

ULSTER COUNTY PLANNING BOARD
Minutes – June 7, 2017

The Ulster County Planning Board Meeting
7:30 p.m. – Surrogate Courtroom, 3rd Floor
County Office Building

The Executive Committee Did Not Meet

Vice Chairman Calimano called the meeting to order and asked Mr. Leibowitz to read the roll call.

- 1. ROLL CALL - Present:** J. Leverich, L. Geary, J. Konior, P. Brooks, C. Lanzetta, M. Calimano, D. Boggess, T. Wilkin, C. Mallery, J. Brown, R. Hlavaty, S. Spata, M. Watkins, V. Markowitz, M. Rudikoff, W. Murray, V. McLaughlin, G. Gagliardi, D. Doyle, R. Leibowitz, B. Samuelson **Absent:** D. Whitaker, R. Kinnin **Excused:** R. Pecora, K. Lovelett, M. Baden, P. Andreassen, F. Almquist, J. Winer **Guests:** Bryan Stumpf, Thomas Kentop, Sr., Lois & George Scholger, Gary Pennoch

- 2. APPROVAL OF MINUTES**
The May minutes were approved. Motion made by Mr. McLaughlin, seconded by Mr. Konior. All were in favor.

- 3. PUBLIC COMMENT**
No Public Comment

- 4. EDUCATION & TRAINING OPPORTUNITIES**
Mr. Doyle mentioned an email that was sent for an opportunity to participate regarding Solar Energy.

- 5. COMMUNITY REPORTS**
Mr. Wilkin brought up a case regarding a dedication of a road to the town of Plattekill that went to the ZBA due to setbacks from the property line. Mr. Wilkin explained that this is a very old road and originally the parcel ran across the road. The planning board thought they already had a dedication to the town because when it was subdivided the planning board had them dedicate the road to the town and that was printed on the subdivision map. The attorney for the ZBA stated that since there was no formal deed to the town, only a mention on a map, this was not a proper dedication to the town. Mr. Doyle stated this is known as an "offer of cession" or "continuing offer of cession," the town does not have to take the road when it is built, it can be taken any time it sees fit. He noted that you have to go back to the original minutes from when the subdivision was approved to see if there was a continuing offer of cession for the road to make it a public road or maintain as a private road. Mr. Doyle added that most local planning board attorneys or consultants will recommend a continuing offer of cession. He offered that another way is to take a public easement over the road.

Mr. Doyle asked the board members if any large projects were beginning the process with their local boards that could come in for a gateway meeting. Mr. Wilkin stated there was an application for an 88-unit multi-family building proposed, but he added it may be cut down to 40 units. Mr. Doyle brought up the medical facility in Lloyd or

KEY: (f) = handout will be in folder at meeting
(m) = handout included in the mailing

the Wallkill center in Shawangunk. Ms. Geary asked if any of the projects on tonight's agenda for Gardiner were seen in gateway meetings. Mr. Doyle stated that we had a gateway meeting on Heartwood, but not the 208 project, although we have had discussions with the town on both of them.

6. PLANNING BOARD REPORTS

- a. Chairperson Report – No Report
- b. Committee Reports – No Report

7. PLANNING DEPARTMENT REPORTS

a. Financial Report

Mr. Doyle stated we are still in good shape. The Transportation Council has a many ongoing studies: There is a public meeting in Marlborough tomorrow for the Route 9W corridor study at the elementary school; an Integration study for the City of Kingston and Ulster County transit systems; Traffic counters should be set in the next two weeks on various roads; We are signing a contract for a PILs analysis (priority incident locations). Mr. Doyle noted that we will tentatively be doing PILs analysis in Woodstock, Saugerties and Ellenville and perhaps on route 299 west of the Wallkill. We are also currently working on locations for a fire training center, with DPW on the family court and three trail projects. The Brownfield opportunities grant is progressing and also an agreement with the City of NY on the impacts of Lower Esopus for a watershed protection grant.

