

The monthly meeting of the Town of Ulster Planning Board was held on Thursday, December 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 George Lucente
Absent:	Planner :	Clark Kimble Daniel Shuster

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. A motion to approve the minutes of last months meeting was made by Mr. Brott, seconded by Mr. Lucente, with all in favor.

Site Plan Amendment - "Living Faith Center" (lands of Hurley Christian Assembly) - 205 Route 28 - Mr. Nick Sadlar appeared on behalf of application for site plan approval proposing changes to the scope of site development. The project was approved in 1998 for a multiphase development. The project has been scaled back, the revised plans call for construction of a 250 seat Hall, with an approximate "footprint" of 5,000 square feet. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the Board reviewed the application in September and requested amendments to the drawing in regards to the on-site sanitary systems and location of proposed curbing for the parking and internal access drives. Revised site plan has been submitted along with an engineering detail sheet. It is recommended that the Planning Board approve the amended site plans as submitted. A motion to accept the planners recommendation and approve the site plan was made by Mr. Lucente, seconded by Mr. Almquist, with all in favor.

LIVING FAITH CENTER

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 Living Faith Center for the purpose of the construction of a 250 seat Fellowship Hall of a site located at 205 Route 28; 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 December 16, 2004; and

WHEREAS, under Section 239. l and m of the General Municipal Law, the County of Ulster Planning Board has declared there is 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 a Type II action under the provisions of SEQR and no further review is required;

NOW THEREFORE, BE IT RESOLVED, that:

The application for the site plan approval is hereby approved in accord with Chapter 145 of the Town Code.

Special Use Permit - Sawkill Meadow Apartments c/o Ed Hill Jr. - Farm to Market Road @ 220 Sawkill Road - Mr. Ed Hill, Jr. appeared on behalf of application for approval of a special use permit proposing the development of 46 rental apartments. There will be ten, four unit buildings and one, six unit located on a nine acre site. The Board complimented the applicant on the progress and development of the plan. With no one else wishing to be heard Mr. Shuster reviewed his application with the Board stating that a storm water management report was submitted and referred to a consulting engineer. The revised plans address the various issues and concerns raised during previous reviews. The Planning Board should refer the application to the Town Board with recommendations for the following actions:

- a. A public hearing regarding the special permit must be advertised and held.
- b. The Town Board should declare itself lead agency under SEQR and approve a negative declaration.
- c. The Town Board should approve the special permit subject to the following conditions:
 - (1) Approval of the Storm Water Pollution Prevention Plan by the Town's consulting engineer.
 - (2) Approval of the sewage disposal system by the Ulster County Health Department.
 - (3) Approval of water system improvements by the Town Water Superintendent.

A motion to refer the application to the Town Board as recommended above was made by Mr. Almquist, seconded by Mr. Lucente, Mr. Deforest in favor, Mr. Brott abstained, motion passed.

Shop-Rite Denter - c/o The Chazen Companies - Site Plan - 801 Miron Lane - Ms. Kelly Libolt of Chazen Engineers appeared on behalf of application for site plan approval to develop the "final phase" of the Shop-Rite Center site. Applicant received conditional approval in October, conditioned on addressing Ulster County Planning Boards' comments. The applicant is continuing to work with Ulster County Rural Transportation for a designated stop at the site. The landscaping has been revised at the west entrance and bank will be graded providing better visibility. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the issues raised by the Ulster County Planning Board have been addressed, or deemed not appropriate for the Board to require compliance. The applicant has submitted a Storm Water Pollution Prevention Plan reviewed by the Town Engineer who recommend the plan be accepted. It is recommended that the Board grant final approval subject to:

- (1) The applicant continue to work with the Ulster County Rural Transportation to locate a designated stop on the site.

**SHOP-RITE CENTER
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 Shop-Rite Center to develop the “final phase” of the Shop-Rite Center, proposing to develop two retail-occupancy buildings and a freestanding restaurant located at 801 Miron Lane, Kingston, Tax Parcel 48.042-3-25.11 & 25.12; 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 December 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 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 a Type II action under the provisions of SEQR, and no further action is required.

