

The monthly meeting of the Town of Ulster Planning Board was held on Thursday, February 17, 2005 at 7:00 p.m. At the Town of Ulster Town Hall, Lake Katrine, N.Y.

Present: Chairman: Alan Deforest
Frank Almquist
Clark Kimble

Absent: George Lucente
Larry Decker

Planner: Daniel Shuster

The secretary called the roll: All the Board members were present except Mr. Decker and Mr. Lucente. The Pledge to the flag was said. The fire exits were designated. A motion to approve the minutes of last month's meeting was made by Mr. Kimble, seconded by Mr. Almquist, with all in favor.

"Oakwood Park" (Sharad Deedwaniya) - Re-Approval, Conditional Final Plat: Phase 3 - Pawan Circle, Varun Lane - Mr. Sharad Deedwaniya appeared on behalf of application for re-approval of Phase 3 of a three-phase subdivision project. Mr. Deedwaniya requested an extension of conditional final plat approval for Phase 3 pursuant to Section (§) 161-15.E of the subdivision ordinance. The applicant has cited delays with his consultants and contractors as the basis for the request, and he believes that all work can be completed by the end of this year. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the final plat for Phase 2 was approved in 2001, and extensions have been subsequently granted for the conditional plat for Phase 3. The Planning Board previously extended the conditional final plat approval for Phase 3 last May, and the approval expired at the end of December. It appears that based on the provisions of §265-a2(a) and 276.11 of NYS Town Law, the approval of Phase 3 has now expired. Based on a review of the town code and state law, it appears that the Board is not in a position to "extend" the previous conditional approval, nor to grant a new approval of the final plat for Phase 3, with conditions. Instead, the Board must treat the submission as a new application.

- a. The applicant should submit a completed subdivision application to the Board.
- b. As it appears that there are no changes proposed to Phase 3, no changes would be required to the plats.
- c. If there are no changes proposed to Phase 3, then this re-approval will be classified as a Type 2 Action pursuant to SEQRA and does not require a determination of environmental significance.

The Planning board should take no action until it has received a revised application and all related fees. Once the submission is complete, the Planning Board should consider granting conditional final plat approval not only for the initial 180 day period provided for in §161-15.E but also for the additional 180 day extension period, which would provide the applicant up to 12 months to finish the site improvements and to submit maps for signing by the Board, upon favorable recommendation of the Town Highway, Sewer and Water Superintendents. There was no action taken at this time.

Camper's Barn - Revised Design - (lands of Johnson Route 28, LLC, c/o Wayne Johnson)

124 Route 28 - Mr. Jim Bracco appeared on behalf of application for site plan approval for an expansion of their RV dealership with a new service bay addition at the northerly end of the existing dealer building. The project is a revision of an earlier site plan submission from last year. The revised layout proposes a single building addition, which will extend an additional 124 feet beyond the northerly wall of the existing building, and will maintain the existing building width of 62 feet. The plans identify three (3) 16 foot wide service bays, a 40 foot wide repair bay and a fifth bay of 36 feet in width. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the high degree of site visibility, especially from the Thruway, remains an issue with this site. The revised submission proposes the least amount of visual "intrusion" by a new building, due to the size of the addition and its location as far as possible from the Thruway exit ramps. The addition of the service bay floor area will necessitate adding parking to the site, The service bay would be classified under the "wholesale, transportation and warehouse use" category in Section 190-28.J of the zoning law. The proposed 7,688 square foot area will require the provision of an additional 11 parking spaces. The parking calculations provided on plan sheet 2 indicate that 71 spaces are required, but the floor area breakdown does not clearly identify the proposed addition. A more concise summary of existing and proposed total building floor areas should be provided, broken down by sales floor area, office, storage, and repair space. The revised site plan proposes no new signs. It is strongly recommended that there is development and adoption of a master sign plan for the various Johnson "Auto Mall" properties. As the proposed expansion exceeds 2,500 square feet, this site plan is subject to Town Board approval, following referral of a complete application to the County Planning Board. Mr. Kimble made a motion to grant sketch plan approval subject to the following:

- a. Revision to the plans to provide elevations and a revised floor area summary and parking tabulations
- b. Any future request will require the development and adoption of a master sign plan for the Johnson "Auto Mall" properties.