b. Environmental Notice Bulletin & Grant Opportunities

Mr. Doyle noted that the County is doing bank stability work in the Shandaken area. One item on the ENB is related to our necessary permit use and bank stability work associated with the highway in Shandaken.

c. Communications

No member comment

d. Director/Staff Reports

Mr. Watkins asked what the development was across from the Quick Chek out by the Thruway at the entrance to Washington Avenue. Mr. Doyle answered that project is a retail proposal called Kingston Commons, which will include a bank, 4000 sf of retail, what appears to be a Dunkin Donuts and a fast food restaurant. Ulster County has an easement behind their property, so they needed our approval to relocate the easements. We have an agreement and bond, so construction can begin at any time. Mr. Doyle noted that the Sycamore tree was saved. He added that we will have enhanced access to back portion of our park and some spaces were negotiated for a tourism information facility at that area as well.

8. SPECIAL TOPICS DISCUSSION

a. Constitutionality of Zoning Regulation/Right to Bear Arms: *Ezell vs. City of Chicago* (f)

Mr. Doyle stated we started to look at certain case law as some cases are very timely for items before our board or involve constitutional rights. Mr. Doyle brought up the decision and discussion from the City of Kingston's proposed firing range. He noted that Constitutional rights and free speech affect the ways

communities can regulate signs and adult uses. The constitutional right to keep and bear arms has now been interpreted to include the right to practice and learn how to use those arms. When City of Chicago tried to zone out and ban arms, the 7th Circuit stated the City was not recognizing this Constitutional protection. Mr. Doyle stated your local attorneys should be aware of other statutes of concern, beside the local zoning law.

9. ZONING REFERRALS – *See Separate Zoning Minutes*

10. ADJOURNMENT

The meeting adjourned. All were in favor.

Ulster County Planning Board Minutes



6/7/2017

Esopus

Referral Number **2017079** Received: 5/5/2017
Name: **VanVliet Funeral Home** Type of Referral: **Area Variance**
Description: Front yard Variance for Gazebo at existing funeral home
Project Location: 339 Broadway
Recommendation: **No County Impact** Abstentions:
Motion: McLaughlin
Second: Konior
Vote: Yes No Recusals:

Gardiner

Referral Number **2017073** Received: 5/11/2017
Name: **Solar Energy Systems Law** Type of Referral: **Zoning Statute Amendment**
Description: Amendment to zoning to include regulations for Solar Energy Systems
Project Location: Townwide
Recommendation: **Advisory Comments** Abstentions:
Motion: Watkins
Second: Gagliardi
Vote: Yes No Recusals:

Gardiner

Referral Number **2017086** Received: 5/25/2017
Name: **Harmony Inn, LLC** Type of Referral: **Special Permit**
Description: Change/Extension of use - creative space, gallery shows, sales & yoga classes
Project Location: 2694 Route 44/55
Recommendation: **No County Impact** Abstentions:
Motion: Watkins
Second: Konior
Vote: Yes No Recusals:

Gardiner

Referral Number **2017087** Received: 5/25/2017
Name: **Harmony Inn, LLC** Type of Referral: **Site Plan Review**
Description: Change/Extension of use - creative space, gallery shows, sales & yoga classes
Project Location: 2694 Route 44/55
Recommendation: **Required Modifications** Abstentions:
Motion: Watkins
Second: Konior
Vote: Yes No Recusals:

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Gardiner

Referral Number **2017088** Received: 5/30/2017
Name: **Green 208 LLC** Type of Referral: **Site Plan Review**
Description: Development of low-rise cluster housing - 53 standard units, 3 stories
Project Location: 320 Route 208
Recommendation: **Required Modifications** Abstentions:
Motion: McLaughlin
Second: Konior
Vote: Yes No Recusals:

Gardiner

Referral Number **2017089** Received: 5/25/2017
Name: **Shaft Road Subdivision** Type of Referral: **Subdivision**
Description: 10-lot open-space subdivision
Project Location: 87-91 Shaft Road
Recommendation: **Required Modifications** Abstentions:
Motion: McLaughlin
Second: Konior
Vote: Yes No Recusals:

