation Memo with a seven (7) page letter from Joesph Cotter, President, iPark87 LLC to the Town of Ulster, dated 01/30/2024. The Town of Ulster Planning Board has reviewed and concurs with the applicant responses which either meet the Ulster County Planning Board recommendations or adequately address these recommendations. Therefore, the Town of Ulster

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Planning Board recommends the Ulster Town Board supports action to over-ride the Ulster County Planning Board “required modifications” in this memo when necessary.

Coordination with Ulster County Department of Public Works (UCDPW) and compliance with any UCDPW requirements associated with site plan work proposed for Ulster County Route 157 (aka Boices Lane and Enterprise Drive).

Approval and compliance with all conditions or requirements from applicable permits from the NYS Department of Environmental Conservation, the Ulster County departments of Public Works and of Health, and the Town of Ulster departments of Water and of Sewer.

All improvements to water, sewer, and transportation infrastructure arising from any and all of the statements above shall be the responsibility of the applicant unless negotiated otherwise by the Ulster Town Board. Said Town Board should establish a set of responsibilities with schedule and financing for such improvements.

The Town of Ulster Planning Board recommends the Ulster Town Board and the applicant set a phasing schedule for infrastructure improvements matched to approval of applicable permits cited above as well as to an overall phasing schedule for this site plan.

The Town of Ulster Planning Board recommends the Ulster Town Board set bonding requirements for any and all off-site improvements as part of this site plan final approvals.

This site plan will not conflict with any property rights or easements previously granted to a set of other, current property owners of lands within the former IBM East Campus (aka TechCity) as reviewed by the Town of Ulster Town Attorney. Said other lands include the following tax parcels: 48.7-1-180, 190, 210, 220, 230, and 290.

The applicant shall submit a site plan phasing plan to the Town of Ulster, to be reviewed by the Town of Ulster Attorney, Planner, and Building Inspector and acceptable to the Ulster Town Board prior to any final site plan approval by said Town Board.

The applicant shall produce for the Town of Ulster a “Declaration of Protective Covenants, Easements, and Restrictions”, amending the document recorded at Liber 2641 of Deeds at Page 0148, signed by all required parties, including but not limited to IBM Corp., in executed form and recorded with the Ulster County Clerk’s Office.

Additionally, these standard conditions should be a part of any final approval:

1. Compliance, as shown on signed plans, with all comments via memo provided by the Town Sewer Superintendent, Water Superintendent, and/or Town Engineer.
2. Compliance with any comments from the Ulster County Fire District No. 5 regarding access, vehicle circulation and any other emergency services matters.
3. Compliance with applicable zoning and building laws, rules and regulations;
4. Compliance with all representations made by the applicant;
5. Compliance with all documentation, site plan, design plans and all details submitted to the Town of Ulster as a part of the complete site plan application or as cited herein;

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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. Crispell

Votes: All in favor

Date: February 20, 2024

Motion to Adjourn Meeting

Motioned by – Mr. Crispell

Seconded by – My Almquist

All in favor

Respectfully Submitted,
Megan Hay
Planning/Zoning Secretary