The motion was seconded by Mr. Almquist, with all in favor.

Mario Marola, Jr. - Minor re-subdivision - 87 Potter Hill Road - No Representation

Fink, et al. - Major subdivision (Sketch): Waiver of dead-end road length standard - 211 -

239 Potter Hill Road - Mr. Richard Roth appeared on behalf of application for a major subdivision of a 99+ acre wooded tract in the R-60 District. Mr. Deforest stated that the applicant is requesting a waiver of the maximum length of a permanent dead end road, prior to further design. This could not be acted upon at the January meeting since only three Board members were present and a waiver requires a majority plus one vote for an approval. Unfortunately, two members are ill tonight and the Board does not have enough votes that are required for a majority plus one. The applicant stated that all of the proposed septic system has been sited. Because the lots are all over 5 acres the Health Department informed the applicant that the septic applications should be submitted on an individual basis. The applicant has been working with the Town Highway Superintendent and the Fire Department. The Fire Department has asked that the width of the proposed roadway be increased to 24' and increase the diameter of the turnaround at the end of the roadway to a diameter of 100 feet. The applicant stated that they will move forward with the project and continue to work with the Fire Department. No further action was taken.

" Kenco" c/o M. DeFranco, RA - Expansion (Site Plan): 1000 Hurley Mountain Road @ Route 28 - Mr. Bill Kennedy appeared on behalf of application for approval of a proposed 6,024 square foot addition to the existing Kenco sporting goods retail store. Mr. Kennedy addressed lighting concerns with the Board stating that the proposed new fixtures will be a "full cut-off" fixture. The fixtures will be clear with a tinted bulb. The existing free-standing sign has been removed from the plans, the applicant will come back to the Board if he chooses to have a sign in the future. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the applicant has addressed most of the outstanding issues such as lighting, landscaping and the parking layout. The applicant has applied for a variance with the Zoning Board of Appeals for a proposed building encroachment. Since the proposed floor area exceeds 2,500 square feet, this application will require approval by the Town Board. The Planning Board should refer the site plan to the Town Board and recommend approval subject to:

- a. The Zoning Board of Appeals approval of an area variance for the proposed building encroachment;
- b. Removal of the "proposed" label for improvements that presently exist.
- c. Referral to the Ulster County Planning Board.

A motion to accept the planners recommendations as stated was made by Mr. Almquist, seconded by Mr. Kimble, with all in favor.

Williams: Psychic Studio - (lands of the Albert DiDonna Trust) - Free-standing sign - 1285 Ulster Avenue - Mr. Nick Williams appeared on behalf of application for approval of installing a free-standing sign for a psychic reader service that has been established on a site in the RC District. The sign drawing provides the following dimensions: a 6 foot high above ground, and an area of 24 square feet per sign face. The sign is to be internally illuminated. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the proposal will satisfy the requirements of the dimensions of the Town. As the applicant is reusing an existing building, with the new sign constituting the only exterior change for the site, the project will require only approval of the Planning Board. As the site abuts a state highway, the application must be referred to the Ulster County Planning board. A motion to refer the application to the Ulster County Planning Board was made by Mr. Kimble, seconded by Mr. Almquist, with all in favor.

Eugen Dachenhausen - Minor re-sbuidivision: Sketch 235 & 185 Main Street (Ruby) - Mr. Eugene Dachenhausen appeared on behalf of application for the purpose of re-subdividing a 3.3 acre residential lot into two parcels. Mr. Dachenhausen stated that he does not intend to build on the lot. His purpose of the subdivision is for tax purposes and to make it accessible so that it can be sold. Mr. Shuster stated that the proposal will be creating the lot with the house on it without direct street frontage, as otherwise required under §190-17.B of the Zoning Local Law. Lot 3, as originally approved, had both deeded frontage and a separate access ROW. To establish Lot 3A as a separate parcel with no frontage and with access only by the ROW, the applicant can petition the Town Board to designate an "Open Development Area", as provided for in §190-17.B. The shape of Lot 3B and its area may be limiting factors that would affect future development. The lot's long axis (roughly east-west) is roughly perpendicular to the steep slopes, and the building "envelope" within this section is very tight. The north-south "dogleg" section of the proposed lot, just over 40 feet in width, is useless for development. In order to insure that Lot 3B is developable, and can be improved in accordance with the state

