

The monthly meeting of the Town of Ulster Planning Board was held on Thursday, February 19, 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. A motion to approve the minutes of last months meeting was made by Mr. Kimble, seconded by Mr. Lucente, with all in favor.

Public Hearing - Short - Lot Line Revision - Old Stage Road; Potter Hill Road - Mr. Michael Vetere appeared on behalf of application for lot line revision for the purpose of transferring a small piece of land between two abutting lots to eliminate a building encroachment. Mr. Kimble made a motion to close the public hearing seconded, by Mr. Lucente, with all in favor.

Action - Short - With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that a triangular slice of land, about 1/3 of an acre, will be taken from Lot 3 and attached to Lot 4. The steel building will be given a conforming side yard setback of 30 feet or more from the new lot line. The lot areas will comply with the minimum requirements of the district following the conveyance. The proposal is an Unlisted Action pursuant to SEQR. The Planning Board should render a Determination of Non-Significant (Negative Declaration) and grant conditional final plat approval subject to:

1. Revision of the plat to show a tabular summary of the R-60 District bulk regulations (a "zoning block"); and
2. Submission of at least three (3) paper copies and a reproducible master map, all signed by the landowners.

A motion to grant final plat approval subject to 1 and 2 above was made by Mr. Brott, seconded by Mr. Almquest, with all in favor.

Public Hearing - Amy Saar - Merge two lots into one - Gallis Hill Road; Hurley Mountain Road - Ms. Saar appeared on behalf of application to merge two vacant parcels together for the purpose of creating a suitable sized building site that can accommodate a septic system. Mr. Lucente made a motion to close the public hearing, seconded by Mr. Kimble, with all in favor.

Action - Amy Saar - With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the survey map depicts the location of planned improvements to the site, including a house and attached garage, to be accessed from Gallis Hill Road. A primary septic system location is also proposed near Gallis Hill Road. The reserve system is to be located downhill on subdivision Lot 7a. It appears that the two lots must be combined as a condition of approval from the County Health Department. Subdivision lot 7 presently has over 1 1/3 times the minimum area of the R-60 District. Lot 7a has just under 60% of the required minimum

area. The combined parcel will have an area of over 2.6 acres. The Planning Board should Render a Determination of Non-Significance (Negative Declaration) upon receipt of a completed Part 1 of the Short Environmental Assessment Form (SEAF); and Grant conditional final plat approval, subject to:

1. Submission of correspondence from the Town of Highway Superintendent approving the new access onto Gallis Hill Road;
2. Revision to the plan to show a tabular summary of the R-60 District bulk regulations (a "zoning block"); and
3. Submission of at least (3) paper copies and a reproducible master map, all signed by the landowners.

Mr. Lucente made a motion to accept the planners recommendations and grant final plat approval subject to receipt of a Short Environmental Assessment Form and items 1 - 3 above, seconded by Mr. Kimble, with all in favor.

Twin Creeks - C. DeCicco, J. LoBianco, A. LoBianco & P. LoBianco - Major (25) lot Subdivision - Old Kings Highway - Mr. Michael Vetere appeared on behalf of application proposing the division of 82 acres of vacant land with Esopus Creek frontage into 24 lots, along with a proposed town highway. The project is to be developed in two Phases. Phase 1 will include the development of 14 lots. The applicant has responded to the suggestions made at the October, 2003 meeting and revised the layout to substantially increase the open space system by including most of the frontage on the Esopus and Platte Kill Creeks as well as internal open space so that most of the 24 lots abut the open space and the remaining lots have easy access to it. The proposed road layout system is changed to provide two cul-de-sacs to avoid bisecting the open space system. The applicant has expressed concerns about who will control and maintain the open area. The applicant is concerned that the open space would be neglected and would prefer not to retain ownership or establish a homeowners association. He has stated that he would offer the open space to the town. After much discussion Mr. Shuster recommended that the property owner come to a workshop to discuss ownership of the open space. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the plat notation calling for the release of the Overbaugh ROW appears to be specific to the woods road section that runs between the McCann parcel and the ROW section along the Esopus Creek. If the ROW is extinguished, the layout makes provision for a connection between the proposed town road and the easement along the creek via the open space system. The release of the ROW should not be done until the entire proposed roadway is dedicated to the Town. The Planning Board should have documentation that explicitly shows that the current owner of the ROW agrees with the release of this easement. The total length of the proposed cul-de-sac will exceed 1,200 feet. Since all site generated traffic can exit onto the public highway system at only one location, the road layout, if built as planned, will create a permanent dead-end to 20 unless waived by the Planning Board. Part of the Overbaugh ROW leading from the McCann parcel to the new roadway will follow the proposed boundary between lots 1 and 2. Lots 8 and 9 will share a driveway. No driveways will be developed onto Old Kings Highway. The open space system is an excellent amenity. The applicant should indicate whether it is to be offered to the Town or maintained as common property of the lot owners. If the latter, a homeowners association must be formed to maintain it. The subdivision is complete for sketch plan purposes. A Full EAF must be submitted for the Planning Board to initiate Coordinated Review pursuant to SEQRA, storm water, erosion control and grading plans remain to be submitted. It is recommended that the Planning Board grant sketch plan approval