Gardiner

Referral Number **2017090** Received: 5/31/2017
Name: **Heartwood** Type of Referral: **Special Permit**
Description: Ecological lodging facility - 70 cabin units and lobby structure
Project Location: Route 44/55, adjacent to Tuthilltown Distillery
Recommendation: **Required Modifications** Abstentions:
Motion: Konior
Second: McLaughlin
Vote: Yes No Recusals:

Gardiner

Referral Number **2017091** Received: 5/31/2017
Name: **Heartwood** Type of Referral: **Site Plan Review**
Description: Ecological lodging facility - 70 cabin units and lobby structure
Project Location: Route 44/55, adjacent to Tuthilltown Distillery
Recommendation: **Required Modifications** Abstentions:
Motion: Konior
Second: McLaughlin
Vote: Yes No Recusals:

Hurley

Referral Number **2017093** Received: 6/5/2017
Name: **Green Acres (Farm Hub)** Type of Referral: **Site Plan Review**
Description: Temporary Office Structure - replacing two existing greenhouses
Project Location: 1875 Hurley Mountain Rd
Recommendation: **Required Modifications** Abstentions:
Motion: Konior
Second: Boggess
Vote: Yes No Recusals:

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Hurley

Referral Number **2017094** Received: 6/6/2017
Name: **Hannaford/Hurley Ridge Market** Type of Referral: **Site Plan Review**
Description: Conversion to Hannaford - Reconfigure parking, landscaping, lighting, signage
Project Location: 295 Route 375
Recommendation: **Required Modifications** Abstentions:
Motion: Watkins
Second: Konior
Vote: Yes No Recusals:

Hurley

Referral Number **2017095** Received: 6/6/2017
Name: **Hannaford/Hurley Ridge Market** Type of Referral: **Area Variance**
Description: Variances for Parking and Signage
Project Location: 295 Route 375
Recommendation: **Required Modifications** Abstentions:
Motion: McLaughlin
Second: Markowitz
Vote: Yes No Recusals:

Kingston Town

Referral Number **2017075** Received: 5/16/2017
Name: **Modern Shacks & Jass Holdings** Type of Referral: **Site Plan Review**
Description: Model of Tiny Home and 6,000 sq. ft. Warehouse
Project Location: Route 28 and Waughkonk Rd
Recommendation: **Required Modifications** Abstentions:
Motion: McLaughlin
Second: Gagliardi
Vote: Yes No Recusals: Konior

Kingston Town

Referral Number **2017076** Received: 5/16/2017
Name: **Bluestone Solar** Type of Referral: **Site Plan Review**
Description: Construction of 2 Megawatt Large Solar Farm on 2 parcels
Project Location: 82-90 Hallihan Rd
Recommendation: **Required Modifications** Abstentions:
Motion: McLaughlin NO: Watkins
Second: Brooks
Vote: Yes No Recusals: Konior

Kingston Town

Referral Number **2017077** Received: 5/16/2017
Name: **Bluestone Solar** Type of Referral: **Special Permit**
Description: Construction of 2 Megawatt Large Solar Farm on 2 parcels
Project Location: 82-90 Hallihan Rd
Recommendation: **Required Modifications** Abstentions:
Motion: McLaughlin NO: Watkins
Second: Brooks
Vote: Yes No Recusals: Konior

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Marlborough

Referral Number **2017080** Received: 5/23/2017
Name: **Verizon Wireless Node 11** Type of Referral: **Special Permit**
Description: Small-scale cellular telecommunications facility
Project Location: 1488 Route 9W
Recommendation: **Approve** Abstentions:
Motion: McLaughlin
Second: Spata
Vote: Yes 17 No 0 Recusals: Lanzetta

