



MEMORANDUM

TO: Members, Hurley Planning Board

FROM: Bonnie Franson, AICP CEP, PP
Meagen Zapotoski, AICP

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

DATE: March 26, 2024

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

We are in receipt of the following items:

- Cover letter prepared by Steve Drakulich & Associated, dated March 6, 2024;
- Photometric plan with attachments, prepared by Reflex Lighting, dated October 20, 2023;
- Survey prepared by Control Point Associates Inc PC, dated May 25, 2023;
- 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, last revised March 1, 2024, consisting of three sheets;
- New Teen Center for Never Alone, prepared by Steven T. Drakulich Architecture, last revised March 4, 2024, consisting of 4 sheets.

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. 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. Comment remains open.
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. **As per the response from the applicant, many of the areas currently being used for exercise areas, common rooms, etc. are either not suitable for anything except storage, or have multiple uses which would be reduced to one use upon construction of additional space.**
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? **The applicant states that this area is attic space that would not be accessible at this time other than through a ceiling hatch. Additionally, increased bedroom count would require updated plumbing infrastructure, and is therefore not proposed.**
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. **Comment partially satisfied. The footprint area and gross floor area of the entire building should be noted on the site plan (C-1).**
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. **Comment not satisfied. Applicant states that a letter from the owner has been included authorizing the applicant, however that was not received as part of this submittal.**
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. 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? **A survey has been provided. The site plan should be revised such that the building labels are legible.**
10. Photos. It may be useful for the Applicant to supply photos of the site for the benefit of the Planning Board's review. **Photos not provided.**
11. Field visit. The Planning Board should discuss whether it would like to conduct a field visit. **A site visit took place on February 29, 2024. The Planning Board should discuss its observations.**
12. Water and septic. There are many uses in the new building that will create demand for water and septic,
13. Architectural plans and elevations.
 - a. Specify the specific colors to be used on the building and roof on the plans. **It should be indicated on sheet 4-A4 that the colors shown are proposed. The Applicant will bring samples to the meeting.**
14. Fire Code. Are sprinklers required for this occupancy? Will fire water storage be required? **The applicant states that sprinklers are not required. This should be vetted with Building Inspector.**

Site Plan Review

Sheet C-1

1. Bulk table.
 - a. Height. **The maximum height needs to be revised as it is shown as 30' 3" on sheet 4-A3.**
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. **Comment remains.**
3. The prior October 2023 plan showed that the septic system would need to be expanded. What is current status? **Applicant states that expansion is not needed.**
4. In general, there should be a table of all the sheets that make up the site plan set shown on the first sheet. The set should include the lighting plan and survey.

Sheet C-2

1. With regard to the parking calculation, it does not appear to include visitors. Also, please provide information on the aisle width between the spaces. **Comment partially satisfied. Applicant states that visitors are not permitted on site. The aisle width has not been labeled. Parking space size should also be noted. Also there are 25 spaces shown –**
2. Please show the route of any pipes for well and septic locations, and whether it will require tree removal. **Comment partially satisfied. While pipes have been shown, no response was given regarding potential tree removal.**
3. Please show the limits of disturbance around all improvements. **Comment partially satisfied. As this is now shown on sheet C-3, the route of pipes for well and septic should be shown on this sheet as well. What is the total disturbance? Is a SWPPP required?**
4. Is any landscaping proposed? **The applicant states that no landscaping is proposed as the improvements are not visible from the road. The Board should determine if this is acceptable.**
5. Show location for snow storage. **Comment partially satisfied. Snow storage areas should be delineated.**
6. Are any drainage structures proposed? **The Planning Board may wish to refer this to their consulting engineer.**

Lighting Plan

1. What does "not in contract" signify on the plan?
2. The lighting plan needs to be made a part of the site plan set.

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 We are not in receipt of an updated EAF – the comments below remain:
 - 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. The Planning Board should discuss the results of the field trip.
- 2. It is recommended that the site plan be updated to address comments.
- 3. The Planning Board should determine whether a public hearing is necessary.