



MEMORANDUM

TO: Members, Hurley Planning Board

FROM: Bonnie Franson, AICP CEP, PP

RE: **Never Alone Site Plan Review**
(SBL – 38.4-6-9.110)

DATE: February 21, 2024

CC: Maggie Colan, Planning Board Clerk
John Lyons, Esq./Kim Garrison, Esq.

We are in receipt of the following items:

- Planning Board Site Plan Application, dated February 1, 2024, with attachments.
- Site Plan for Never Alone Teen Center, prepared by North Engineers & Design Associates, dated January 29, 2024, consisting of two sheets.
- New Teen Center for Never Alone, prepared by Steven T. Drakulich Architecture, last revised January 14, 2024, consisting of 4 sheets.
- Short Environmental Assessment Form, dated February 1, 2024.

Summary



The Applicant, KMG Holdings, LLC, proposes to construct a new building at the Never Alone complex. As per the application, the present use of the property is an adolescent drug and alcohol recovery center. The cover letter indicates that the new building would result in the construction of a “teen center” which would house various functions, including but not limited to a basketball/volleyball court, game room, exercise room, meeting rooms, hair salon, and counseling offices. The narrative indicates all functions are currently provided on site in existing spaces that are undersized. The Applicant has stated that the maximum number of beds has been capped at 25 as per the original approval for the facility. The facility is presently served by onsite septic and well – it is unclear whether any upgrades will be necessary. The Applicant does propose to formalize the onsite parking in a location in front of the teen center building.

General Comments

1. Use. On January 19, 2024, the ZEO determined that the current use is “pre-existing, nonconforming” and that site plan review is required. We note the following:
 - a. Is “pre-existing, nonforming” actually a use? Or should this be identified as an adolescent drug and alcohol recovery center as per the information provided on the application?
 - b. Will a variance be needed to expand the pre-existing nonconforming use? Section 210-46, Continuation, states: “Any lawful building, structure or use of premises existing at the time of enactment of this chapter or any subsequent amendment thereof applying to such building, structure or use of premises may be continued although such building, structure or use of premises does not conform to the provisions thereof, except as follows....” Does the phrase “or any subsequent amended thereof apply to....use of premises” allow the expansion without a variance? The Planning Board attorney should opine.
2. Reuse. As per the Applicant’s narrative, space is being freed up with the installation of the teen center. What will be occurring within the buildings that will no longer be needed, e.g., the gym. There should be some discussion of this.
3. Unfinished space. The second story proposes “unfinished” space. There should be some discussion of what may occur there. Specifically, could it be used for beds? If space is being freed up by accommodating certain existing uses/activities in the new building, will there be capacity for additional beds in the other buildings? Does the applicant have a master plan that indicates plans for the overall site?
4. New building. What is the total footprint of the proposed building, and what is the total gross floor area? We have seen varying information since submission.
5. Site plan application. The owner of the property appears on the real property records as KMG Holdings, LLC. A “Kiril Vesselov” has signed the application as the property owner. Evidence should be provided that Kiril Vesselov can represent the application and is the property owner.
6. GML review. It should be determined if GML review is required.
7. Public hearing. As this is a site plan, a public hearing is optional.
8. Referral agencies. The following is noted:
 - a. Ulster County Board of Health – unclear what utility improvements are occurring on site – this should be discussed.
 - b. Hurley Highway Superintendent – it does not appear that any new driveway or improvements are being proposed at the entrance.
 - c. Fire department. The West Hurley fire department may want to comment on the adequacy of fire access.
9. Survey. It is difficult to make out what is existing, and what improvements are proposed, in addition to the parking and building. Is there an existing survey available?
10. Photos. It may be useful for the Applicant to supply photos of the site for the benefit of the Planning Board’s review.
11. Field visit. The Planning Board should discuss whether it would like to conduct a field visit.
12. Water and septic. There are many uses in the new building that will create demand for water and septic, including a kitchen, laundry room, hair stylist, and bathrooms. Some evidence should be provided that the existing well and septic can handle the load. The applicant should provide evidence that improvements are not required as per the Board of Health review.
13. Architectural plans and elevations.
 - a. Please show the top elevation of the building, to confirm building height.
 - b. What is proposed use of kitchen in the exercise room. When will it be used?
 - c. Please indicate the amount of floor area in the unfinished space.
 - d. Specify the specific colors to be used on the building and roof on the plans.
 - e. Sample building colors and materials should be provided for review at the Planning Board meeting.

14. Fire Code. Are sprinklers required for this occupancy? Will fire water storage be required?

Site Plan Review

Sheet C-1

1. Bulk table.
 - a. The specific use should be identified.
 - b. The zoning district, A-2.5, needs to be noted.
 - c. All setbacks need to be included, such as the yards, both existing and proposed.
2. In general, it is difficult to read the plan on the first page. It is recommended that the location and tax map be merged and made smaller, and that more of the page be dedicated to the plan itself, so it can be enlarged to be more legible.
3. In general, it would be useful to have an existing conditions sheet, so it is understood what is new.
4. What is "(See Note 12)" on this page? Where is Note 12?
5. The prior October 2023 plan showed that the septic system would need to be expanded. What is current status?
6. The name of the public roads on the site layout plan should be labeled.
7. Typically, metes and bounds are provided for the property lines.