Marlborough

Referral Number **2017081** Received: 5/23/2017
Name: **Verizon Wireless Node 11** Type of Referral: **Site Plan**
Description: Small-scale cellular telecommunications facility
Project Location: 1488 Route 9W
Recommendation: **Approve** Abstentions:
Motion: McLaughlin
Second: Spata
Vote: Yes 17 No 0 Recusals: Lanzetta

Marlborough

Referral Number **2017082** Received: 5/23/2017
Name: **Verizon Wireless Node 9** Type of Referral: **Special Permit**
Description: Small-scale cellular telecommunications facility
Project Location: 3 Young Ave
Recommendation: **Approve** Abstentions:
Motion: McLaughlin
Second: Spata
Vote: Yes 17 No 0 Recusals: Lanzetta

Marlborough

Referral Number **2017083** Received: 5/23/2017
Name: **Verizon Wireless Node 9** Type of Referral: **Site Plan**
Description: Small-scale cellular telecommunications facility
Project Location: 3 Young Ave
Recommendation: **Approve** Abstentions:
Motion: McLaughlin
Second: Spata
Vote: Yes 17 No 0 Recusals: Lanzetta

Marlborough

Referral Number **2017084** Received: 5/23/2017
Name: **Verizon Wireless Node 5** Type of Referral: **Special Permit**
Description: Small-scale cellular telecommunications facility
Project Location: 1024 Route 9W
Recommendation: **Approve** Abstentions:
Motion: McLaughlin
Second: Spata
Vote: Yes 17 No 0 Recusals: Lanzetta

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Marlborough

Referral Number **2017085** Received: 5/23/2017
Name: **Verizon Wireless Node 5** Type of Referral: **Site Plan**
Description: Small-scale cellular telecommunications facility
Project Location: 1024 Route 9W
Recommendation: **Approve** Abstentions:
Motion: McLaughlin
Second: Spata Recusals: Lanzetta
Vote: Yes 17 No 0

New Paltz Village

Referral Number **2017074** Received: 5/15/2017
Name: **Gateway District Rezone** Type of Referral: **Zoning Map Amendment**
Description: Amend Zoning Map to Rezone 4 parcels to Gateway District
Project Location: Water St, Monhonk & Plains Rd Intersection
Recommendation: **Advisory Comments** Abstentions:
Motion: Gagliardi
Second: Konior Recusals: Murray
Vote: Yes 17 No 0

Plattekill

Referral Number **2017078** Received: 5/19/2017
Name: **Local Law for Solar Energy** Type of Referral: **Zoning Map Amendment**
Description: Local Law to regulate large scale & ground mounted Solar Arrays
Project Location: Townwide, except BD-40, BD-60, HR-1
Recommendation: **Advisory Comments** Abstentions:
Motion: Watkins
Second: Konior Recusals: Murray
Vote: Yes 16 No 0

Rochester

Referral Number **2017072** Received: 5/15/2017
Name: **Project Cat** Type of Referral: **Special Permit**
Description: Allow cat shelter in existing 2-family residence structure
Project Location: 2586 Lucas Ave
Recommendation: **Advisory Comments** Abstentions:
Motion: Watkins
Second: Konior Recusals: Mallery
Vote: Yes 16 No 0

Ulster

Referral Number **2017092** Received: 5/23/2017
Name: **Burlington Coat Factory Plaza** Type of Referral: **Site Plan Review**
Description: Reconfigure existing parking lot and handicap accessibility
Project Location: 1375 Ulster Avenue (9W)
Recommendation: **Required Modifications** Abstentions:
Motion: Konior
Second: Watkins Recusals:
Vote: Yes 17 No 0

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Woodstock

Referral Number **2017071** Received: 5/17/2017
Name: **Ostrander** Type of Referral: **Area Variance**
Description: Legalize two previously installed sheds and construct a 24' x 32' garage
Project Location: 468 Silver Hollow Rd
Recommendation: **No County Impact** Abstentions:
Motion: Watkins NO: McLaughlin
Second: Konior
Vote: Yes No Recusals: