

The monthly meeting of the Town of Ulster Planning Board was held on Thursday, September 16, 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. Brott, seconded by Mr. Kimble, with all in favor.

Public Hearing - Twin Creeks - Major Subdivision - C. DeCicco, J. LoBianco, A. LoBianco & P. LoBianco - 270-300 Old Kings Highway - Mr. Michael Vetere and David Rider appeared on behalf of application for primary subdivision approval of Phase 1 and Phase 2 of an 82 acre parcel. Phase 1 will consist of 13 lots, Phase 2 will consist of an additional 10, with a total of 23 lots when completed. The plan provides for a conservation easement which will allow each lot access to the creeks. The conservation easement restricts development and is for the benefit of the residents of the subdivision and is not open to the general public. Several residents expressed concerns with affect the proposal will have on the existing wells in the area. The applicant stated that this application will have less impact on the surrounding area than the previously application that was approved for townhouses. The applicant stated that they are going by data from the old test wells and are currently taking a survey of surrounding wells. The wells and the septic must all be approved by the standards of the health department. Approval from the health department is required prior to approval for final subdivision. The applicant will submit a list of the neighboring wells that have been tested to the Planning Board. Mr. Mccann stated that he has deeded rights to an existing spring on lot 3, a copy of the deed was submitted to Mr. Vetere at this time for review. With no one else wishing to be heard Mr. Almquist made a motion to close the public hearing, seconded by Mr. Kimble with all in favor.

Action - Twin Creeks - Mr. Shuster reviewed his memo with the Board stating that prior to scheduling a public hearing the Board asked that the applicant submit a copy of the proposed conservation easement, which the Town attorney reviewed and found sufficient. A storm water drainage analysis was reviewed by the Town Engineer, which raised some issues that must be addressed as follows:

General Comment

The requirements of SPDES General Permit/Phase 2 Regulations includes permanent storm water treatment facilities. For subdivisions of this nature, the Town of Ulster must decide on what type of ownership and responsibility will be put in place to assure compliance after the developer has finished the project. There are three general approaches: 1. Facilities dedicated to Town with the road improvements, 2. Facilities transferred to homeowners association or, 3. Facilities kept by sub-divider with some sort of maintenance bonding requirement.

Some towns are requiring the establishment of a "Storm Water Management District" to go along with the dedication of storm water treatment facilities to the town. In the case of alternatives 1 or 2 above, implementation of a responsible entity must be clear prior to subdivision approval. The Town Board should meet to decide the best approach to all major subdivisions and establish a consistent policy for the Planning Board to follow..

Specific Comments

1. The report is entitled "Drainage Analysis". It is also intended to constitute a Storm Water Pollution Prevention Plan (SWPPP)?
2. What is the total areas to be disturbed under Phase 1? Under Phase 2? The project appears to be a contiguous plan of development, requiring that the analysis include both phases. An overall plan should be included which shows the total planned development.
3. Page 1 indicates the project consists of 12 lots. Page 3 indicates 13 lots. Please clarify.
4. Page 1 indicates that the post-development maintenance of storm water facilities will be the responsibility of the developer. How will this be accomplished after the lots are sold?
5. Is the roadway (& the associated improvement) proposed to be offered to the Town for dedication ?
6. Page 6 refers to wetlands shown on "Appendix B subdivision/watershed maps". We were not able to locate these maps as Appendix B of our report refers to hydro logic calculations in the report. Have these wetlands been delineated?
7. The infiltration capacity of existing soils of 1 "CFM per SF of area" indicated on Page 16 and used in the engineering calculations should be checked/verified.
8. The report references proposed drainage swales, catch basins, culverts, storm water retention/detention basins, vegetated sales, etc. These need to be clearly shown on the subdivision plans. Proposed individual storm water practices and erosion control measures should be located on the plan drawing along with specific, detailed construction designs (i.e., grading, inverts, etc.). "Optional" practices should either be "required" or deleted from the plan.
9. The roadway profile drawing should include the proposed final grade and centerline elevations at 50 ft. Intervals.
10. Map scales and north arrows should be shown on all sheets. Proposed contours should be labeled.
11. Roadway and cull-de-sac pavement widths should be shown.
12. Roadside drainage ditches should be indicated.

