

The annual and monthly meeting of the Town of Ulster Planning Board was held on Thursday, January 15, 2004 at 7:30 p.m. at the Town of Ulster Town Hall, Lake Katrine, N.Y.

Present:	Chairman:	Alan Deforest Donald Brott Clark Kimble George Lucente Frank Almquist
	Planner:	Daniel Shuster

The secretary called the roll: All the Board members were present. The Pledge to the Flag was said. The fire exits were designated. Mr. Deforest called the annual meeting to order. A motion to approve the minutes of last months meeting was made by Mr. Kimble, seconded by Mr. Lucente, with all in favor. Mr. Lucente made a motion to accept the By-laws as written , seconded by Mr. Brott, with all in favor. Mr. Deforest opened the nominations for officers to the Board. Mr. Brott made a motion to nominate Mr. Lucente as acting-chairman, seconded by Mr. Kimble, with all in favor. Mr. Lucente was nominated as secretary on a motion by Mr. Brott, seconded by Mr. Almquest, with all in favor. Mr. Kimble was nominated as the Ulster County Planning Board representative, seconded by Mr. Lucente, with all in favor. Mr. Brott made a motion to close the annual meeting, seconded by Mr. Kimble, with all in favor.

**Public Hearing - Short - Lot Line Revision** - No representation - A motion was made by Mr. Brott to adjourn the public hearing until the application has representation, seconded by Mr. Lucente, with all in favor.

**Public Hearing - Saar - Lot Line Deletion** - No representation - Motion to adjourn the public hearing until the application has representation was made by Mr. Lucente, seconded by Mr. Brott, with all in favor.

**Keiffer Lane Realty, LLC; "New York Precast" - Site Plan - 6-8 Kieffer Lane; East Chester St.** - Mr. Joseph Lenscold from Brinnier and Larios, Mr. Scott Dutton, architect, and Mr. David Auringer, project manager, appeared on behalf of application for redevelopment of the former Miron properties in the OM District. The site tenant, New York Precast, presently occupies an existing 95,000 + square foot single-story building situate on the north side of Keiffer Lane east of CSX. The site encompasses four tax map parcels having a total site area of 22.82 acres. The application submitted last fall was for an ultimate 5 phase program, that proposal has been scaled back by eliminating Phases 4 and 5. Reductions have been made regarding future parking, loading and storage area expansions. The three-story office addition proposed as part of Phase 3 has been scaled back to 2 stories. Mr. Barton, a neighbor to the site expressed concerns on noise, traffic and the outside storage. Mr. Guido a neighboring resident of the site expressed his concerns with trucks running in the evenings and the debris that has been left on the site. Mr. Deforest suggested that the applicant coordinate a traffic study with the housing complex being proposed across Rt. 9W. After much discussion Mr. Shuster reviewed his memo with the Board stating that as noted in the narrative letter, the applicant no longer is pursuing Phases 4 and 5, which would have added an additional 92,000 square feet of enclosed manufacturing space. The three-story office addition proposed as part of Phase 3 has been scaled back to 2 stories. The revised Phase 3 will add a two story addition onto the center portion of the existing building. Locker facilities and a cafeteria will occupy the first floor and office and conference space on the second. No changes have been made to the proposed 70

foot high batch plant that will be constructed onto the north end of the existing building. This structure will have a height of 70 feet. About 1 1/3 acres of open lot area will be involved with development of the batch plant addition, with space for open aggregate bins and a storage yard for precast concrete planks on the paved area of tax lot 25. The planks will be arranged in rows with 20 foot wide access aisles, and will be "tarpred at all times". The applicant proposes to enhance site security with an eight foot high chain-link fence. As this month's submission reflects a major change in the site development program, the Planning Board should take no further action pending the submission of a revised Full EAF, part 1, along with an analysis of ambient noise; a photo-simulation of the new buildings and a revised traffic analysis. Because of the reduced amount of total floor area to be developed, the expansion is an Unlisted Action pursuant to the provisions of the SEQR regulations, and coordinated review is not required. We recommend that coordinated review be undertaken between the Planning Board, Town Board and NYSDEC, once a completed Part 1 of the FEAF is received. The Town should obtain the services of a consulting civil engineer to review the site disturbance, grading, utility and drainage plans. The applicant should provide funds for an escrow account to cover the costs of such review. The project will add over 2,500 square feet of floor area, and will be subject to Town Board approval following review by the Planning Board. Mr. Lucente made a motion to not take any action at this time pending submission of a revised Full EAF, Part 1, along with an analysis of ambient noise; a photo-simulation of the new buildings and a revised traffic analysis, seconded by Mr. Kimble, with all in favor.