and take no further action until the additional data for a preliminary plat is submitted. Mr. Lucente made a motion to accept the planners recommendations as stated and grant sketch plan approval and take no further action pending the submission of the required data as stated, seconded by Mr. Almquist, with all in favor.

Oscar Molina d/b/a "Oscar's Auto Body" - Site Plan (Auto Repair Services) - Mr. Oscar Molina appeared on behalf of application for site plan approval to operate a motor vehicle repair shop in an existing accessory building on a residential site in the OM District. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that no more than 5 gallons of paint will be stored at any time. No air quality permits are required for this activity. There will not be any changes to landscaping or lighting. Areas set aside for temporary storage will be behind the garage with the maximum of 2 cars at any one time. The project is a Type 2 Action pursuant to SEQR, as it involves less the 4,000 square feet of nonresidential building floor area, and an environmental determination is not required. Mr. Kimble made a motion to accept the planners recommendation and grant site plan approval subject to:

1. Limit outdoor storage to no more than 2 cars at any one time.

Motion was seconded by Mr. Brott, with all in favor.

OSCAR'S AUTO BODY

RESOLUTION OF SITE PLAN APPROVAL TOWN OF ULSTER PLANNING BOARD

WHEREAS, the Town of Ulster Planning Board received an application for site plan approval from Oscar Molina, for the purpose of operating a motor vehicle repair shop within part of an accessory 1-story steel frame building on a site located at 465 Hurley Avenue, Tax Parcel 48.017-1-18.1; and

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 February 19, 2004, and approved application with certain conditions; and

WHEREAS, under Section 239.l and m of the General Municipal Law, the County of Ulster Planning Board has declared that there is 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 the site plan approval is hereby approved in accord with Chapter 145 of the Town Code with the following condition:

- a. Limit outdoor storage to no more than 2 cars at any one time.

Convenient Mart Plaza - Site Plan Expansion - 350-352 Lucas Avenue - Mr. Thomas Clancey appeared on behalf of application for expansion of an existing site. The applicant is proposing to extend the north end of the building 30 feet to create a 1,200 square foot store unit. There will be no other changes to the site. A note on the plan states that the location of the sewage disposal field must be verified prior to any construction. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the proposed addition appears feasible provided that the new location of the rear access drive is accurately sited with respect to the septic system. The Board has received a letter from the Water Superintendent stating that:

1. The existing 3/4" water service will be directly underneath the proposed addition. No changes to the water service are shown.
2. A back flow prevention device will be required on the existing water service. Back flow requirements must be obtained through the water department.

The Board should take no action until a revised plan is submitted that shows existing landscaping, landscaping to be removed, and additional plantings. New exterior lighting should be glare shielded and downward directed. The water line and septic system issues must be addressed. Mr. Brott made a motion to accept the planners recommendations and not take any action at this time, seconded by Mr. Lucente.