Sheet C-2

1. Please show refuse locations, existing and proposed.
2. How will the parking be striped to ensure it achieves the capacity?
3. With regard to the parking calculation, it does not appear to include visitors. Also, please provide information on the aisle width between the spaces.
4. The first page indicates 27 spaces are proposed – this sheet shows 25 spaces. By the inlet, this appear as one space, which would make it 24 spaces. Please clarify.
5. Is the inlet already existing in the parking area?
6. Please show the route of any pipes for well and septic locations, and whether it will require tree removal.
7. Please show the limits of disturbance around all improvements.
8. Please provide details for the proposed parking area – gravel, pavement depth, etc.
9. Is any lighting proposed? It must be dark sky compliant, and LED lighting should be no more than 2700 Kelvin.
10. Is any landscaping proposed?
11. Sheet 4-A3 shows a fence at the road – please provide a detail and show location on the site plan.
12. Please provide detail for accessible parking.
13. Show location for snow storage.
14. Are any drainage structures proposed?

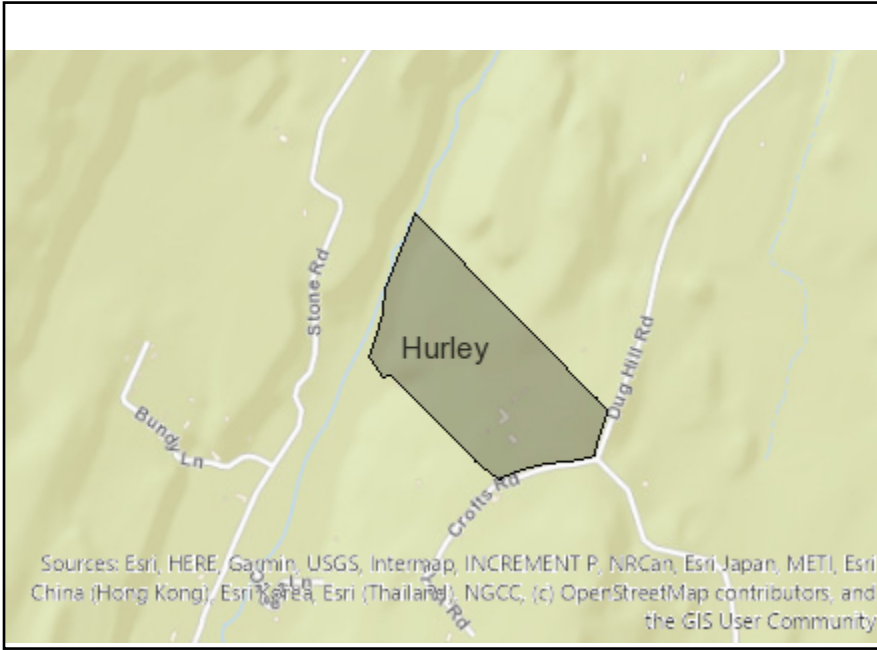
SEQR

1. Type of action. As per the SEQR regulations, the action would appear to be an Unlisted Action, given the building size. The Planning Board needs to determine whether it will require coordinated or uncoordinated review.
2. The site is not within the NYCDEP watershed area.
3. SEAF Part 1. The EAF needs to be run through the EAF mapper. This does not appear to have been done – please see attached. The following is noted:

- a. Brief Description – the building size needs to be reviewed. Also describe other improvements and whether any spaces being reused.
 - b. Item 2 – this may require additional approvals – this will be determine through the process.
 - c. Item 3 – need to check the disturbance amount through the limits of disturbance which needs to be added to the plan.
 - d. Item 4 – there are residences around the site. Also, the land use on the site is not forest. For other, please add the use of the facility.
 - e. Item 5 – as per the ZEO determination, the use is not permitted under the zoning.
 - f. Item 7 – the site is not in a CEA.
 - g. Item 8 – more information is needed regarding vehicular trips.
 - h. Items 10 and 11 – more information is needed on the proposed well/septic service.
 - i. Item 15 – as per the EAF mapper, the site within an area known to have habitat for the timber rattlesnake.
 - j. Item 16 - According to the EAF mapper, the project site contains floodplain. However, it is associated with the NYSDEC wetland which is not proposed to be disturbed.
 - k. Item 17 – this response does not address stormwater runoff.
4. Species. The Planning Board should decide whether it would like to send the application to the NYSDEC for comment, given the potential presence of the timber rattlesnake.
 5. SWPPP. At this time, a SWPPP is not required. This needs to be confirmed once the limits of disturbance are shown.

Process

1. It is recommended that the site plan be updated to address comments.
2. The Planning Board should discuss whether to conduct a field visit.
3. The Board can consider whether this is an Unlisted action.
4. Consultation may be appropriate with the NYSDEC.



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Timber Rattlesnake
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No