**Site Plan - Oscar Molina d/b/a "Oscar's Auto Body"- Auto repair services** - No representation

**Site Plan - Johnson Kia - "Temporary" Auto Dealership - Rt. 28** - Mr. Chris Dicharo from Brinnier and Larios appeared on behalf of application for site plan approval to use an existing building within the Johnson Ford/Nissan auto sales and service complex as a temporary dealership for a new Kia franchise. The site of the proposed use is an existing building which previously housed Campers Barn among other uses. Approximately half of the existing metal building will be used as a service/parts facility and a small adjacent structure as a sales office - a total of approximately 6,000 square feet. This will be a temporary facility pending submission of a site plan for a new facility on a vacant area to the northwest. Upon approval of submitted site plan the existing building will be demolished and replaced with approximately 70 parking spaces. An existing sign for Campers Barn, adjacent to Route 209, will be replaced with a new sign of the same size. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that this use is basically a re-occupancy of an existing building. There will be no exterior changes to the site. The proposed action is a Type 2 Action and requires no further review under SEQR. The application does not present any significant issue of concern and the Planning Board should grant site plan approval. Mr. Kimble made a motion to accept the planners recommendation as stated, seconded by Mr. Lucente, with all in favor.

**JOHNSON KIA  
RESOLUTION OF SITE PLAN APPROVAL - TEMPORARY DEALERSHIP  
TOWN OF ULSTER PLANNING BOARD**

**WHEREAS**, the Town of Ulster Planning Board received an application for site plan approval from Johnson Kia for the purpose of reusing an existing building within the Johnson Ford/Nissan auto sales and service complex as a temporary dealership for a new Kia franchise.

**WHEREAS**, a Short Environmental Assessment form has also been submitted; and

**WHEREAS**, in accord with Chapter 145 of the Town Code, the Planning Board reviewed said application on January 15, 2004; and

**WHEREAS**, under Section 239.l and m of the General Municipal Law, the County of Ulster Planning Board has declared no County impact; and

**WHEREAS**, the Planning Board has reviewed the application and relevant materials submitted and has also taken into account its knowledge of the site and the surrounding neighborhood; and

**WHEREAS**, it has been determined that said site plan is a Type II action under the provisions of SEQR and no further review is required;

**NOW THEREFORE BE IT RESOLVED, that:**

1. The application for site plan approval is hereby approved in accord with Chapter 145 of the Town Code.

**Ulster Land Holding Partners, LLC: "Ulster Manor" - major subdivision and multiple family dwellings (Special Use Permit) - 662 East Chester Street Bypass; 1-9 Memorial Drive** - Mr. Barry Medenbach, engineer and Scott Dutton, architect appeared on behalf of application for major subdivision, Special Permit and Site Plan approval for a mixed 186 unit residential development. The proposal consists of 34 single family lots, 72 apartments and 80 townhouses - on a 48 acre site off Memorial Drive. The site is divided into three zoning districts: R-30 (28.8 acres), OM (8.0 acres) and R-10 (11.0 acres). The project has been designed so that all the uses are permitted by right. The main site access is proposed from Memorial Drive with a secondary emergency access connection to an existing street in Fox Run, equipped with a crash gate. The single family housing will be in conformance with "cluster development", which allows for smaller lots, with proper open space and density. There are on-site wetlands that will not be disturbed, including a 100 foot buffer around the NY State designated wetland. Some of the neighbors expressed their concerns on the impact the traffic will have on their residential neighborhoods with a secondary connection to the existing street in Fox Run. A buffer zone, landscaping and the wetlands were also concerns expressed by several residents. The Board expressed their concerns for safety by having only one entrance, one exit to the proposed project. After much discussion Mr. Shuster reviewed his memo with the Board stating that the applicant has submitted sketch plans for preliminary review and feedback. In terms of the traffic connection to the north it is one that would be beneficial for everyone by creating an interconnection for all vehicles, the property owners are encouraged to seek to develop this connection. Among other issues that can be identified at this time are the following:

- a. Development of the left turn lane on Route 9W should be coordinated with a northbound left turn to Kieffer Lane, as suggested in the traffic study.
- b. Three townhouse types are proposed in the architectural plans but are not identified on the site plan. Although one type has garages entered from the building end, no such units appear on the site plan. Architectural plans for the apartments were not submitted.

- c. The number of single family lots was derived from a mathematical calculation rather than a sketch plan showing the actual number of 30,000 square foot lots that could be developed. The Town Zoning Law allows cluster development in accordance with §278 of NYS Town Law. No other local standards are provided. §278 states that “cluster development...shall in no case exceed the number (of units) which could be permitted...if the land were subdivided into lots conforming .....to the Zoning Ordinance.”
- d. A storm water drainage and pollution prevention plan should be developed early in the planning process since, under the recently implemented DEC regulations, it may affect site plan design and layout.
- e. A complete set of plans will require utility plans and capacity analysis, grading plans, landscaping plans, lighting plans, etc.
- f. Since there appears to be a large amount of common open space proposed, a home owners association must be established.
- g. A subdivision plat will be necessary. Since Zoning Law defines a townhouse (dwelling, attached) as “each on a separate lot”, these will have to delineated.
- h. The wetland delineation should be supported by a report from a qualified delineator.

The submission is satisfactory for initial review and discussion by the Planning Board for the purpose of providing the applicant with direction. No further action can be taken pending submission of more detailed plans and resolution of the planning issues discussed above. The applicant should be requested to provide funds for an escrow account to cover the cost of engineering review.

**Site Plan - Johnson Kia - New Auto Dealership** - Mr. Chris Dicharo appeared on behalf of application for the purpose of erecting a 16,167 square foot building to house a new dealership in the Johnson Auto complex. The building will be located to the west of the recently approved body shop on a vacant, unpaved area. The existing parking area in front of the proposed building will be reoriented and an entrance way defined by new islands. New landscaped islands are proposed to define the ends of the parking bays. Mr. Kimble suggested that the pavement have painted directional arrows to control and channel traffic flow. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the only drainage improvement proposed is a swale behind the new building leading to a new catch basin. If a new freestanding sign is proposed it should be shown on the plan. With all the new projects being developed on the site a drainage analysis will need to be completed which concludes that the catch basin is sufficient. Some of the issues that need to be addressed are:

- a. With two new buildings (Kia and the Body Shop) and one expansion (Campers Barn) proposed simultaneously, now is the time to prepare an overall master plan for the site with particular emphasis on internal circulation, signage and site design.

- b. Proposed site lighting has quite high illumination levels - an average of almost 10 foot candles and a maximum of over 30. The tilt angle of 30° could allow fixtures to be directed so as to create excessive glare in addition to intensity.
- c. The architectural plans do not indicate the type of materials or colors of exterior building elevations.
- d. SEQR Issues. To avoid the issue of segmentation, the Board must consider the cumulative environmental effects, if any, of the two projects presently before it - the new Johnson Kia dealership and this application as part of its SEQR determination.

The plan for the proposed new dealership appears feasible and, in fact, will begin the process of enhancing and reorganizing the site. No further action should be taken until the issues a - d above have been addressed. Mr. Kimble made a motion to accept the planners recommendation as stated, seconded by Mr. Lucente, with all in favor.

