

The monthly meeting of the Town of Ulster Planning Board was held on Thursday, June 17, 2004 at 7:30 p.m. at the Town of Ulster Town Hall, Lake Katrine, N.Y.

Present:

Chairman: Alan Deforest  
Frank Almquist  
Donald Brott  
Clark Kimble  
George Lucente

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. Almquist, seconded by Mr. Kimble, with all in favor.

**Public Hearing - Paul & Catherine Kuske; Paul & Emily Giangano - Lot Line Revision - Serenity Drive** - Mr. Bert Winnie on behalf of application to for the conveyance of a small piece of land between two adjoining vacant parcels. With no one else wishing to be heard Mr. Almquist made a motion to close the public hearing, seconded by Mr. Lucente, with all in favor.

**Action - Paul & Catherine Kuske** - With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that a 1994 plat shows other conveyances from Kuske to Giangano, and from Giangano to Kuske in the Town of Saugerties that were approved by the 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. The applicant should attempt to locate the Gianganos' for their signatures on the plat. Mr. Shuster recommends the Planning Board Render a Determination of non-Significance pursuant to SEQR; and grant final plat approval. Mr. Kimble made a motion to accept the planners recommendation as stated, seconded by Mr. Lucente, with all in favor.

**"A + Mart+ (Gasland Petroleum) Site Plan Expansion - 895 Ulster Avenue @ Lawrenceville Street** - Mr. Richard Praetorius appeared on behalf of application for approval to expand a commercial-occupancy building at the site of an existing mini-mart. The applicant proposes a 560 square foot expansion on the southeasterly side of the store. The pavement in the north portion of the site will be extended west. This will provide about 1,440 square feet of additional impervious surfaces, which will be allocated to 5 standard sized and one haniicapped-accessible parking spaces. The plans propose replacement of the pole-mounted and canopy lights, and addition of two new 16 foot high pole mounted lights (for the new parking area). A clear lens glass will be used for the canopy lights, and with a 320-watt metal halide source, lighting levels under the canopy will range from between 35 and 90 foot candles. The existing dumpster pad will be relocated from the southwest side of the store to a site between the store and the expanded parking area. Mr. Kimble stated that the applicant has temporary promotional signs placed on the corner of Lawrenceville Street and Ulster Avenue blocking visibility. This is a safety issue and the signs should be removed or relocated so as not to interfere with visibility. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the area lights will use 400 watt MH units, but because of the larger spacing to be provided between these fixtures, on-site illumination levels will range from 1 to 8 foot-candles near and

under these fixtures. The illumination levels from the proposed new canopy light fixtures will be excessive, and there will be a general lack of uniformity in illumination values across the site, with a substantial probability of glare. The lighting scheme must be redesigned to provide for lower illumination levels especially under the canopy, and to utilize fixtures of an appropriate wattage and design. A detail should be provided for the new dumpster fence enclosure, specifying type of fence to be used, screening measures, and fence height. Mr. Praetorius requested that the Board take no action at this time pending review of the lighting issues.

**Unitarian Universalist Congregation of the Catskills - Site Plan Amendment - Parking Expansion - 320 Sawkill Road**

- Mr. Karl Beard appeared on behalf of application for site plan expansion for the purpose of constructing a 74 space parking area adjacent to an existing house of worship in the OM District. The Planning Board reviewed the application last May. The Board was in agreement with the sketch layout, and referred the application to the Ulster County Planning Board and the New York State Thruway Authority. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the Board is in receipt of copies of a single sheet site plan drawing, revised through 5/25/2004; along with correspondence from UCPB and NYSTA. The site plan includes an engineering layout plan for the parking area, access, regrading and drainage, along with a grading and drainage profile cross-section. Documentation from NYSTA dated 2/20/2004 indicates that a drainage analysis was done and that NYSTA has no concerns with the project. The internal rows of the new parking area will be separated by a landscaped median. Sixteen eastern white pines will be planted along Sawkill Road, on the church property. The applicant should reconsider a slower growing shorter species for this location. No exterior lights are proposed for the new parking area. The County Planning Board recommended that some lighting be considered for on-site security, utilizing appropriately-designed glare-shielded fixtures. The plans appear to be lacking erosion control and soil stabilization measures. Mr. Shuster recommended modifications as follows:

- a. A more detailed landscaping plan is needed. Specifically, a table (schedule) of landscaping should be added to the plan that spells out species/variety, quantity to be used, planting notes and height at time of planting. Additional shade or evergreen trees for the southerly, westerly and easterly sides of the new parking area is recommended. The planting plan should include native trees and shrubs that are appropriate for the given soil and drainage conditions, such as eastern red-cedar northern red oak and sugar maple.
- b. Erosion control measures should be specified.
- c. If exterior lights are to be installed, the following illumination levels should be observed: between 1 and 5 foot-candles for the parking area, and between 2 and 10 foot-candle ranges for pedestrian areas.

Mr. Shuster recommends the Board approve a Negative Declaration under SEQR; grant site plan approval conditioned upon items a - c above. Motion to accept the planners recommendations as stated was made by Mr. Almquist, seconded by Mr. Lucente, with all in favor.

**RESOLUTION OF SITE PLAN APPROVAL (Revision)  
TOWN OF ULSTER PLANNING BOARD**

**WHEREAS**, the Town of Ulster Planning Board received an application for site plan amendment from Unitarian Universalist Congregation of the Catskills, for the purpose of the construction of a 74 space parking area adjacent to an existing house of worship located at 320 Sawkill Road, Tax Parcel 48.010-1-16.1; 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 June 16, 2004, and approved application; 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 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 conditions:
  - a. Provision of an updated landscaping plan and schedule
  - b. Erosion control measures be specified
  - c. Exterior lighting be maintained between 1-5 foot candles for the parking area, and between 2 - 10 foot candles for the pedestrian areas.

**Kohl's Dept. Store - lands of Dena Marie LLC - Site Plan Revision - 800 Miron Lane** - Mr. Paul Calucci appeared on behalf of application for approval to re-use a portion of the former Super-K-Mart store. Kohl's is proposing to use the northerly half of the property, Lot 1 with 12.08 acres. The existing building will be expanded by 5,560 square feet in the area previously used for a garden center and the front, westerly, wall moved back about 20 feet to create a total floor area of 102,290 square feet. 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. Plans have been submitted from Costich Engineering proposing a reasonable solution. The revised plans indicate the gabion retaining wall and driveway on the north side of the building will be eliminated. Proposed is a 6 foot concrete sidewalk along the north side of the building, from that point a 3 on 1 slope down to the existing base of the gabion wall, creating a gentle slope. A portion of the water main will be relocated. A revised lighting plan indicates that the existing light fixtures on poles will be refurbished. Four new poles are proposed in the center of the lot that were previously approved but never installed. Mr. Brott asked to see a guide rail added to the northern site where the wall will be removed. Mr. Calucci addressed a

modification that the County recommended concerning the entrance. The County recommendations are as follows:

**“Recommendation - Required Modifications**

**“Lighting** - All lighting on site, whether poll-mounted or wall-mounted, should be upgraded to full-cutoff, glare-shielded fixtures.

**“Access** - The board and the applicant should consider prohibiting left-hand turning movements into the first row of parking immediately visible upon entering the site from Miron Lane. Left hand turns at this location create a conflict between traffic entering and exiting the site that can result in entering traffic being backed up to the intersection at peak times. Additionally, the current parking configuration is difficult for mass transit vehicles to maneuver through. Consideration should be given to improving turning radii so that buses are easily able to pull to the front of the facility and have a specific location for pickups and drop-offs.

**“Pedestrian Facilities** - The current site plan calls for striped cross-walks at the access points to the facility. We recommend the installation of raised pedestrian crossings at these locations in order to slow down vehicles and provide a more visible and safe crossing area for pedestrians.

