

The monthly meeting of the Town of Ulster Planning Board was held on Thursday, November 18, 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 George Lucente
Absent:	Planning Consultant :	Clark Kimble Miles Putman

The secretary called the roll: All the Board members were present except Mr. Kimble . The Pledge to the Flag was said. The fire exits were designated. Mr. Deforest announced that with great regret the Board has received Mr. Brotts' resignation effective the first of the year.

In the November minutes a motion was made to grant Shop Rite Center conditional site plan approval subject to:

The applicant is to come back to next months meeting showing all the items satisfied. Mr. Brott made a motion change the wording to grant conditional approval conditioned on the applicant coming back to the Planning Board showing all items satisfied, seconded by Mr. Lucente with all in favor.

**Public Hearing - DiTolla / Chandler - Zoning Change Referral** - In October the Planning Board received a request to review an amendment to the zoning. The request submitted was to adjust the zoning district boundary which separates two adjacent properties in the same ownership, so that both will be in the LC District. The Board felt more input from the public was needed prior to a recommendation to the Town Board. Several residents from Stoll Court spoke against the zoning change. Bill Street, a resident of Stoll Court submitted a petition to the Board signed by residents of Stoll Court stating that they objected to the rezoning. Many people stated concerns that there would be through traffic onto a dead-end residential street. Another concern was that the Bear Cat Kill stream would not be able to handle any more disturbance. Some residents expressed concerns that this would be the beginning of a domino effect. After much discussion Mr. Brott made a motion to close the public hearing, seconded by Mr. Lucente, with all in favor.

**Action - DiTolla / Chandler** - Mr. Brott made a motion to recommend that they do not recommend a zoning change to the Town Board, seconded by Mr. Lucente, with all in favor.

**Beisswenger: Major (4 lot) re-subdivision: Final Plat** - Mr. Thomas Beisswenger appeared on behalf of application for final re-subdivison of a four lot subdivision on Ulster Landing Road. A public hearing was held and final plat approval was granted in April 2004, subject to approval of a sewage disposal system. The applicant now proposes to install on-site sewage disposal systems on each lot rather than connect to the Whittier Sewer plant as previously proposed. The applicant was granted a six month extension of the conditional final approval in September, in order to obtain Health Department approval for the sewage disposal systems. The plat was revised in order to accommodate the new sewage disposal systems which have received Health Department approval. A road maintenance agreement has been prepared and approved by the Town Attorney with some minor changes. A motion to grant conditional final plat approval

subject to the revision of the road maintenance agreement was made by Mr. Lucente, seconded by Mr. Almquist, with all in favor.

**Grace Community Church - Site Plan - 850 - 860 Neighborhood Rd.; Seremma Court** - Mr. Scott Lane appeared on behalf of application for the construction of a new house of worship and accessory facilities on a vacant 22 acre double frontage site in the OM and R-10 Districts. Site development will be as follows:

Phase 1: Sanctuary and Office; 58 parking spaces

Phase 2: Assembly Hall addition: including small addition to the Phase 1 and connection to the Phase 3 building site: 135 parking spaces

Phase 3: Youth center addition ; 58 parking spaces

Federal wetlands on the site have been surveyed and the applicant has been in contact with the U.S. Army Corps of Engineers. Ten acres of federal wetlands have been identified, along with three separate "upland" parcels having a total area of about 13 ½ acres. The project is to take place on the largest "upland" area, which measures 9.7 acres. A second means of access is shown from Seremma Court. This is to be used only by emergency vehicles and will be surfaced with gravel. With no one else wishing to be heard Mr. Putman stated that the status of the subject lot, in regards to the subdivision regulation, remains in question, although the plans note that the church now has possession of the property. The former landowner's deed references "Parcel 3", a 14+ acre site created in 1987. The current 22 acre site is an enlargement of Parcel 3 for which there is, appears to have no record of Town Planning Board approval. This situation can be rectified with a request for approval by the Planning Board of a "lot line adjustment", as provided for in Section §161-9 and §161-11.1 of the Town Code. This would require submission of a surveyed plat the depicts the site's boundaries, the old lot line being deleted, and all easements of records. The site disturbance and drainage plans will need to be reviewed by another engineer other than Brinnier & Larios. Ulster County Planning Board has reviewed the application for Grace Community Church and offers the following:

### **Recommendations - Required Modifications**

**Traffic Study** - A traffic study should be conducted with regards to traffic capacity on Neighborhood road and Seremma Court. Included in the study should be an analysis access of turning movements onto and off of Seremma Court so as to insure that they can be made safely and that site distances are adequate.

**Internal Access** - Curbed and landscaped islands should be provided at the ends of all rows, eliminating parking if necessary to make turning radii work.

**Lighting** - Lighting details regarding the height of the polls to be put in place and the type of luminaries to be used need to be provided. Our board recommends the use of full cutoff luminaries to reduce glare and sky-glow.

**Signage** - Details regarding signs have not been submitted as a part of this proposal. We would recommend the use of monument style signs with associated landscaping wherever possible. All wall-signs should conform the specifications laid out in the Town of Ulster Zoning statute.

**Landscaping** - A clearing plan should be provided as a part of this approval. Wherever possible, the existing tree cover around the property should be maintained.

Mr. Putman noted the following:

**Internal Access** - End islands have been incorporate into the parking area design.

**Lighting** - Lighting details have been provided and shielded fixtures are proposed.

**Clearing** - A limits of disturbance is shown, and is likely to coincide with the limit of existing vegetation clearing.

**Signs** - The free standing sign will be consistent, if not identical, to the sign presently used for the existing church. The plans do not suggest the use of any wall signs.

**Traffic** - Although the project may generate around 260 vehicles during the Sunday peak hour under phase 1, and is estimated to generate over 400 vehicles during the same peak hour with all three phases built and occupied, a traffic study could be waived on the grounds that the churches tend to have a peak hour during the mid to late Sunday morning hours or close to midday, times when other traffic flows in the area, especially generated by places of employment's and by retail store, is usually lower than when compared to a weekday morning or evening peak hour or the Saturday midday peak hour. The site abuts a road which has minimal development on it, and the developed parcels tend to generate their peak traffic flows at times other than Sunday morning or midday.

Mr. Brott wanted the record to show that the reason for his resignation from the Planning Board is that he recently accepted a position with the Town Engineers, Brinnier & Larios. However, Mr. Brott explained that the design and planning for the Grace Community Church was well underway prior to his employment with Brinnier & Larios and that further he has not been involved in the design of this project. Abstaining from voting on this application would not give the Board a majority + 1 vote to override the County Planning Board. The Board feels that a traffic study is not warranted and would put an unnecessary burden on the applicant.

Mr. Lucente made a motion refer the application to the Town Board recommending approval subject to:

1. Revision of the plans to show disturbance areas and area calculations that will include the disturbance associated with construction of the water, sewer, gas and electric lines.
2. Referral of the drainage and storm water management plan and supporting drainage study to the Towns' consulting engineer, subject to an escrow account being established.
3. Override the county's required modification for a traffic study.

Mr. Almquist seconded the motion, with all in favor.

**Cedar Knolls - NY Land Assocs.: - Major (23 Lot) Subdivision - 114\*; 132\* Kukuk Lane -**

Mr. Josh Olsen and George Collins appeared on behalf of approval for a major 23 lot subdivision with access from a new town road to be developed off Kukuk Lane. The applicant has submitted a revised storm water analysis. The plans include an existing site features map, a preliminary plat, a utility and drainage plan and an erosion control plan, a road and sewer profile and supporting documents. The applicant has revised the plan by proposing individual

