

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

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

The secretary called the roll: All the Board members were present except Mr. Deforest. 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. Almquist, seconded by Mr. Kimble, with all in favor.

**Public Hearing - George Carlson - (lands of G. & V. Carlson, R. Malin & M. Mulligan) Major (4) lot re-subdivision - Upper end of Gallis Hill Road** - Mr. George Carlson appeared on behalf of application for a four lot subdivision of a 44 acre vacant lot on the slopes of Gallis Hill. Lots will range in size from 8.7 to 13.2 acres each. With no one else wishing to be heard Mr. Lucente made a motion to close the public hearing, seconded by Mr. Kimble, with all in favor.

**Action - George Carlson - Major 4 lot re-subdivision** - The proposed lots will range from 8.7 to 13.2 acres, and will be served by a private roadway. The Board requested submission of a cross-section construction drawing of the roadway at last months meeting. A road maintenance agreement was reviewed and found acceptable by the Town attorney with the correction of the Town of Ulster specified. The plan will need to show a cross-section indicating width and surface material. With all the lots being located on a private road the applicant will need to petition the Town Board for approval of an "Open Development Area." The Planning Board should Render a Determination of Non-significance (Negative Declaration) pursuant to SEQR; and grant final plat approval subject to :

1. Submission of a cross-section drawing;
2. Approval of an "Open Development Area" by the Town Board upon petition of the applicant.

Mr. Lucente made a motion to grant final plat approval subject to conditions a and 2 above, seconded by Mr. Almquist, with all in favor.

**Thomas Beisswenger - Major (4) lot re-subdivision - 505 Ulster Landing Road** - Mr. Thomas Beisswenger appeared on behalf of application for the re-subdivision of a 4 lot subdivision. The applicant is proposing to connect to the Whittier sewer system. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the applicant has provided a legal agreement between the applicant and New York Land Associates, LLC, the owner of tax lot 38.11, granting the applicant the right to connect to the sewer main, and make other required sewer improvements, on the NY Land parcel. The applicant is proposing a low-pressure sewer system that will be owned and operated by a

homeowner's association, not the Town of Ulster. A maintenance agreement for the private sewer system will be required prior to final approval. The applicant should petition the Town Board for designation of an "Open Development Area" on the affected tax lots, to allow creation of lots with no frontage on a mapped street and with access provided by a right-of-way. The Board should grant final plat approval subject to:

1. Provision of a road maintenance agreement;
2. Approval of the final design of the sewer connection by the Town of Ulster Sewer Superintendent.
3. Designation of the affected tax lots as an "Open Development Area" by the Town Board.

Mr. Kimble made a motion to accept the Planners recommendations and grant conditional final plat approval subject to items 1-3 above, seconded by Mr. Lucente, with all in favor.

**"Twin Creeks" - C. DeCicco, J. LoBianco, A. LoBianco & P. LoBianco - Major 25 lot subdivision - 270 - 300 Old Kings Highway** - Mr. Michael Vetere appeared on behalf of application for a major subdivision proposing the division of 82 acres of vacant land with Esopus Creek frontage into 24 lots, along with a proposed town highway. The project will be developed in 2 phases, the first will be the development of 12 lots. The site is in the R-30 District, bounded by Old Kings Highway, the Esopus Creek and the Platte Kill. The applicant has revised the layout to substantially increase the open space system by including most of the frontage on the Esopus and Plate 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. Rather than make this open space common area, the applicant has revised the plat to establish the open space via conservation easements. A neighbor, Mrs. Markisenis expressed her concerns that the development will affect water pressure and the neighboring wells in the area. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that a copy of the conservation easement agreement will need to be submitted. The submission was granted sketch plan approval in February. The Board should initiate coordinated review pursuant to SEQR. Storm water, erosion control and grading plans remain to be submitted. Mr. Lucente made a motion to initiate coordinated review pursuant to SEQR, and schedule a public hearing for May, seconded by Mr. Almquist, with all in favor.

**Astalos - Minor (2) lot subdivision - Ulster Landing Road - 411 - 447 Park Road** - Mr. Michael Vetere appeared on behalf of application for a 2 lot subdivision. The split will create 5.448 acres westerly of Park Road, Lot 1; and 11.66 acres on the easterly side, as Lot 2. The parcel is on one deed with Park Road separating the two proposed lots. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the applicant has shown a 50' parcel to include the road, which is part of the parcel. A note should be added to the map to establish the 50' line as a "reserved for highway purposes". Mr. Kimble made a motion to schedule a public hearing for May, seconded by Mr. Lucente, with all in favor.