Storm water treatment facilities should be located in areas of permanent control by the responsible party. Additionally, the treatment facilities would best be considered on a separate parcel. We are very concerned about facilities located between lots in narrow easements or in front lawns without easements.

Mr. Shuster recommends the Board not take any further action at this time pending resolution of the outstanding issues. At the time of preliminary approval one on the conditions will be approval of the sewage disposal system of each lot by the county health department. Mr. Kimble made a motion to take no further action at this time, seconded by Mr. Lucente, with all in favor.

Beisswenger - Major (4) lot re-subdivision - Mr. Thomas Beisswenger appeared on behalf of application for a six month extension on the conditional final plat approval that was granted in April 2004. Mr. Brott made a motion to grant the applicant a 6 month extension of the final plat approval as requested, seconded by seconded by Mr. Almquist, with all in favor.

Grace Community Church - Site Plan - Mike Joel, Chris Gerard & Dennis Larios appeared on behalf of application for construction of a new house of worship and accessory facilities on a vacant 22 acre double frontage lot in the OM and R-10 Districts. The site has frontage on both Neighborhood Road and Seremma Court. The plan calls for three phases of building and site development. Phase 1 will be the Sanctuary and office, Phase 2 will be the Assembly Hall addition, Phase 3 will be the Youth Center addition, with a total footprint of 48,600 square feet. The applicant has worked with the Army Core of Engineers for wetland mapping for federal wetland delineation and verification. Out of the 23 acres approximately 10 acres are federal jurisdiction wetlands. Mr. Lucente asked the applicant to consider a second access road to the site, primarily for emergency use. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that a second access road into the site should be considered. The project site is described as vacant parcel of 22.3 acres. The site was originally designated as Lot 3 of the Lucia Sabino Estate subdivision (approved in 1987). The current property deed references the site as "Parcel" 3 of that subdivision, with an original area of 14 acres. This lot appears to have been expanded with the addition of other land of Edgewater following the dedication of Seremma Court to the Town in early 1990's. This type of lot line adjustment or plat amendment requires Town Planning Board approval and filing of a subdivision map, as per Chapter 161 of the Town Code, but there is no evidence that such an approval was granted nor was a plat showing the amended parcel configuration located at the County Clerk's office. The status of the subject lot, in regards to the subdivision regulations, must be clarified. The plan should provide specific floor areas and seating capacities to be developed for each phase of the site development, and parking tabulations should include calculations based on the seating standard. More detail will be needed on storm water management to demonstrate compliance with the "Phase 2" regulations, which will include a drainage study, along with preparation of an erosion control plan. Limits of vegetation removal and overall site disturbance should also be indicated. Exterior lighting should employ cut off luminaries. Details are needed on mounting heights, height of the proposed bollards, and a correct number of fixtures to be used. The Board should refer the application to the Ulster County Planning Board for their review and take no other action at this time. A motion to refer the application to the County Planning Board was made by Mr. Brott, seconded by Mr. Lucente, with all in favor.

Living Faith Center - Site Plan - Ms. Kathleen Anderson appeared on behalf of application for a site plan amendment. The amendment would affect previous plans for project phasing, the amount of parking to be developed, and use of an existing structure that was to have been demolished. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that this application was reviewed last month and required several modifications. The revised plans submitted this month shows the occupancy of the former concession stand building will be a 45 seat sanctuary for a separate congregation. A 13-space parking area exists just to the east of this building, and is accessed from the driveway along the northerly site boundary. No new lighting or signage are proposed. Landscaping is provided by 10 deciduous

trees (honey locusts) around the parking lot. There is no phasing or future expansion proposed. The plan needs to be revised to show the location of the existing sewage disposal system and well. The location of the proposed curbing must be provided. Mr. Shuster recommended the Board refer the application to the Ulster County Planning Board. Mr. Lucente made a motion to refer the application to the Ulster County Planning Board, seconded by Mr. Kimble, with all in favor.