Mary DeCicco - Minor re-subdivision - 440, 450 & 452 Flatbush Road - James Decicco appeared on behalf of a proposed three lot subdivision of a developed residential site in the OM District. Parcel 1 will include the house at 440 Flatbush Rd., Parcel 2 will encompass the buildings at 450 & 452 Flatbush Rd, the remaining land will be designated as Parcel 3, with a right-of-way over Parcel 2. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the plan does not show the locations of existing wells and septic areas. The existing use of the buildings is not shown. The Zoning Law requires an area requirement per dwelling unit, the applicant needs to determine if the proposed lot size will be adequate. The creation of a lot without road frontage and with access via a right-of-way is in violation of Section 190.17.B of the zoning law. This layout could need to be designated as an "Open Development Area" by the Town Board upon petition of the applicant. The Board should take no action at this time pending submission of the missing information. With Lucente made a motion to accept the planners recommendation and not take any action at this time, seconded by Mr. Kimble, with all in favor.

Lot Line Adjustment - Leris - 449 Ulster Landing Road - Application was withdrawn when the applicant realized the subdivision had previously been subdivided and filed.

Burton - Minor Subdivision - Sketch Plan - Gary Burton appeared on behalf of application to subdivide a five acre hilltop site developed with a one-family dwelling. The site will be split to create a 1.55 acre building lot, Lot 2. This parcel will have no deeded street frontage but instead have the right-of-way over the Graff lot to access Stickles Terrace at one of the curves on the road. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the lot area and layout is in keeping with the pattern established on the original Stickles subdivision, although somewhat smaller in area, but conforming. The southerly bounds of Lot 2 adjoins State Forest Preserve "forever wild" lands. Proposed sanitary features

are not shown for Lot 2. The Planning Board usually requires the plat to show approximate, conceptual locations of buildings and sanitary improvements. As an alternative, the Board can request a "building envelope" be shown, depicting the required setback lines. The new lot line does not appear to encroach upon any buildings on Lot 1. The locations of buildings and improvements on Lot 1 are needed to determine if all required setbacks will be complied with. The application proposes creation of a lot without highway frontage, as otherwise required in §190-17.B of the zoning law. Use of the existing right-of-way for access into Lot 2 can be approved provided that the site is designated as an "Open Development Area" by the Town Board upon petition of the applicant, as provided for in Section 190-17.B of the zoning law. Given the somewhat small area of the lot in contrast to the rolling terrain and shallow soils, the Planning Board should consider requiring Health Department approval as a condition of subdivision approval. The Board could grant sketch plan approval, however, prior to preliminary public hearing the plat will need to show the following:

1. Location of existing and proposed septic areas
2. Existing building setback lines
3. Approval from the Town Highway Superintendent for access on Sticklers Terrace.
4. Designation of an "Open Development Area" by the Town Board for access into Lot 2.

Mr. Brott made a motion to grant sketch plan approval, seconded by Mr. Lucente, with all in favor.

The Children's Annex - Temporary use of trailer (Site Plan Amendment) Sketch - 70

Kukuk Lane - Mr. Bill Scribner appeared on behalf of application for site plan amendment for the temporary use of and office trailer on the site. The applicant received approval last August from the Building Inspector for temporary use of an office trailer on the site, subject to several conditions, including and 18 month limit on use and approval of a site plan for a permanent addition within six months of the temporary use approval. The first trailer delivered was not acceptable and exchanged for another. This trailer is equipped with a bathroom and the applicant wishes to conduct a program for 2 and 3 year olds for 2 to 3 days a week in the trailer. They are also requesting a 6 month extension on the 18 month limit. As part of the temporary use, a septic holding tank is proposed for the bathroom, which will be pumped out on a regular basis. The applicant has already contacted the Sewer District Superintendent about the proposed wastewater system. With on one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the main concern the Board has is that the application for "temporary" facility is in fact "temporary". The original trailer was allowed with condition that site plan be approved for permanent structure within six month, the permanent structure shall commence within twelve months and the temporary structure will be removed within eighteen months. The site is within the Town sewer district, a "hardship" variance may be required to establish the occupancy, including a bathroom, without a connection to the Town system. No action can be taken at this time, a referral to the Ulster County Planning Board is required prior to action by the Planning Board.

