

The monthly meeting of the Town of Ulster Planning Board was held on Thursday, May 20, 2004 at 7:30 p.m. at the Town of Ulster Town Hall, Lake Katrine, N.Y.

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| Present: | Chairman: | Alan Deforest<br>Frank Almquist<br>Donald Brott<br>Clark Kimble |
|          | Absent:   | George Lucente  |
|          | Planner:  | Daniel Shuster  |

The secretary called the roll: All the Board members were present except Mr. Lucente. 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. Brott, with all in favor.

**Public Hearing - Astalos Minor Subdivision - Ulster Landing Road; Park Road** - Mr Michael Vetere appeared on behalf of application to subdivide 17. 5 acres of vacant land into two parcels of 5 and 11+ acres each. The site is in the R-10 and R-30 Districts near East Kingston, and is crossed by a presumed "user" town highway, Park Road. The lot also has county road frontage as well. Park Road will be used as the new division line. A note is to be added to the map allocating 25 feet from the center line on either side of Park Road for a right-of-way for future highway purposes.

**Action - Astalos** - With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the Board should Render a Determination of Non-Significance (Negative Declaration) pursuant to SEQR and grant final plat approval subject to review and approval by the Town Highway Superintendent of future access locations for both lots onto Park Road. A motion to accept the planners recommendations as stated was made by Mr. Brott, seconded by Mr. Kimble, with all in favor.

**Convenient Mart Plaza - Expansion ( Site plan amendment) 350 - 352 Lucas Avenue** - Mr. Thomas Clancey appeared on behalf of application for expansion of an approved site. The applicant is proposing to extend the north end of the building 30 feet to create a 1,200 square foot store unit. The applicant has revised the plan after discovering that the on-site septic system is not located where indicated on previous maps. Mr. Brott expressed his concern that the existing septic system may not be adequate to handle the expansion. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that much of the previously-approved layout was predicated on the location of the septic system being on the northeasterly side of the building. Based upon the new location of the on-site septic, there may have been, over the intervening years, unintentional disturbance of the leach field by landscaping and paving of the access road. This may be a legitimate concern as additional demand upon this system will be generated by the new tenant. Landscaping should be provided as shown on the approved 1998 site plan. The Board should refer the application to the Ulster County Planning Board and take no further action pending approval of the existing septic system from the Ulster County Health Department and a determination if an additional system will be required to serve the new floor area. Mr. Kimble made a motion to accept the planners recommendations as stated, seconded by Mr. Brott, with all in favor.

**Sawkill Road Apartments - Multiple dwellings (Special Use Permit) - 2 Farm to Market**

**Road @ 220 Sawkill Road** - Mr. Ed Hill, Jr. appeared on behalf of application for a special use permit for a 46 unit apartment complex on a 9+ acre site in the OM District. The original plan submitted had 12 buildings, 46 units. The revised submission now has 11 buildings with 46 units. The layout has also been revised to create four building clusters as opposed to the linear layout of the original submission. Mr. Brott recommended that the applicant add a sidewalk along the road for pedestrians. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that additional data on site disturbance, traffic, water use, solid waste generation and demographics is needed. A Full EAF, Part 1, should be prepared and submitted, along with a storm water management plan and an analysis of post-development flooding conditions resulting from the proposed plan. The layout should be more reflective of on site topography. The location of the storm water management areas may result in encroachments onto abutting lands. A drainage and grading plan should be developed before the layout of buildings, roads, parking and utilities is finalized. The project should include more disperse and extensive tree plantings as part of the landscaping plan, given the open character of the property at present. The project requires approval of a special use permit from the Town Board, subject to advisory reviews from the Town and County Planning Boards. Access will be subject to approval from the Town Highway Superintendent. No further action should be taken pending submission of the additional required data cited above, although Lead agency coordination in accord with SEQR should be initiated at this time. Mr. Brott made a motion to initiate coordinated review pursuant to SEQR, seconded by Mr. Kimble, with all in favor.

**Rompella Motorcycle / ATV Sales and Service - Site Plan - 601 Route 28** - Mr. Barry Rompella appeared on behalf of application for approval to redevelop a site used for motorcycle and ATV sales and service by removing two existing buildings and replacing them with one 18,200 square foot building. This proposal was first reviewed by the Planning Board in March. The submittal has been revised to include 28 parking spaces, and dumpster enclosure. Mr. Brott expressed concerns with the drainage and requested review and approval by a licensed professional engineer. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the architect maintains that site development will improve existing drainage. Some supporting analysis is necessary, particularly since drainage to the NYSDOT catch basin will be increased. No grading details or wall is shown where the rear embankment will be excavated to a point some 5-7 feet from the County property line. Excavation of this embankment several properties to the west has caused concern in the past. Some 170 feet of new excavation is proposed at this site. The sewage disposal system must be approved by the Ulster County Health Department, including a designated reserve area. The following items remain to be addressed:

1. The drainage plan shall be approved by NYSDOT
2. Landscaping be provided on both sides of the driveway entrances.
3. Measures be proposed to ensure that the excavated embankment will be stabilized.
4. The sewage disposal system shall be approved by the Ulster County Health Dept.

Mr. Almquist made a motion to refer the application to the Ulster County Planning Board, seconded by Mr. Kimble, with all in favor.

**Bracco - Merger of Lots - 893 Princeton St. @ Lawrenceville St.** - Mr. James Bracco appeared on behalf of application for a lot line deletion for the purpose of combining two adjoining parcels into one. The site includes the owners' residence and an adjacent vacant lot, where the applicants propose to construct a garage. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the submission is clear for sketch plan review. A preliminary plat should be prepared that clearly labels and shows the existing lot lines to be deleted. Site development details, such as the location of the garage or the changes to the access onto Princeton Street, should be added to the map by the surveyor. The proposal is an Unlisted Action pursuant to SEQR. The Town Planning Board should grant sketch plan approval and schedule a public hearing upon submission of a complete preliminary plat. Motion to accept the planners recommendations as stated was made by Mr. Brott, seconded by Mr. Kimble, with all in favor.

