

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

Resolution Approving Site Plan and Special Use Permit for Whitestone Development, 1530 Route 9W, Town of Ulster

Date: June 18, 2025

WHEREAS, the Town Board of the Town of Ulster has received an application from Passero Associates, on behalf of the property owner, for site plan and special use permit approval for the development of a 190-unit multifamily residential project on an approximately 69.34-acre parcel located at 1530 Route 9W, identified on the tax map as SBL 48.8-1-1.110 and 48.8-1-1.120 (the "Project"); and

WHEREAS, the site is located in the Regional Commercial (RC) Zoning District, where multifamily dwellings are a permitted use subject to special use permit and site plan approval; and

WHEREAS, the Town Board declared its intent to act as Lead Agency pursuant to SEQR on October 17, 2024 and conducted a coordinated review of the project as a Type I Action; and

WHEREAS, the Town Board adopted Part II of the Full Environmental Assessment Form (EAF) on May 15, 2025, and requested that a draft Full EAF Part III be prepared by the applicant; and

WHEREAS, the Board has considered all relevant documentation including:

- A Full Environmental Assessment Form with attachments, prepared by Trevor D. Haut, P.E.;
- Correspondence from the NYS Office of Parks, Recreation and Historic Preservation (SHPO), dated May 6, 2025, confirming no adverse impacts with conditions;
- Jurisdictional determinations from NYS DEC dated May 21 and May 28, 2025, confirming Positive Jurisdiction under Article 24;
- Site Plan Set (28 sheets) dated May 2025;
- Correspondence and memorandum from Nelson, Pope & Voorhis dated June 5, 2025; and

WHEREAS, the applicant has revised the site layout to avoid direct disturbance to regulated wetlands and has committed to placing 42.15 acres, or approximately 60.79% of the site, into a conservation easement or other appropriate restriction to ensure that the land remains undisturbed "forever green" land; and

WHEREAS, on or around May 30, 2025, the applicant submitted a draft Full EAF Part III addressing the moderate and large impacts identified in the adopted Full EAF Part II; and

WHEREAS, the Planning Board and its consultants reviewed the draft Full EAF Part III and recommend a revised and amended Full EAF Part III incorporating additional considerations not included in the applicant's draft Full EAF Part III; and

WHEREAS, the Town Board has reviewed the draft Full EAF Part III recommended by the Planning Board and its consultants, which is attached hereto and made part of the record as well as the plans and materials submitted to the Planning Board in support of the application; and

WHEREAS, the Town Board has considered the criteria for determining significance as set forth in 6 NYCRR 617.7(c)(1), which are attached hereto and made part of the record; and ;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ulster hereby:

1. Finds that finds the proposed development:
 - (a) Is consistent with the density and use provisions of the RC Zoning District;
 - (b) Is well below the maximum multifamily density allowed pursuant to §190-25.F;
 - (c) Avoids impacts to historic resources and wetlands as documented by SHPO and DEC;
 - (d) Provides for multimodal and internal trail access with sidewalks and safety crosswalks;
 - (e) Includes conservation measures and site clustering to preserve the majority of the site as open space; and
2. Adopts the EAF Part III for Whitestone Development, 1530 Route 9W; and
3. Adopts a Negative Declaration of Environmental Significance pursuant to SEQR for the 1530 Route 9W Multifamily Development finding that the proposed action will not result in the indicators listed in 6 NYCRR 617.7(c)(1) and will not result in any other significant adverse environmental impacts; and
4. Directs the Town Clerk to circulate the notice to all involved and interested agencies, publish notice of the Negative Declaration in the Environmental Notice Bulletin and file the Negative Declaration in the office of the Town Clerk; and
5. Grants the Special Use Permit for multifamily use in the RC Zoning District as proposed; and
6. Authorizes the consolidation of the two existing parcels (SBL 48.8-1-1.110 & 1.120) into one unified lot; and

7. Approves the Site Plan dated May 2025, subject to the following conditions:
 - a. Final approval of any proposed signage by the Planning Board;
 - b. Issuance of all required permits by the NY Department of Environmental Conservation;
 - c. Issuance of all required permits by the Ulster County Health Department;
 - d. Issuance of all required permits by the NY Department of Transportation;
 - e. Revision of plans to include:
 - i. A crosswalk across Road A connecting trail entrances;
 - ii. A note designating the emergency access road as a multimodal trail and indicating that the emergency access road must be kept clear of snow and maintained in good condition;
 - f. Compliance with SHPO's Site Avoidance Plan for the Precontact Lotus 4 Site;
 - g. Submit a written commitment to implement necessary improvements at the intersection of U.S. Route 9W and the access road serving Adam's Fairacre Farms and the Kirchoff development. These improvements shall be subject to final approval by the New York State Department of Transportation (NYSDOT) through the Highway Work Permit process. It is recognized that the additional traffic generated by the proposed residential development will increase demand on the westbound approach of the intersection, potentially exacerbating queuing and delays. Therefore, appropriate mitigation measures shall be required, which may include—but are not limited to—additional turning lanes, traffic signal modifications or upgrades, and related roadway improvements, all to be determined in coordination with NYSDOT. No building permits or certificates of occupancy shall be issued until the developer has secured all necessary NYSDOT approvals and demonstrated implementation of the required improvements to the satisfaction of the Town Engineer and NYSDOT.
 - h. File a conservation easement or other similar development restriction prepared to the satisfaction of the Town Board upon advice of the Town Attorney for those portions of the site beyond the limits of disturbance as shown on the site plan; and
8. Directs the Building Inspector to ensure compliance with all applicable conditions, zoning code requirements, and engineering standards prior to the issuance of any building permits;

MOTION: Councilman Van Kleeck
 SECOND: Councilman Schatzel

Councilwoman Maryann DeGroot	Yes
Councilwoman Anna Hayner	Yes
Councilman Michael Schatzel	Yes
Councilman Clayton Van Kleeck:	Yes
Supervisor James E. Quigley 3 rd :	Yes

CARRIED