NOW THEREFORE BE IT RESOLVED, that:

1. The application for site plan approval is hereby approved in accord with Chapter 145 of the Town Code with the following condition:
 - a. Coordination with County Rural Transportation to locate a specific bus stop.
2. The required modifications by the Ulster County Planning Board shall be addressed as follows:
 1. Traffic Analysis - the applicant should provide a detailed analysis of the intersection of Miron Lane and the Kohl's / Shop Rite Plaza.

The traffic Impact Analysis for the original site plan approval addressed the full build out of the property and has been included in all subsequent traffic studies.
 2. Transit - The Applicant should make accommodations at this location to serve public transit by providing bus shelters as key locations.

The Applicant work with the Ulster County Transportation Authority with regard to this effort.

3. Pedestrian Access - Raised pedestrian crosswalks should be installed throughout the project in order to facilitate the movement of pedestrians from the uses to stores.

As discussed at the Planning Board meeting, this application involves amendment to a previously approved plan. A significant portion of the previously approved site design has been constructed including store fronts, ingress/egress, internal roadways, paved parking areas, curbing, and infrastructure including water and sanitary utilities as well as a complicated subsurface stormwater collection and distribution system.

Given the existing construction, the location of the previously approved storefronts and the layout of the internal roadway, the applicant designed improvements to the site which addressed pedestrian circulation. Each storefront area contains parking areas that are easily assessable for the user and are protected from the internal roadway system. Moreover, given the varying uses on the site, the elongated nature of the parcel and the layout of the internal roadway system, raised pedestrian crosswalks are not ideally suited for this setting.

4. Cross Access - the existing cross access located between Shop Rite and Home Depot currently appears to be inadequate to the task of handling traffic and should be reevaluated as part of this proposal. Our Board strongly urges the Town of Ulster to consider the installation of a cross access easement connection that makes direct use of the existing roadway and lighted intersection of Shop Rite Plaza, Kohl's and Miron Lane by extending the roadway directly through to the Home Depot Site.

Relocation of the existing cross access is not a viable alternative nor a reasonable request of the applicant.

5. Building Elevations - The board has received elevations regarding the proposed CVS but has not received elevations for the Outback or for the other retail facility.

Photo renderings of the proposed facility as well as sample photographs of the proposed Outback Structure, have been submitted. Note that the Applicant has indicated that the design of the proposed retail facility will replicate that of the adjoining new retail facility. As such the design will incorporate similar building materials, sidewalks with overhead canopies thereby reproducing the same type of outdoor shopping center experience.

6. Lighting - Lighting levels have not been indicated on the site plan and a photometric analysis should be conducted.

The Applicant is proposing to use the existing lighting structures.

7. Storm water Drainage - A complete drainage plan should be provided as part of this proposal. Additionally it appears that the size of this proposal will require

compliance with the MS4 storm water drainage and storm water quality requirements.

A Storm Water Pollution Plan has been submitted to and approved by the Town of Ulster Engineer.

8. Signage - Details regarding signs have not been submitted as part of this proposal.

The Applicant is not proposing any new signs at this time.

9. Landscaping - While the applicant has provided landscaping on the parking islands and other areas, the lack of foundation planting or the inclusion of landscaping and public areas integral to store fronts should be re-examined. Moving sidewalks away from the building is one way to accomplish this.

The Landscaping Plan which has been provided includes improvements to the proposed project area but also includes many new plantings in areas outside of the immediate project area which will result in significant improvements to the overall aesthetics of the property. No additional landscaping is required.

Nicholas & Debra Scott - Lot Line Revision - 909 Flatbush Road - Don Brewer from Brewer Land surveying appeared on behalf of application for minor re-subdivision. The applicant proposes to divide a parcel developed with two detached one family dwellings. 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 driveway. The site consists of Lots 1 through 5 of the Muiccio subdivision. The current deeds describes three separate parcels: Lot 1 as originally platted, Lots 2 and 3 combined and Lot 4 and 5 combined. Lot 1 has an area of just over 6,000 square feet, while the combined lots 2 and 3 has 20,000 square feet, as does Lots 4 and 5 combined. The site is to be redefined as two ½ + acre lots, each to encompass one of the dwellings and its respective 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 proposal will improve an existing legal nonconforming situation, with the removal of three undersized lots and creation of two less nonconforming undersized lots; removal of a building encroachment on an existing lot line and elimination of a nonconforming side yard setback. A motion to grant lot line adjustment was made by Mr. Brott, seconded by Mr. Lucente, with all in favor.