**“Retaining wall** - The current Gabion retention wall located on Miron Lane is not only an eyesore, but appears to have structural problems. As we indicated in our initial review for the construction of K-Mart, this wall should be stepped rather than sheer and landscaping should be added to the step as was done on the RT 9W railroad overpass. Analysis of the wall should be done first before any expansion of the structure be permitted. If the wall needs replacement, the steps should be included even if the expansion is hampered or precluded.

“The Board also has concerns regarding the proposed subdivision. Easements and maintenance agreements are needed. Of particular concern is snow removal and associated safe access at the site should one of the parcels fail to meet its maintenance agreements approved by the Town Board. Should lack of maintenance become a problem, both parcels should be subject to “review” for access and upkeep.”

The applicant addressed the access with the Board stating that the entrance is approximately 150 feet from the road with a three way stop sign. This gives adequate room for traffic without any conflict with traffic.

A neighbor expressed concerns that the previous owners neglected maintenance of the property. The neighbors concerns are that better maintenance is needed. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the front wall of the building will be moved back 20 feet with considerable foundation plantings being added. The proposed lighting fixtures are box fixtures which should prevent excessive glare on the site. The color of the crosswalk striping should be specified. The argument of why the median should not be extended has merit, the Board could consider whether or not to override the County Planning Boards recommendation. The applicant should consult with Rural Transportation for a specific mass transit stop. The proposal does not create any adverse environmental impacts and will allow re-occupancy of a major commercial structure. The original findings concerning the Environmental Impact Statements are still valid. Mr. Shuster recommends the Board grant site plan approval conditioned on:

1. Final review for replacement of the wall be approved by the Town Engineer.
2. Coordination with County Rural Transportation for a specific bus stop.
3. Recommend override the County recommendation to extend the median.
4. Water and Sewer Departments concerns be satisfied.

Mr. Kimble made a motion to grant site plan approval subject to items 1 - 4 as stated above, seconded by Mr. Brott. A roll vote was taken as follows:

Mr. Deforest: aye  
Mr. Almquist: aye  
Mr. Brott: aye  
Mr. Kimble: aye  
Mr. Lucente: abstain

**KOHL'S DEPT. STORE  
LANDS OF DENA MARIE LLC  
SITE PLAN APPROVAL (Revision)  
TOWN OF ULSTER PLANNING BOARD**

**WHEREAS**, the Town Planning Board has received an application for revised site plan approval from Kohl's Dept. Store, for the purpose to reuse a portion of the former Super K-Mart store, located at 800 Miron Lane & 800 East Chester Street (US 9W/St. Highway 9360); 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 June 17, 2004; and

**WHEREAS**, under Section l and m of the General Municipal Law, the County of Ulster Planning Board has recommended certain required modifications as follows:

**Lighting** - All lighting on site, whether poll-mounted or wall mounted, should be upgraded to full cutoff, glare-shielded fixtures.

**Access** - The board and the applicant should consider prohibiting left-hand turning movements into the first row of parking immediately visible upon entering the site from Miron Lane. Left-hand turns at this location create a conflict between traffic entering and exiting the site that can result in entering traffic being backed up to the intersection at peak times. Additionally, the current parking configuration is difficult for mass transit vehicles to maneuver through. Consideration should be given to improving turning radii so that buses are easily able to pull to the front of the facility and have a specific location for pickups and drop-offs.

**Pedestrian Facilities** - The current site plan calls for striped crosswalks at the access points to the facility. We recommend the installation of raised pedestrian crossings at these locations in order to slow down vehicles and provide a more visible and safe crossing area for pedestrians.

**Retaining Wall** - The current Gabian retention wall located on Miron Lane is not only an eyesore, but appears to have structural problems. As we indicated in our initial review for the construction of K-Mart, this wall should be stepped rather than sheer and landscaping should be added to the step as was done on the RT 9W railroad overpass. Analysis of the wall should be done first before any expansion of the structure be permitted. If the wall needs replacement, the steps should be included even if the expansion is hampered or precluded.

The Board also has concerns regarding the proposed subdivision. Easements and maintenance agreements are needed. Of particular concern is snow removal and associated safe access at the site should one of the parcels fail the meet its maintenance agreements approved by the Town Board. Should lack of maintenance become a problem, both parcels should be subject to "review" for access and upkeep.

**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 revised site plan is hereby approved with Chapter 145 of the Town Code with the following conditions:
  - a. Final review for replacement of the wall be approved by the Town Engineer.
  - b. Coordination with County Rural Transportation for a specific bus stop.
  - c. Water and Sewer Departments concerns be satisfied.
2. The recommendation of the Ulster County Planning Board to prohibit left-hand turning movements into the first row of parking immediately visible upon entering the site from Miron Lane was overridden by a vote of four with one abstention, since the access throat has sufficient length to avoid traffic back-up to Miron Lane.

**Living Faith Center - Site Plan Amendment - lands of Hurley Christian Church - 205 Route 28** - Mr. Barry Medenbach appeared on behalf of application for site plan amendment for the Living Faith Center. The site was previously approved in 1989 for a much larger facility to be completed in phases. The site lighting is completed. The former concession stand that was to be removed is being used as a Spanish Church. The applicant has chosen not to proceed with the larger assembly building and is requesting to amend the site plan to what is existing at this time. The applicant is proposing to pave the parking area and the entrance road. The parking lot will be elevated to bring it up to grade. The proposed drainage will consist of sheet flow in three directions. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that landscaping should be considered for the perimeter of the parking lot. Deciduous "street" trees are recommended. Detail drawings should be provided for the parking area construction (sub-base, base and surfacing); curbing design, stormwater improvements, if any; the use (occupancy) of the concession stand; and identification of current abutting landowners. The submission is incomplete. The Planning Board can take no action until it has

received a revised plan that addresses the issues outlined above. A complete application must be referred to the Ulster County Planning Board ( as the site lies within 500 feet of a state highway). There was no action taken at this time.

**Fink - (lands of Bock, Fink, Pardini & Sapolin) - Major 11 lot subdivision - 211 - 239 Potter Hill Rd.** - Mr. Richard Rothe appeared on behalf of application for a major subdivision of a 99+ acre parcel in the R-60 District. The site is situated between Potter Hill Road and the Saugerties town line. A total of 11 lots are proposed, along with a private dead-end access road. Mr. Lucente asked the applicant to consider a cul-de-sac at the end of the road for easier turnaround. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the road exceeds the 1,200 foot limit for dead end roads set forth in Section 161-19.E of the subdivision regulations. However, there should be a full size turnaround at the end of the road. This limit can be waived by the Board upon request of the applicant, subject to appropriate conditions as may be imposed by the Planning Board. The sketch plan proposes a generally feasible layout that reflects consideration of the natural constraints on the site, such as the wetlands, steep slopes and shallow soils. The one feature that does not comply with the code is the length of the dead-end, which can be waived by the Planning Board upon request of the developer and upon a finding that a proper case for a waiver exists on this site, given the natural limitations, and further subject to any conditions that the Planning Board deems appropriate, such as a restriction on re-subdivision of these lots. If the Board grants sketch plan approval, it should then request submission of a preliminary plat submission that shows or includes the following:

- a. The wetland and its buffer based on delineation approved by the DEC added onto the existing site features map;
- b. Subdivision details as required in §161-25 including proposed building well and sewage disposal system locations; unless waived by the Planning Board upon request of the developer;
- c. Revisions to the EAF;
- d. Preparation of a storm water management plan, including a report, including a delineation of site disturbance; and
- e. Submission of letter(s) of authorization from the other co-owners of the site permitting the applicant to pursue this approval, or submission of proof that the applicant is currently the sole owner of this property.
- f. The proposed location of the access road should be reviewed and approved by the Town Highway Superintendent.

A motion to grant sketch plan approval was made by Mr. Kimble, seconded by Mr. Almquist, with all in favor.

### **SEQR Determinations**

The following four projects were the subject of coordinated review as authorized by the Planning Board in April, 2004. No other involved agency expressed interest in being lead agency. Therefore, the Planning Board should designate itself lead agency and proceed to consider a

determination of significance for each. Following is a discussion of the recommended action regarding each application.