Shop-Rite Center - Site Plan: New Commercial development: 801 Miron Lane - Kelly Liebolt from Chazen Engineering appeared on behalf of application to develop the "final phase" of the Shop-Rite Center site. The applicant proposes the development of two retail-occupancy buildings and a freestanding restaurant. The proposed parking and internal circulation plan has been revised based on the Board's comments last month and are significantly improved. The westerly entrance to the site is less confusing and the main circulation between the eastern and western portions of the site is well defined without forcing traffic flow directly in front of the new stores in between. A drive-up window lane will be provided for CVS. Mr. Brott expressed his concerns with the Outback building facing into the site while the rear of the structure, with its loading area and dumpster, face Miron Lane. After much discussion, the Board suggested that the building be rotated 90° and angled with the existing entrance. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that plans must be prepared for site drainage and lighting. Plans should identify Miron Lane as a County road. Comments from the Ulster Water & Sewer Departments must be addressed. The application should be referred to the Ulster County Planning Board prior to further action. The applicant should establish an escrow account in the amount of \$3,000 to cover the cost of review of drainage and utility plans. A motion was made by Mr. Brott to accept the planners recommendations as stated and refer the application to the Ulster County Planning Board, seconded by Mr. Lucente, with all in favor.

"Ray's Auto & Accessories" - c/o R. Nealis - Site Plan - 721 Ulster Avenue - Mr. Robert Nealis appeared on behalf of application for site plan approval to change the occupancy of a commercial building at the rear of 721 Ulster Avenue for the purpose of auto repair services and retail sale of related accessories. There will be no changes to the exterior of the building. No new lightning is proposed and the existing signs will be used. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the application has been revised to include a parking calculation on the site plan. The existing fencing and landscaping has been noted. The Planning Board should grant final site plan approval subject to the condition that all fencing surrounding the auto repair facility be provided with slats for screening. A motion to accept the planners recommendations was made by Mr. Brott, seconded by Mr. Almquist, with all in favor.

RAY'S AUTO & ACCESSORIES

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 Robert Nealis, for the purpose of changing the occupancy of a commercial building for automotive repair services and retail sale of related accessories on a site located at the rear of 721 Ulster Avenue, Tax Parcel 48.058-5-21.12 & 37; 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 September 16, 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 recommended approval with certain required modifications; 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. All fencing surrounding the auto repair facility be provided with slats for screening.

Florida Samas Venture, Inc. - Site Plan Amendment / Lot Line Revision - 1112-1136 Ulster Avenue - Mr. James Kelly appeared on behalf of application for site plan approval proposing development of three freestanding restaurants on the front of a site which is partially developed for several commercial uses including Home Depot. Since last months meeting the applicant has developed a cross easement / access drive with Kings' Mall from the Home Depot site. At the Boards request, the applicant investigated several alternative arrangements for the drive-in facility nearest the site entrance. The applicant finds these alternatives create traffic problems and are proposing screening of the drive-up window area with landscaping. The stacking lane between the entrance from the mail access road and the "order sign" is only 40 feet long, enough for two cars. A back up at this location could impede traffic into the remainder of the site. It is recommended that the applicant consider an alternate access plan to both sides of the site that would correct this problem as well as eliminate direct crossing movements of the main access road. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that more detailed landscaping plans should be submitted. New data on average and maximum illumination is provided but fixture details are not provided, especially glare shields. The drainage and utility plans must be reviewed by the Town Engineer and Sewer/Water Departments. The applicant has been requested to establish an escrow account in the amount of \$3,000 to cover such costs. As suggested by the County Planning Board, internal sidewalks will facilitate pedestrian circulation. In particular, a sidewalk located on the north side of the main access road would complement the new sidewalk along Boices lane installed as part of the Benderson project. No further action on the site plan should be taken until the applicant addresses the issues identified above, provides the additional data necessary and review of the drainage plans are received. The proposal to consolidate the three lots is logical under any circumstances. This qualifies as a lot line revision under the recent amendment to the Subdivision Regulations and should be approved at this time regardless of action on the site plan. A motion to grant lot line deletion and take no further action on the site plan at this time was made by Mr. Brott, seconded by Mr. Lucente, with all in favor.