**Kuske - Lot Line Revision w/ Giangano - Sketch - 61 Serenity Drive** - Mr. Bert Winnie appeared on behalf of application for the conveyance of a small piece of land (Lot 3) between two adjoining vacant parcels. A 1994 subdivision plat shows other conveyances from Kuske to Giangano, and from Giangano to Kuske in the Town of Saugerties that were approved by that Town's Planning Board in 1995. Parcel 3 was proposed for conveyance from Giangano to Kuske in Ulster as part of this prior conveyance and has been deeded to Kuske. A complete 50 foot strip is required for access to the lands of Kuske. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the submission is clear for sketch for plan review. A preliminary plat should be prepared that clearly labels and shows the existing lot line to be deleted; an "after" lot area for the Kuske parcel; a "zoning block" that reflects the R-30 bulk standards for the Town of Ulster, and a "signature block" for the Town of Ulster Planning Board. The proposal is an Unlisted Action pursuant to SEQR. The Town Planning Board should grant sketch plan approval and schedule a public hearing when a complete preliminary plat has been submitted. A motion to grant sketch plan approval and schedule a public hearing was made by Mr. Kimble, seconded by Mr. Almquist, with all in favor.

**Shades of Gray Stables - Special Permit - 1693 Rt. 32** - Louisa Rabasco appeared on behalf of application for approval to use an existing barn complex horse boarding and riding facility on a site which straddles the Ulster/Saugerties Town line along Rt. 32. The 31.6 acre site is mostly within the Town of Ulster (29.6 acres). However, the existing house and two barns are at the northeastern corner of the site in the Town of Saugerties. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that most of the buildings with the exception of one barn is in the Town of Saugerties. The applicant proposes to use the existing barn complex as a "boarding, training and therapeutic riding facility". The field to the south of the barn complex will be used for riding. The proposed use is allowed in the R-60 District upon issuance of a special permit by the Town Board. The use is a logical use of an existing farm complex, will have little impact on the surrounding area and is appropriate in a rural setting. The application must be referred to the Ulster County Planning Board. The Planning Board should forward the application to the Town Board with the recommendation that it be approved following a public hearing. A motion to refer the application to the Ulster County Planning and the Town Board was made by Mr. Brott, seconded by Mr. Kimble, with all in favor.

**Discussion of Revisions to Subdivision Regulations:  
Procedure for Lot line adjustment**

The Planning Board has received several applications recently for Lot line adjustments and/or the combination of one or more lots. Mr. Shuster recommends that for these simple applications the Subdivision Regulations be revised by adding a new category called Lot line adjustments and defined as follows:

### **LOT LINE ADJUSTMENT**

1. **Article II - §161-9 - Definitions**, shall be amended by addition of the following definition:

**Lot Line Adjustment:** The transfer of land between two adjoining parcels by relocating the boundary line between the two parcels so that no new lot is created or the combination of one or more lots. A lot line adjustment is not a “subdivision” or “ resubdivision” as defined herein.

2. **Article III - Application Procedure**, shall be amended by addition of a new Section §161-11.1 as follows:

**161.11.1 Lot Line Adjustment:** At the initial conference and review, the Planning Board may determine that the proposed action qualifies as a lot line adjustment. In such case, it shall use the following procedures instead of those set forth in Section 161-12 through 14.

- a. The Planning Board shall review the proposed lot line adjustment in order to make a finding that such action will not create any new nonconforming conditions under the Zoning Law with regard to lot size, setbacks or other required dimensions and will not impede the maintenance of existing or development of future access or utility services to the affected lots. If the Planning Board cannot make such a finding, it shall consider the application as a subdivision under the procedures set forth in Sections 161-12 through 14.
- b. Upon approval of a finding as described in a. , above, and receipt of a map prepared by a licensed surveyor which depicts the original lot line as “lot line to be deleted” and any proposed lot line as “new lot line”, the Planning Board may approve the lot line adjustment and authorize filing of the approved map. A public hearing shall not be necessary.

Mr. Brott made a motion to refer the proposed amendment to the Town Board with the request for a positive recommendation, seconded by Mr. Kimble, with all in favor.

**Zoning Referral for Town Board:** - The Town Board has considered an amendment to the Zoning Law for the deletion of mining and forestry operations in the R-60 District. Under the current Zoning Law four of the five nonresidential districts and one residential district (R-60) allows mining and forestry operations use with a Special Permit. The Board has received a request to amend the zoning to separate forestry from mining operations and to eliminate mining as a Use Permitted by Special Permit in the R-60 District. Mining would still be allowed in the non-residential districts. Mr. Almquist made a motion to recommend to the Town Board that mining be eliminated in the R-60 District, seconded by Mr. Brott, with all in favor.

**Hudson Valley Ice and Sports** - The Site Plan for Hudson Valley Ices and Sports was renewed by the Town Board last June. The applicant has asked the Town Board to grant an additional one year renewal. The Town has referred the application to the Planning Board for their recommendation. Mr. Kimble made a motion to recommend approval for an additional year, seconded by Mr. Almquist, with all in favor.

**Oakwood Park - Phase 3 Pawan Circle** - Mr. Sharad Deedwaniya has applied to the Board requesting the re-approval of an approved phased subdivision that expired in December 2003. Phase I and II have been completed. Mr. Shuster recommended that the Board grant a six month extension until December 2004. Mr. Kimble made a motion to grant a six month extension as stated, seconded by Mr. Brott, with all in favor.

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