### **Twin Creeks**

Mr. Shuster stated that the only concern related to this project was a comment by the NYS Office of Parks, Recreation and Historic Preservation that a preliminary archaeological study might be needed, unless evidence can be provided that the site was previously disturbed. A letter from Mike Vetere, surveyor for the applicant, documenting previous disturbance has been submitted.

**Recommendation:** The Planning Board should declare itself lead agency and approve a determination that the project will have no significant environmental effects (Negative Declaration). A motion to accept the recommendation as stated was made by Mr. Brott, seconded by Mr. Almquist, with all in favor.

### **Cedar Knolls**

There are several outstanding questions relating to this project for which additional information is required. In particular, the availability of an adequate source of central water supply from the Kingsvale Water Company, the ability of the Whittier sewer plant to handle the new flows and the design of the storm water management system are not fully addressed. The SEQR regulations (§ 617.6[3]) provide that the lead agency must make a determination of significance of an action within 20 calendar days of its establishment or within 20 days of receipt of all information it needs to make such a determination.

**Recommendation:** At this time, the Planning Board should declare itself the lead agency but defer making a determination of significance until additional information relevant to the issues cited above is received to provide a basis for the determination. Mr. Lucente made a motion to declare the Planning Board as lead agency and not take any further action until receipt of additional information to make a determination of significance, seconded by Mr. Almquist, with all in favor.

### **Landing Woods**

This project also has the same unresolved issues relating to water supply and sewage disposal as discussed above.

**Recommendation:** The Planning Board should declare itself lead agency and defer making a determination of significance until additional information relevant to sewage disposal and water supply is provided. A motion to declare the Planning Board as lead agency and take no further action until receipt of additional information to make a determination of significance was made by Mr. Lucente, seconded by Mr. Almquist, with all in favor.

**Ulster Manor:** The applicants have provided fairly extensive documentation regarding this proposal. Adequate capacity exists in the water supply and sewage disposal systems although final engineering details of the proposed systems must be resolved. A traffic study has been prepared which documents the need for a southbound left turn lane on Rt. 9W, which the applicant proposes to provide. Wetlands (both state and federal) have been delineated, although certification of the boundary of the state wetland by NYSDEC is pending. A Phase 1 archaeological study is pending.



At several Planning Board meetings, neighbors of the property have expressed concerns regarding the connection of roads to the Fox Run development, even for emergency purposes, drainage and disturbance of wetlands. The Planning Board may request additional information from the applicant regarding these issues prior to making its determination of significance or it may determine that these issues may create significant environmental effects and approve a positive declaration and require submission of an Environmental Impact Statement.

**Recommendation:** The Planning Board should declare itself as lead agency and offer the applicant an opportunity to submit additional information to enable the Board to make a determination of significance. It would be appropriate for the Board prior to determination of significance to become more familiar with the specifics. The wetlands need to be documented by a specialist and DEC must concur with the report. It is recommended that the Planning Board coordinate a site visit to review the site in the field. Prior to the visit the applicant should stake out the center line of the proposed roadways and the northerly building lines. The wetland delineation should be clearly marked. Mr. Brott made a motion to:

1. Declare the Planning Board as lead agency and take no further action until receipt of additional information to make a determination of significance.
2. The Planning Board complete a site inspection of the property with the center line of the roadways, the wetlands and the northerly building lines be staked out.

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

**Zoning Amendment Referral (Revised)** The Town Board has considered an amendment to the Zoning Law for the deletion of excavation and processing operations in the R-60 District. Last month the Board recommended forestry be separate from mining operations and to eliminate mining as a Use Permitted by Special Permit in the R-60 District. Mr. Brott made a motion to include the elimination of excavation and processing operations in the R-60 District as a Use Permitted by Special Permit, motion was seconded by Mr. Almquist, with all in favor. The Board recommends that the Zoning Law be amended as follows:

Uses	R-60	R-30	R-10	LC	HC	RC	OM	I
Excavation							S	S
Processing							S	S
Forestry Operations	S				S	S	S	S
Mining					S	S	S	S

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