Custom Design Homes - (lands of Mitchell and Baker) Major subdivision: Sketch - off

City View Terrace - Mr. Don Snyder from North Engineers appeared on behalf of application for

preliminary sketch plan for a major subdivision of 126+ acres of vacant land. The site consists of three separately-deeded vacant parcels owned by Baker and Mitchell in the R-60 District. Two of the abutting parcels are located north of the end of City View Terrace, abutting the westerly side of US 209 (Kingston Bypass). The third parcel lies to the west, along the Ulster - Kingston town line, separated from the other two lots by lands of Central Hudson that are in use for a transmission line. The plans submitted are for discussion purposes only. The applicant is looking for an interpretation of the meaning of "dead end" and the intent of §161-19.E. The applicant is asking that the "dead end" rule not be applied to the gate entrance of City View Terrace but to consider the application as an extension of City View Terrace. Discussion at the workshop focused on interpreting the meaning of "dead end" and the intent of §161-19.E; the possibility of providing a second means of access; and discussion of a possible waiver to the 1,200 foot and 20 lot standards. After much discussion Mr. Shuster reviewed his memo with the Board stating that all waivers to Chapter 161 of the Town Code must be requested by the applicant. The Board should only consider a waiver to §161-19.E if convinced that all other options have been exhausted.

Chinese Gourmet Take-out - Site plan amendment - 907 Ulster Avenue - Mr. Bob Young appeared on behalf of application proposing to amend an approved site plan for a takeout restaurant by adding 1,510 square feet of retail space and a 300 square foot cooler/freezer addition. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that sufficient parking is available on-site to accommodate the additional floor area. The addition will be of the same architectural character as the previous construction. No new lighting is proposed. The application must be referred to the Ulster County Planning Board. A motion to refer the application to the Ulster County Planning Board was made by Mr. Brott, seconded by Mr. Kimble, with all in favor.

Johnson Nissan - Johnson Kia - Free s Standing Signs - Route 28 - Mr. Ozzie Beichert appeared on behalf of application for a freestanding sign for identifying the new Kia dealership and proposing a complete new signage program for the Nissan site, including two new pylon signs. The applicant has also submitted an Master Sign Plan which includes dealerships for Nissan, Ford, Kia the new body shop, Space Station & Campers Barn. The concept calls for two categories of signage, as follows:
Directional Signage on major circulation routes throughout the site which will have a consistent style and design and provide continuity through the site.
Product and Service Signage which will reflect the corporate identity requirements of each separate dealership or product within its designated parcel.
Nissan and Kia Signs : An overall plan for the Nissan site has been submitted which includes wall signs and two pylon signs. A new 35 ft. high, 150 sq. ft. pylon sign will replace the existing Nissan pylon sign. A second 24 ft. high, 70 sq. ft. sign is proposed along the Rt. 209 entrance ramp. The Nissan proposal call for two pylon signs which exceed the height and area requirements of the Zoning Law. The Kia sign also exceeds the maximum height limit of 20 feet allowed in the Zoning Law. Neither can proceed without a variance from the ZBA. Mr. Brott asked that a street address for each building on site be added on the directional sign for emergency services. The applicant would like to proceed with the Kia, Nissan and Master Plan concurrently with the Planning Board and Zoning Board. After much discussion Mr. Shuster reviewed his memo with the Board stating that no further action can be taken by the Planning Board unless the applicant reduces the size of the free-standing sings to conform with the Zoning Law or receives a variance from the ZBA.

Kenco - Free-Standing Sign - Rt. 28 & Hurley Mountain Rd. - Mr. Ozzie Beichert appeared on behalf of application for a free-standing monument sign in front of a retail store for which a

site plan was previously approved. The applicant proposes to erect a V-shaped, two sided sign in a two foot high planter box along the Route 28 frontage. Each sign face will be 5 ft. Xx 10 ft., will not be lighted and will be used to display changeable letters. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the sign complies with the standards for monument signs in the HC District and will be unobtrusive in the large front lawn area of this store. This application must be referred tot he Ulster County Planning Board. Mr. Lucente made a motion to accept the planners recommendation and refer the application to the Ulster County Planning Board, seconded by Mr. Brott, with all in favor.

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