**Site Plan Amendment - Camper's Barn - Dealership Expansion - 124 Route 28** Mr. Chris Dicharo appeared on behalf of application for site plan amendment to expand their RV dealership, inclusive of two one-story additions totaling just over 10,000 square feet, and expansion within the interior of the existing building. No changes to the parking are proposed, the tabulation of parking show that 60 spaces are required and 66 will be provided. The applicant is proposing to move the existing fence line out to the existing landscaping. Several new area lights are proposed for the storage area north of the building. The Board asked that the plan indicate where there will be access isles verses vehicle storage. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the Town Planning Board should have an evaluation of the drainage characteristics of this site and the entire Johnson Auto Group complex, inclusive of the Camper's Barn additions and the new Kia Dealership. Baseline drainage conditions should be summarized. The plan needs to show pedestrian circulation. The proposed wall-mounted lighting units appear to be of a forward-throw design, with no shielding. The lamp locations within the proposed pole-mounted units do not appear to be recessed. Use of fully glare-shielded fixtures with cutoff luminaires is recommended. The Board should not take any action at this time pending submission of a revised plan that provides additional landscaping and which shows how storm water drainage is handled. Glare-shielded light fixtures should be used. The plans should include a breakdown of existing and proposed building floor area by sales, service and storage occupancies. The plan should clearly show where all 66 customer parking spaces are designated. The drawings should also include calculations on proposed land area to be disturbed. Mr. Brott made a motion to accept the planners recommendations as stated, seconded by Mr. Lucente, with all in favor.

**Zoning Referral - Home Based Business** - The Town Board has asked the Planning Board to review a proposed amendment of the Zoning Law of the Town of Ulster. Mr. Shuster reviewed the proposal with the Board:

### **SPECIAL PERMIT FOR HOME BASED BUSINESS**

#### **1. Purpose**

To provide opportunities for the establishment of home based business uses in residential zoning districts, subject to standards and conditions which will prevent adverse impacts on surrounding residential properties and neighborhoods, the following amendment to the Zoning Law of the Town of Ulster is hereby enacted.

## **2. Amendment to the Summary of Permitted Uses**

**§190-11.A, Summary of Permitted Uses** shall be amended to establish a new use, "Home Based Business", which shall be permitted, subject to issuance of a special permit by the Town Board, in the R-10, R-30 and R-60 Zoning Districts.

## **3. Standards for Home Based Business**

**§190-25, Special permit uses**, conditions and approval standards, shall be amended by addition of a new paragraph J, to read as follows:

### **J. Home Based Business**

Home based business shall be subject to the following standards and conditions:

- (1) The business must be owned and operated by a person whose domicile is located on the same property.
- (2) The property on which the business is located shall have direct frontage on a state or county highway.
- (3) The business may be located in the principal residence on the site or in a separate accessory structure existing as of January 1, 2004. The business may be located in a new building erected after January 1, 2004, if such building complies with the minimum setback standards of the district in which it is located, and has a floor area of less than \_\_\_\_\_ sq. ft. Any outside storage of goods or materials shall be fully enclosed by an opaque fence or vegetative screening.
- (4) The business shall employ no more than five persons who are not residents of the property on which it is located.
- (5) Off-street parking for the business shall be provided in accord with §190-28.J.
- (6) One free-standing sign with a face area of no more than eight square feet may be provided.
- (7) No business or occupation listed in §190-25.1.B. Prohibited Occupations shall be allowed as a home based business.
- (8) In its review of an application for a special permit for a home based business, the Town Board shall consider the specific nature of the business, the scale of the proposed use and size of the site, the number of and distance to adjacent residences and existing and proposed vegetation to provide a buffer from nearby residences to determine the nature and extent of the effects on the surrounding residential area.

After much discussion between the Board members a motion was made by Mr. Brott that the Planning Board recommend that the Town Board does not amend the Zoning Law to include "Home Based Business", and forward a copy of the motion to the Town Board, seconded by Mr. Kimble with all in favor.

**Meeting adjourned** - With all agenda business being completed Mr. Kimble made a motion to adjourn the meeting, seconded by Mr. Lucente, with all in favor.