wells on each site. There will be one test well for every five lots. The applicant stated that street trees will be provided along the new roadway. All trees 6" in diameter or larger within 25' of the right of way will be flagged and protected prior to earthwork operations. With no one else wishing to be heard Mr. Putman reviewed his memo with the Board stating that the storm drainage plan has been significantly changed and now calls for two water quality ponds on either side of the main road. A storm water management report has been submitted. 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. One broad policy issue raised in the County's 2003 transportation plan is the creation of opportunities for interconnected access as part of the subdivision approval process, and to minimize the creation of dead-ends, especially lengthy dead-ends. The subdivision layout accommodates this goal with the proposed future access interconnection. This access, if approved, should be cleared, graded and physically identified as a future road connection. Mr. Lucente asked the applicant to add a note to the plans stating "there will be a road for any future development in abutting properties". The Planning Board will have to make a determination of 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 facilities is not spelled out. There was no action taking pending the determination of the water and sewer capacity issues.

**Sawkill Meadow Apartments - c/o Ed Hill - Special Use Permit: Revised plans - Farm to Market Road @ 220 Sawkill Road** - Mr. Ed Hill appeared on behalf of application for approval of a special permit use for 46 apartments. The applicant has submitted plans they reflect the Ulster County Planning Boards comments as follows:

- a. The eastern building group has been redesigned around a single loaded parking loop with a large open space at its center for recreation use which eliminates unnecessary street area.
- b. Internal sidewalks and walkways have been provided.
- c. The central access road has been redesigned to reduce its total length and islands added to provide a visual break.
- d. An auxiliary access road is proposed to provide emergency access to the adjacent driving range property.

Mr. Hill stated that two requirements that have not been provided are:

1. Providing a mix of dwelling types; the reason being construction costs.
2. Sidewalks to Sawkill Road along Farm to Market Road; the reason is that Sawkill Road does not have any sidewalks.

A second access for emergency purposes has been provided.

With no one else wishing to be heard Mr. Putman reviewed his memo with the Board stating that an updated storm water pollution plan must be submitted for review by a consulting engineer. Fixture details for the proposed lighting need to be provided. The road which divides the central open space at the eastern building group should be eliminated. The parking area does not require one-way traffic flow. The open area should be extensively landscaped in addition to providing some play space. The landscaping plan does not create outdoor spaces, but is merely a random collection of trees and shrubs. A plan from a qualified landscape architect could enhance the site substantially. Additional details of street and sidewalk design are required. Although the plan has been significantly improved, no further action should be taken pending resolution of the issues a-d. When these issues are resolved, a recommendation

must be made to the Town Board which must conduct a public hearing prior to action on the special permit.

**Arthur Forst Family Trust - Minor 2- Lot Re-Subdivision- Ulster Landing Road - Mr.**

Michael Vetere appeared on behalf of application for approval of a minor re-subdivision of a large rural residential tract that straddles a county road and the boundary between the Towns of Ulster and Saugerties. The proposed division line is actually a street parcel of 50 foot width that follows the centerline of Ulster Landing Road (County Road 99), to separate a 6+ acre house lot on one side of the road from vacant lands on the other side. The surveyor's map shows the house site and the 7+ acres on the northeasterly side of Ulster Landing Road as being entirely within the Town of Saugerties. Based on this information, the proposed "subdivision line" - a de-facto "street parcel" for Ulster Landing Road, will also be entirely located in Saugerties. The surveyor for this application is asserting that his interpretation of the Town boundary is accurate. Mr. Putman stated that under this scenario, the entire subdivision will take place in the Town of Saugerties, and the Town of Ulster has no jurisdiction in this matter. If the Planning Board finds itself in agreement with the surveyor on the Town Boundary location, it should make a finding that the proposed "division line" is not located anywhere in the Town of Ulster, and the Town of Ulster Planning Board has no jurisdiction in this matter. The Board agreed that the Town of Ulster has no jurisdiction and a letter will be forwarded to the Town of Saugerties Planning Board.