Elsie Pardee Collins - Lot Line Adjustment - 411 Lucas Avenue - Mr. Kyle Collins appeared on behalf of application for a "lot line revision" that would affect the layout of two abutting parcels near Spring Lake, in the R-30 District. A portion of the larger lot, tax lot 19, has been rezoned to LC (Local Commercial) by the Town Board to become effective upon approval of this lot line revision. The applicant submitted revised maps addressing Mr. Shusters' comments, with the revised plat indicating the lot line to be deleted and the location of water service. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the project is an Unlisted Action pursuant to SEQR, and poses no obvious adverse environmental impact. The project appears to qualify as a "lot line adjustment" as defined in Section §161-9 of the Town code, and subject to the expedited procedures set forth in §161-11.1. A motion to grant final approval for the lot line adjustment was made by Mr. Brott, seconded by Mr. Almqvist, with all in favor.

Artco's Copy Hut - Site Plan Amendment- 721 Ulster Avenue - Christine Stephens appeared on behalf of application for site plan approval to occupy a portion of a commercial-occupancy building with a personal service business. The applicant proposes to relocate their business, presently in the Town of Kingston, to the front portion of the building. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that there are 28 parking spaces on the site, all in the immediate vicinity of the building. Twenty three spaces are designated in a fenced-in enclosure. Five spaces are provided in the front of the building, and these will be reserved for Artco customers and one employee. Two of the 3 parallel spaces in the fenced-in area (numbered 22 and 23) will also be set aside for Artco employees, and the balance of the spaces will be used by Ray's. The 28 parking spaces located closest to Ulster Avenue are reserved for use by Paulina's Restaurant. The bank of spaces along the southerly lot line must be re-striped as perpendicular (head-in) spaces. They are currently marked as diagonal spaces. The Planning Board should grant approval to the amended site plan, subject to the following conditions, originally established as part of the approvals of Ray's in September:

- a. Installation of the planter bed along the southerly lot line, as soon as favorable weather conditions
- b. Re-striping of all parking spaces to conform to the parking layout approved in September; and
- c. Removal of the portable, changeable message sign once permanent signs are installed for Ray's and Artco.

ARTCO'S "COPY HUT"

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 Christine Stephens, for the purpose of adding a service business in a portion of an existing building located at the rear of 721 Ulster Avenue, Kingston, 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 December 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 has declared that there is 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 an unlisted action under the provisions of SEQR; and no further action is required.

NOW THEREFORE BE IT RESOLVED, that:

1. The application for site plan approval is hereby approved in accord with Chapter 145 of the Town Code with the following conditions:
 - a. Installation of the planter bed along the southerly lot line.
 - b. Re-stripping of all parking spaces to conform to the parking layout approved in September.
 - c. Removal of the portable, changeable message sign once permanent signs are installed for Ray's and Artco.

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

Mr. Rodney Batista appeared on behalf of application for site plan approval proposing to reoccupy the former Town Library with a "school of learning". Mr. Batista proposes an occupancy with limits on class sizes that reflects the limited amount of parking that is presently available on the site. A wall sign is to be mounted under the front portico is now proposed. A note has been added stating that there will be no additional exterior lighting. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that this type of commercially-operated school would appear to be compatible with the adjoining public elementary school, and should create no land use conflicts. The project is a Type 2 Action pursuant to SEQR. The Board should grant final Site Plan approval subject to the plans being amended to provide a "zoning block" (a tabular summary of bulk requirement of the LC District, as set forth in §190-11). A motion to grant final site plan approval subject to provision of a "zoning block" added to the plan was made by Mr. Lucente, seconded by Mr. Almquist, with all in favor.