**"Cedar Knoll" - NY Land Assocs.: Major (23 lot) re-subdivision: 114 - 132 Kukuk Lane** - Mr. George Carson and Josh Walshen appeared on behalf of application for a major 23 lot subdivision. The site is in the R-10 District, and the developer proposes central sewer (Whittier District) and central water (Kingsvale Water Co.) service for all lots. The applicant stated that all trees 8" in diameter and 20' from the lot line will remain on site. Mr. Brott asked the applicant to meet with the Town Board for a determination on the need for a recreation area or a

recreation fee. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that as shown on the plat, the new dead-end street will exceed the 1,200 foot length maximum set forth in §161-19.E., and will provide access to over 20 lots. Waivers to this standard can be granted by the Planning Board, upon petition of the applicant, and subject to appropriate conditions. The project proposes over 5 acres of site disturbance, and is subject to compliance with the full "Phase 2" storm water SPDES regulations. The Planning Board will have to make a determination on the need for a recreation area, and whether that recreation area can be accommodated on the site or if the applicant will be charged a recreation fee if there is no suitable location on the site for a recreation area, as provided for in §277 of NYS Town Law and §161-22.A(2) of the subdivision ordinance. There is no offer of cession on the plat for the proposed road or the new sewer lines. Future ownership of the proposed drainage easements is not spelled out. The project is an Unlisted Action pursuant to §617.4(b)(5) of the SEQR regulations. Coordinated review is recommended, involved agencies include the County Health Department and the County Department of Highways and Bridges, and possibly NYSDEC in regards to the storm water SPDES requirements. Interested agencies would include the Town Sewer Department. Lead agency coordination under SEQR should be initiated at this time with the intent that the Planning Board be so designated. An escrow account in the amount of \$5,000 should be established with the Town Board to cover the cost of necessary engineering reviews. A referral of the application and supporting documents can be made to the Town's consulting engineer once an escrow account has been established. A public hearing can be scheduled upon submission of review by the Town's engineer. Mr. Almquist made a motion to accept the planners recommendation and schedule a public hearing subject to:

1. An escrow account in the amount of \$5,000 be established with the Town Board to cover the cost of necessary engineering reviews
2. Review of the application by the Town engineer

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

**Ulster Manor Subdivision / Special Permit / Site Plan - 662 E. Chester St. By-Pass / 20 Memorial Drive**

- Mr. Barry Medenbach, engineer and Scott Dutton, architect appeared on behalf of application for a mixed 184 unit residential development - 32 lots, 72 apartments and 80 townhouses - on a 48 acre site off Memorial Drive. The site is bounded on the east by Hoe Bowl, on the north by the Fox Run townhouses, on the south by the UPS facility and on the east by vacant land. The site is divided into three zoning districts: R-30 (28.8 acres), OM (8.2 acres) and R-10 (11.0 acres). The development plan reflects the uses permitted in the three zoning districts in which the site is located at the maximum density allowed. There was much discussion between the Board and residents in the area. Several of the residents expressed concerns including blasting and the impact the traffic will have on this area. Many residents and neighbors expressed their oposition to the proposed extention of Quail Drive that will create an emergency access road between Fox Run and the proposed site. After much discussion the planner reviewed his memo with the Board stating that due to the size and complexity of this proposal, the applicant previously submitted sketch plans for initial board review and feed-back. A complete site of detailed plans has now been submitted including grading, lighting, utilities, landscaping, subdivision plat, etc. The proposed documents to establish a home owners association should be developed for review by the Town Attorney. Lead agency coordination for this application is appropriate, although not required for this unlisted action. Involved agencies will include the Town Board, NYSDOT, and the Ulster County Health Department in addition to the Planning Board. At this time the Planning Board should initiate lead agency

coordination with the intent to become lead agency. Mr. Kimble made a motion for the Planning Board to initiate lead agency coordination with the intent to become lead agency and take no further action at this time, seconded by Mr. Lucente, with all in favor.

**Teicher Organization: Landing Woods (lands of Bluestone Realty LLC) - 1271 - 1299 Flatbush Road @ Meadowbrook Lane** - Lori Montross of Chazen Engineering and Fred

Teicher appeared on behalf of application for a special use permit , to develop townhouse style dwellings on a site in the R-10 District, served by private central water and municipal sewer. The subject site consists of two parcels totaling 31.43 acres. Lots to the immediate north are in the Deer Run subdivision. To the south is the Whittier subdivision, which has several dead-end street stubs abutting the site. Two street area reservations have been mapped on the Deer Run site to provide connection into this site. To the southeast are the lands of the Kingston-Ulster Airpark, formerly owned by Back, and most of the easterly border abuts the Kingsvale Water Company property, which provides the water supply for this entire area of the Town. The proposed primary access will be from Flatbush Road (NY Route 32) and a second access from Meadowbrook Drive. From 2 to 6 dwelling units are proposed per building, for a total of 130 dwellings. The applicant has revised the proposed layout and design by having side entry garages to the units where possible. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that although the site plan layout is essentially the same as the sketch plan reviewed last month, the additional detail discloses some further issues to be addressed, as follows:

1. A system of internal sidewalks should be provided so that pedestrians have an alternative other than the driveways.
2. The proposed recreational lot should be moved away from homes in the Whittier development.
3. An emergency exit should be provided to Alder Court via the road reservation, since the eastern loop, which accounts for at least half the total number of dwellings will, otherwise, have only one means of access.
4. The area of site disturbance should be delineated.
5. A map showing building locations superimposed on the plat should be submitted.