**Breathe Fitness - c/o R. Matthias - Site Plan & Lot line adjustment - 30 & 38 Old Sawkill Road - Mr. Ron Matthias**

appeared on behalf of application for approval of a proposed physical fitness facility, within a commercial - occupancy building, on a mixed-use site in the R-30 District. The applicant addressed several of the Ulster County Planning Boards' recommendations. The revised plan shows the removal of 5 parking spaces closest to the Zuvik property boundary. The revised parking area locations will provide a separation of 16 to 20 feet between the Zuvik property and the closest parking space. Concrete curbing will be provided for the facility's driveway and will extend into the site to the first parking bay. With no one else wishing to be heard Mr. Putman reviewed his memo with the Board stating the revised plans have addressed most of the design concerns. The entire project - a site plan review and a subdivision approval, is an Unlisted Action pursuant to SEQR, and will require a determination of environmental significance. The proposed merger of the properties is in conformance with the requirements of Chapter 161 of the Town Code. The Town Planning Board should make a finding in accordance with the procedures set forth in Section (§)161-11.1 of the Town Code, that the merger of the two lots is a "lot line adjustment", waive a public hearing, and grant conditional final plat approval subject to receipt of ten copies and a reproducible original plat prepared and stamped by a licensed surveyor and signed by the landowner's authorized agent. The Planning Board should approve the site plan with the following conditions:

1. Removal of an additional five proposed parking spaces closest to the Zuvik property line, and provision of a 20 foot separation between this property line and the proposed edge of the parking area surface; and removal of 3 spaces closest to the Delavan property line, providing about 19 feet of separation.
2. Removal of the parking space closest to Old Sawkill Road to avoid an encroachment upon the 10 foot setback.
3. Provision of additional evergreen trees along the Zuvik line, located at a 10 foot spacing from each other and from any existing tree to be retained. Trees shall

be of a species that provides dense foliage for screening, such as eastern red-cedar or Norway spruce.

4. Addition to the plan of all planting locations, and consideration of additional shrub or bed planting for the Old Sawkill Road frontage.
5. Modifications to the storm water drainage plan, if any, as may be required by the Town Engineer.
6. Approvals of the septic system from the County Health Department and of the water service connection by the Town Water District.
7. Approvals for access improvements, for both driveways, from the Town Highway Department.

After much discussion Mr. Lucente made a motion to approve the site plan conditioned on the following:

- a. Moving the northerly area of parking spaces a few feet to the south to provide more buffer space along the Zuvik lot line,
- b. Provision of additional evergreen trees along the Zuvik property line, located at a 10 foot spacing from each other and from any existing tree to be retained. Trees shall be of a species that provides dense foliage for screening, such as eastern red-cedar or Norway spruce.
- c. The immediate completion of the first phase of the parking area (47 spaces), with no deadlines to complete the additional parking.
- d. Add note "as built" water line location (line that connects to Thruway).
- e. Add "Breach Line" (limits of disturbance) prior to construction.
- f. Maintain existing natural vegetation along southerly boundary (not to be disturbed by construction).
- g. Removal of the parking space closest to Old Sawkill Road to avoid an encroachment upon the 10 foot setback.
- h. Addition to the plan of all planting locations, and consideration of additional shrub or bed planting for the Old Sawkill Road frontage.
- i. Approvals for access improvements, both for driveways, from the Town Highway Department.
- j. Modifications to the storm water drainage plan, if any, as may be required by the Town Engineer.

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

## **BREATHE FITNESS**

### **RESOLUTION OF SITE PLAN APPROVAL TOWN OF ULSTER PLANNING BOARD**

**WHEREAS**, the Town of Ulster Planning Board has received an application for site plan approval from Breathe Fitness, for the purpose of developing a physical fitness facility on a site located at 30 & 38 Old Sawkill Road (Tax Parcel 48.014-1-11 & 12); 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 November 18, 2004; and

**WHEREAS**, under Section 239 l and m of the General Municipal Law, the County of Ulster Planning Board has recommended 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 an unlisted action under the provisions of SEQR;