TRIUMPH KARATE

**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 Rodney Batista, for the purpose of reoccupying and existing building with a "school of learning" located at 985 Morton Boulevard, Kingston, 48.050-5-3; and

WHEREAS, a Short Environmental Assessment form has also been submitted; and

WHEREAS, in accord with Chapter 145 of the Town Code, the Planning Bard reviewed said application of December 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 has declared that there is 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 an unlisted action under the provisions of SEQR; and no further action is required.

NOW THEREFORE BE IT RESOLVED, that:

1. The application for site plan approval is hereby approved in accord with Chapter 145 of the Town Code with the following condition:
 - a. The plans be amended to provide a “zoning block”

Site Plan - Hertz Rent-A-Car - c/o Zenon Christoforou - 790 Ulster Avenue - Mr. John Stinemire appeared on behalf of application for site plan approval for the purpose of establishing a car-rental and leasing agency in an existing commercial-occupancy building. One portion of the building is occupied by a physical fitness facility. Parking spaces have been added to the proposed site. Mr. Brott asked that the applicant add a note to the plan stating that there will be no on-site car washing. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the plan refers to a number of items “proposed” which already exist. The site plan drawing has a number of deficiencies which need to be corrected. The following should be added to the plan or corrected:

- a. References on the drawing to the “proposed” building, retaining wall and parking area should be corrected as these features exist presently. All previously proposed exterior lights are in place, although the “as-built” lighting on the building front is not what was approved. The retaining wall extension should also be shown.
- b. A tabulation of parking should be provided that reflects the minimum standards of §190-28.J.-floor area for the rental office.
- c. The plan drawings should be amended to show current abutting landowners.
- d. A scale should be added to the plans, which measure 20 feet to the inch. (

The project is a Type 2 Action pursuant under SEQR, and does not require a determination of environmental significance. The complete submission must be referred to the County Planning Board. No action can be taken until:

- a. A revised plan is submitted that addresses the completeness and documentation as stated above in items a - d: and
- b. A referral of the complete plan to the County Planning Board.
- c. A note added to the plan stating that there will be no car washing on site.

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

Michael and Katherine Smith “ Hudson River Heights” Major subdivision - 476 - 510 Ulster Landing Road - Nick Sadler appeared on behalf of a major subdivision of 22 acres of vacant wooded land near the Hudson River. The proposal is for a 12 lot subdivision at the corner of Ulster Landing Road and Hudson View Circle. The lots along Ulster Landing Road will have shared driveways. A gravity sewer line with a central pumping station is being proposed. Mr. Brott expressed concerns about the availability of good water quality in the area, he has requested that there be some test wells done to evaluate water yield. After much discussion the

Board asked the applicant to look at the reconfiguration of the narrow rectangular lots. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the average lot area is 1.64 acres. The minimum lot area requirement in the R-60 District is 60,000 square feet, or 1.377 + acres, per dwelling unit. Proposed Lots 2 through 4 are slightly undersized. The subdivision design should reflect the topography and drainage patterns on the site. The subdivision maps would benefit from an existing features map that highlighted large specimen trees, stone walls, steep slopes and drainage ways. The Town Sewer Department has some concerns that will need to be addressed. The Board should not take any action pending the applicant considering the revision of the lot layout and some outstanding issues. It is recommended that the applicant come to a workshop meeting.

IPE Properties: “Dunneman Estates” - Minor 2 lot subdivision - 332 Lucas Avenue & 62-66 Dunneman Avenue