Nicholas & Debra Scott - Lot Line Adjustment: Sketch - 909 Flatbush Road - Mr. Donald Brewer appeared on behalf of application for approval of a minor subdivision in order to divide a parcel developed with two detached one family dwellings. The site consists of 1.06 acres on the easterly side of Flatbush Road located about 1 mile south of the Kingston-Rhinecliff Bridge and about ½ mile north of Ulster Landing Road. A frame dwelling, garage and shed are developed on the southerly portions of the site, and a mobile home exists in the northerly portion. Both houses share a common access drive. The mobile home straddles an existing lot line. The frame house and garage appear to have nonconforming setbacks from another existing lot line. All three lots are undersized, the proposal will reconfigure the site into two ½ acre lots, which will encompass each dwelling and its sanitary facilities. Both lots will continue to use the shared driveway. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that The proposed layout will create a shared driveway without an easement for the use of the driveway. A ROW should be established for that portion of the existing drive that will continue to be used by both lots. A Road Maintenance Agreement is required. The plat will need to be revised to include a “zoning block”, a “consent to file” and a “signature block” for the signatures of two Planning Board members. The Board should grant lot line revision conditioned upon revising to plat as stated and showing the ROW for the driveway on the map. A motion to accept the planners recommendations as stated and grant “lot line adjustment” conditioned upon revisions to the plat showing the ROW, a zoning block, signature block and a consent to file block, was made by Mr. Brott, seconded by Mr. Kimble, with all in favor.

Batista “Triumph Karate” - Site Plan - Change of occupancy School - 1094 Morton Blvd.

Mr. Rodney Batista appeared on behalf of application for site plan approval to change the occupancy of a portion of a commercial-occupancy building with a “School of learning”. Mr. Batista discussed with the Board several missing items from the submitted plans. There was much discussion on issues that needed clarification, which included:

- a. The site must identify the preparer and must be stamped by a licensed professional. Plan copies should be submitted at the scale in which they were drawn not reduced in size as was done this month.
- b. The site plan and floor plans should identify the existing building floor area, and the total floor area proposed for occupancy by the karate school.
- c. The parking plan must include a tabulation of all parking required for this lot, based on the floor area of the various retail and personal service occupancies that will remain (1 space per 300 square feet, §190-28.J) and for the proposed school (1 space for every four students).
- d. The parking in the rear of the building should be reviewed by the Fire District officials to determine if an impediment to safe access will result. The proposed parking along Morton Boulevard should be deleted.
- e. The floor plans should be clearly marked and labeled as to proposed occupancies, and the drawings should specify a scale, and should be stamped by a licensed professional.
- f. Given the existing visual character of the site, additional landscaping would be desirable, especially along Morton Boulevard in the form of median strips with low-growing plants, but the parking needs, once properly calculated, and circulation patterns on the site may preclude this.

- g. Sign details are necessary. It is probable that a wall sign and a portion of the monument sign in the front will be used, as is done with other business tenants in the building.

After discussing the above, Mr. Shuster recommended that the site plan be referred to the Ulster County Planning Board and not take any other action at this time, pending submission of a revised plan addressing the above. Motion to accept the planners recommendations as stated was made by Mr. Brott, seconded by Mr. Lucente, with all in favor.

“We the People” C. DeCicco - Site Plan - Change of occupancy (Offices) 796 Ulster Avenue - Mr. DeCicco appeared on behalf of application for site plan approval to change the occupancy of a frame building on a developed commercial site with state highway frontage in the HC District. The applicant stated that there will be a new sign located on an existing concrete planter. The sign will be squared off and will remain the same 5 foot X 6 foot size. The use is being changed from a cabinetry shop to office use. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that nothing external is proposed other than the sign change. The project is a Type 2 Action pursuant to SEQ. The Board should refer the application to the Ulster County Planning Board. Mr. Lucente Made a motion to refer the application to the Ulster County Planning Board as recommended, seconded by Mr. Almquist, with all in favor.

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