Coordinated review pursuant to SEQR is recommended. Involved agencies include the Town Board and NYSDOT besides the Town Planning Board; and "interested" agencies would include the Army Corps of Engineers and the Ulster County Planning Board. Lead agency coordination should be initiated at this time with the intent that the Planning Board be so designated. No further action, other than lead agency coordination, should take place at this time.

**Kohl's Dept. Store - lands of Dena Marie LLC - Site Plan Revision - 800 Miron Lane** - Mr. Paul Calucci appeared on behalf of application for site plan revision to reuse a portion of the former Super-K Mart store. The applicant proposes to use the northerly half of the property, Lot 1 with 12.08 acres, for a Kohl's Department Store. The existing building will be expanded by 5,560 square feet in the area previously used for a garden center for a total of 102,290 square feet. The applicant proposes to refurbish landscaping and restripe the parking lot. The applicant is proposing to erect an additional 4 light poles that were on the original plan and never built. The Board asked the applicant to look into the possibility of eliminating the driveway at the north end of the building near the garden center. Kohl's has proposed installing

monitoring points in the retaining wall to evaluate over a period of six months. The Board rejected this proposal stating that this is the time to address the problem. Mr. Brott stated that the evaluation and correction of the retaining wall was a specific part of the subdivision approval. Mr. Brott stated that there is a residential neighborhood bordering the property and that the truck deliveries be limited to daylight hours. Mr. Barton inquired about the removal of the roof top refrigeration units. Mr. Lucente stated that the owner has been in contact with the Building Department and the units will be removed. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the Board previously noted that the retaining wall along Miron Lane, north of the former K-Mart building shows evidence of movement and possible structural failure. The plan states that wall will "be evaluated by a geotechnical engineer." This should be done at this time. Since the single structure will be divided between two lots by the subdivision, a demising wall must be placed along the new property line. However, the plan shows the proposed wall somewhat offset from the property line. The plan indicates that a revised lighting plan will be submitted. The landscaping plan indicates a planting area at the north side of the building but the architectural drawings do not depict such an area. Some welcome foundation planting is proposed at the front of the building, speed platforms should be included. The plans should indicate that the vegetation between Rt. 9W and the detention pond shall not be removed. This proposal can be approved by the Planning Board under the site plan law once the issues above have been addressed. No further action can be taken pending referral to the Ulster County Planning Board. Mr. Kimble made a motion to refer the application to the Ulster County Planning Board, seconded by Mr. Almquist, with all in favor.

**Letersky - Minor re-subdivision & lot line adjustment - 125, 155 DeWitt Mills Road (Hurley PO)** Mr. Michael Vetere appeared on behalf of application for minor re-subdivision of 10+ acres of vacant land on the Hurley town line. The site will be split into two parcels with frontage on DeWitt Mills Rd. Lot 1 will have an area of 5.016 acres and 21.5 feet of road frontage; while Lot 2 will encompass 3.131 acres with 53+ feet of frontage. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that as the site includes a state regulated wetland, the bounds of this feature and the 100 foot regulatory buffer must be shown on the plat. The project proposes creation of new lots in both Towns, and is subject to subdivision approval from both Towns. Application for subdivision approval must be made to the Town of Hurley. The proposed frontage of 21.53 feet for Lot 1, in the Town of Hurley, is less than the 50 foot standard set forth in the Hurley subdivision regulation, but can be waived by the Hurley Planning Board upon request of the subdivider. Road Maintenance Agreements in the Town of Hurley must be reviewed and approved by that town's attorney prior to the grant of final subdivision plat approval. The review of this project by the Ulster Planning Board should be coordinated with that of the Hurley Town Board. The project is a "minor" re-subdivision, as defined in both the Ulster and Hurley town codes. The project will require subdivision approval from both Towns. The project will also require approval from the Ulster County Department of Highways and Bridges for the shared-access drive onto DeWitt Mills Road. Sanitary approvals from the County Health Department are not required, prior to final plat approval, under the provisions on NYS Public Health Law, but must be secured prior to a building permit being issued for either lot. The state wetland bounds and buffer should be flagged and surveyed. A Road Maintenance Agreement should be prepared. The project is an Unlisted Action pursuant to SEQR. The applicant should initiate the subdivision approval process in the Town of Hurley, and make a request for the appropriate waivers. The Hurley Planning Board should be copied on correspondence from County Department of Highways and Bridges regarding their approval of the common access and any conditions attached thereto. A motion to refer the application to the Town of Hurley was made by Mr. Lucente, seconded by Mr. Almquist, with all in favor.

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