**NOW, THEREFORE, BE IT RESOLVED, that:**

1. The Planning Board finds that due to the nature of the project and the measures taken to minimize affects on the environment, the project will not have any significant affect on the environment, a Negative Declaration under SEQR is hereby approved and an environmental impact statement will not be prepared.
2. The application for site plan approval is hereby approved in accord with Chapter 145 of the Town Code with the following conditions:
  - a. Moving the northerly area of parking spaces a few feet to the south to provide more buffer space along the Zuvik lot line,
  - b. Provision of additional evergreen trees along the Zuvik property line, located at a 10 foot spacing from each other and from any existing tree to be retained. Trees shall be of a species that provides dense foliage for screening, such as eastern red-cedar or Norway spruce.
  - c. The immediate completion of the first phase of the parking area (47 spaces), with no deadlines to complete the additional parking.
  - d. Add note "as built" water line location (line that connects to Thruway).
  - e. Add "Breach Line" (limits of disturbance) prior to construction.

- f. Maintain existing natural vegetation along southerly boundary (not to be disturbed by construction).
- g. Removal of the parking space closest to Old Sawkill Road to avoid an encroachment upon the 10 foot setback.
- h. Addition to the plan of all planting locations, and consideration of additional shrub or bed planting for the Old Sawkill Road frontage.
- i. Approvals for access improvements, both for driveways, from the Town Highway Department.
- j. Modifications to the storm water drainage plan, if any, as may be required by the Town Engineer.

**Thyra Taylor North - Minor (2 lot) re-subdivision - 344-346 Lucas Avenue** - Mr. Don Snyder of North Engineers, PC, as agent appeared on behalf of application for a minor subdivision in the R-30 and LC Districts near Spring Lake. The subject site is situate on the southeasterly side of Lucas Avenue, just westerly of the Kingston city boundary. The site abuts the Convenient Mart parcel, smaller one family residential on Lucas and Lakeview Avenues; and a larger land holding owned by DiPeri. There are existing two residential dwellings on one parcel of land owned by Taylor-North. The applicant is proposing to divide it into 2 parcels, Lot 2 with 0.93 acres, Lot 1 with 3.07 acres. Mr. Brott asked that there be a utility easement for the rear parcel established. Mr. Putman stated that research of the deed shows that the current deed for this lot, L.1349, p.435 was filed in the 1970's, as the site was conveyed by DuBois and DuBois to DuBois and Taylor. The deed describes three separate parcels that comprise the site, plus an exception for the Orapello lot. A site area of 6.08 acres is derived from the deed, not counting the "exception" of the Orapello lot. The Orapello parcel was created originally as a conveyance to Empringham by Scudder in 1960. A right-of-way was also established at this time for the existing common driveway. The Convenient Mart parcel at 0.932 acres, was apparently created by deed description conveyance from DuBois and Taylor to Gilligan and Gilligan in 1980. This lot is now owned by Patel. By this time the Town was regulating subdivision, but there is no record in the Town files of the Planning Board approving this particular conveyance. The conveyance to Gilligan includes a right of the grantor to access the Convenient Mart parcel to maintain and repair a water service line that runs through that parcel and onto the subject site. The Town Code, Chapter 177, prohibits this type of "third party" crossing of water lines unless a waiver is granted from the Town Board. The survey this month does not show the location of any water service lines. The submission is incomplete. Although the plat clearly show what may appear to be a simple two lot re-subdivision of the site, many critical details are missing. The occupancy and use of the structures on the site must be specified. Water service connections must be shown, to determine compliance with Chapter 177 of the Town Code. The Board did not take any action pending submission of a plat with more information.