- Mr. John Stinemire appeared on behalf of application for a minor subdivision of a developed residential lot near Spring Lake. Most of the parcel is within the Town of Ulster, with about 3.9 acres of area, or about 85% of the total property area. The remainder, in the City of Kingston, is designated as tax lot 11. The lands in Ulster are classified as “multiple detached residences”, which is not commercial, but a residential assessment classification. The lands in Kingston are considered to be vacant. The actual number of existing dwelling units on the site is not stated. The sketch map shows that the dwellings on the site actually straddle the municipal boundary. The municipal boundary is also a zoning district boundary. Site development are subject to conformance with the respective zoning regulations in each municipality. As the new division line is being drawn in both Kingston and Ulster, the subdivision will require the approvals of both Planning Boards. The applicant has received conditional subdivision approval from the City of Kingston, conditioned on obtaining two area variances. The portion of Lot 1 in the Town of Ulster is subject to the R-30 standards, and if there are two dwellings in the lot, a lot of 60,000 square feet must be provided, unless there is not central water service, in which case the minimum lot area must be 80,000 square feet. After much discussion the Mr. Shuster reviewed his memo with the Board stating that the submission is incomplete. Although the plat clearly shows what may appear to be a simple two lot re-subdivision of the site, the proposal raises several zoning issues, the most critical of which is the determination of a minimum lot size. This can be done once the number of dwelling units on the site is given. Proposed lot 1 should be re-designed/reconfigured to provide 30,000 square feet for each dwelling unit, or the applicant should request an area variance from the Ulster Zoning Board of Appeals to allow creation of an undersized lot. The applicant could apply to the Town of Ulster and the City of Kingston to reconfigure the boundary line giving each municipality buildable lots. The Planning Board should take no action on the sketch plan at this time.

Williams - Psychic Studio - Free-standing sign - No representation

Mario Marola, Jr. - Minor re-subdivision - 87 Potter Hill Road - Mr. Michael Vetere appeared on behalf of application for approval of the re-subdivision of a residential site in the R-60 District. The applicant proposes division of over 8 acres into three lots. There has been extensive clearing and disturbance of proposed Lots 2 and 3. Mr. Vetere submitted photos of machinery that was used to clear underbrush and debris. None of the soil has been removed or taken from the site. The Town of Ulster Highway Department issued driveway permits for the two new driveways at the site. Research of a previous 1981 subdivision appears to have been taken from a survey and the remaining from a 4 acre deed plot with no correlation between the deed plot and what is actually there. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the project is a minor re-subdivision, as it will amend a previously approved and filed subdivision plat. Two existing lots of 8+ acres will be split into

three lots, a net increase of one lot. The size of the vacant lots exceed the minimum required for a single family dwelling. The area of Lot 1 also conforms provided that there are no more than two dwellings of Lot 1. The project is an Unlisted Action pursuant to SEQR. The Board should grant sketch plan approval and schedule a public hearing for January. A motion to accept the planners recommendations as stated was made by Mr. Lucente, seconded by Mr. Almquist, with all in favor.

Gander Mountain at the Hudson Valley Plaza - c/o S & R Co. Of Kingston - Site Plan Amendment - 501-799 Frank Sottile Boulevard

- Mr. Richard Fess appeared on behalf of application for site plan approval proposing to add a sporting good retail store at the site of the Hudson Valley Plaza. The project is to occupy "vacant" spaces in the second floor of the building which houses Wall-Mart and Michael's, with access from the upper level. The applicant is proposing modification to the on-site access road system, in order to accommodate an outdoor product display area. The project calls for removal of nine existing parking spaces that will be eliminated. Three islands will be shifted to the east. The applicant has added speed bumps to the plan. Mr. Brott asked that the applicant use well defined raised crosswalks in place of the speed bumps. The store front will have a canopy overhang, and enclosed storage area. The applicant submitted the calculated parking area as follows:

Square footage of building is 639,670 including Gander Mountain, existing parking spaces exceed the requirements by 379 spaces overall. The upper level has a surplus of approximately 276 spaces. The Board expressed concerns with internal circulation, access and egress at the site. The Board encourages the applicant to have a traffic consultant review the site and make recommendations for modifications to the internal circulation. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the drawings should be revised to more clearly distinguish between existing improvements to be removed and new improvements. The plans should show the location of the front canopy and the enclosed storage area. Dimensions should be provided for the new wall signs and a revised tabulation of parking provided. The project will require a referral to the Ulster County Planning Board. The project appears to be an Unlisted Action pursuant to SEQR, and will require a determination of environmental significance. A motion to refer the application to the Ulster County Planning Board was made by Almquist, seconded by Mr. Lucente, with all in favor.

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