**Artco's "Copy Hut" - c/o Stephens - Site Plan Amendment - addition of use - 721 Ulster Avenue** - Ms. Christina Stephens appeared on behalf of application for site plan approval to change the occupancy of portion of a +/- 3,500 square foot commercial building at the rear of 721 Ulster Avenue. The proposal would add a second tenant to the site - a service use. The applicant proposes to relocate an existing printing/copying business from the Town of Kingston into the front portion of a one-story structure. The copy shop will occupy roughly 912 square feet of floor area; leaving about 2,508 square feet for use by the automotive repair service business. No exterior building alterations are proposed. With no one else wishing to be heard

Mr. Putman reviewed his memo with the Board stating that for this business to operate from the front portion of the building the only requirement would be the reallocation of parking spaces. The plan shows 28 parking spaces in the front of the site, some or all of which are allocated to Paulina's Restaurant. An additional 28 spaces are shown in the vicinity of the subject building, all of which were allocated to Ray's Auto. A calculation of required parking has been added onto the plan, and the four spaces in the front of the building will be set aside for copy customers. Copy shop employees will utilize the 2 of the 3 parallel spaces (number 22 and 23) set inside the fenced compound, near the southerly lot line, and one space in front of the building. The project is a Type 2 Action pursuant to SEQR, involving less than 4,000 square feet on nonresidential floor area, and an environmental determination is not required. The site plan requires the approval of only the Town Planning Board, following a referral of the application to the County Planning Board. The previous conditions of the approval of Ray's still remain - repainting of all parking spaces to conform to the parking layout approved in September and as shown on the current site plan. These conditions also call for the planter bed along the southerly lot line, which will not likely be done until next spring. An additional condition is recommended - removal of the temporary changeable-message sign once the free standing sign is back in use. A motion to refer the application to the Ulster County Planning Board was made by Mr. Lucente, seconded by Mr. Brott, with all in favor.

**Batista: "Triumph Karate" - Site Plan - Change of Occupancy - School - 985 Morton Blvd.**

Mr. Rodney Batista appeared on behalf of application for site plan approval to change the occupancy of a portion of a nonresidential building last used by the Town Library, with a school of learning. The applicant proposes to conduct the school during weekday evenings. Owing to the limited amount of on-site parking, the applicant proposes to limit each class size to 15 students. The applicant is proposing a sign approximately 3' x 6'. With no one else wishing to be heard Mr. Putman reviewed his memo with the Board stating that the submission is relatively complete. No exterior alterations are proposed. The applicant should submit a detail drawing of the proposed business sign once a design is finalized. The project is a Type 2 Action pursuant to SEQR. A referral to the County Planning Board will be required as the site lies within 500 feet of a state road. A motion to refer the application to the County Planning Board was made by Mr. Almquist, seconded by Mr. Brott, with all in favor.

**Gavin Muller - Lot Line adjustment - 240 & 248 Sawmill Road** - Mr. Michael Vetere appeared on behalf of application for approval of a lot line adjustment affecting lands under common ownership in the R-10 District. Ulster County Real Property has considered Lots 32, 33 & 34 and a portion of 31 to be one entity. The existing site will be redefined into three building lots, one of which will be vacant. The apparent deed overlap will be eliminated. Mr. Putman stated that there are 5 separately described lots on the property. By reducing the deeded 5 lots to 3 it appears that the project meets the criteria for a "lot line revision", with the affected parcels limited to the old subdivision lots 30 through 32 on Filed Map 846. The house site at 248 Sawmill Road, which corresponds to Lots 33 & 34 on FM 846, appears to already exist as a separately-described parcel and appears not to require any approvals. It is recommended that the Board make the necessary findings under §161-11.1 to approve this application as a "lot line revision", inclusive of waiving a public hearing. The project is an Unlisted Action pursuant to SEQR, and poses no significant adverse environmental impacts. A Negative Declaration is recommended. The Board should also find that proposed "Lot 3", consisting of original lots 33 & 34 of the Winant subdivision, presently exists as a separately described lot. The Board should grant conditional final plat approval, subject to the plats being revised to show:

1. The approved access location for the vacant lot;

2. Probable water and sewer service line connections;
3. Addition of the 100 year flood hazard boundary and its elevation;
4. A note added to the map stating that the stone area on Lot 2 is not to be used for access;
5. Revised lot numbering.

A motion to grant conditional final plat approval conditioned on items 1 -5 was made by Mr. Almquist, seconded by Mr. Brott, with all in favor.

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