regulations on storm water management, the Planning Board should request that the plat be amended to show conceptual house, driveway, well and septic sites; to show existing topography with 2 foot contours, proposed grades for the driveway, and a limits of disturbance around the site improvements with an area of disturbance calculated. The Board should consider requiring County Health Department approval of the sanitary location and design as a condition of plat approval. The sanitary design for proposed Lot 3B should include a canvass of all wells and septic system on any abutting parcel which is located within 100 feet of the site boundaries. The project is an Unlisted Action pursuant to SEQR, and will require a determination of environmental significance. Mr. Dachenhausen will require approval by the Town Board for "open development area" for Lot 3A. The applicant is encouraged to get a professional opinion to see if the proposed lot will be a build able lot. The applicant is also encouraged to make an appointment for a workshop meeting with the Planning Board. The Planning Board can take no action on the sketch plan until the missing data is provided.

Michael Provenzano - Minor subdivision; Sketch - 574 Lucas Avenue - Mr. Michael Provenzano appeared on behalf of application for sketch plan approval for the purpose of a division of a 70+ acres parcel to create a 2.49 acre building lot. The site straddles the boundary between the Towns of Hurley and Ulster, and has frontage on Lucas Avenue. Mr. Provenzano stated that he has one deed description with two distinct tax parcels, one for Ulster and one for Hurley. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the map is incomplete, as no development information is shown for proposed Lot 1. The remainder lands should be labeled "Lot 2, other lands of Provenzano", with a corrected area figure. Occupancy of Lot 1 is likely to require an on-site well and septic system. A house, well, septic and driveway locations should be shown for Lot 1 along with a "limits of disturbance". proposed grades and a calculation of the disturbance area. The project is an Unlisted Action pursuant to SEQR, and will require a determination of environmental significance. There will not be a driveway connection to Lucas Avenue, therefore, concern with the County Highway Department is eliminated. The Planning Board should require County Health Department approval of Lot 1 as a condition of final plat approval. The Board should grant sketch plan approval and schedule a public hearing for next month upon submission of a revised plat. A motion to grant sketch plan approval and schedule a public hearing upon submission of a revised plat as stated was made by Mr. Kimble, seconded by Mr. Almquist, with all in favor.

Lopez; Clewis - Lot Line adjustment - 104 & 118 Hinsdale Street - Mr. Lopez appeared on behalf of application for approval of a lot line adjustment affecting two abutting lots in the Foxhall Manor area, near the Kingston city line. The owners of the two residential lots are proposing a conveyance of vacant, undeveloped land. Mr. Shuster stated that the application affects "Lot 2" of the Whipple subdivision, now owned by Lopez, which corresponds to tax map lot 56.2. This parcel, recently acquired from Welch, is a consolidation of old lots 157 through 160 of the Foxhall Manor Subdivision, filed in 1921. The Foxhall Manor lots were all 30 feet wide by 120 feet deep. Presently the Lopez lot has a width of 140 feet. The parcel is developed with a one family dwelling at 118 Hinsdale Street. A notation on Lot 2 of the Whipple subdivision (lands now owned by Lopez) states that "lot 21 May Not be Further Subdivided". The restriction against the further subdivision of the Lopez parcel may preclude the proposed plat amendment from being processed, unless this restriction is released. The proposal will not create any new building lots, and the area of land to be transferred is less than the minimum lot required for the district. The Lopez parcel will retain a conforming amount of lot area, and the building setbacks from the new lot line also comply with the code. The Board could expedite action on this application as a lot line adjustment provided that the Board has a clear indication that the restriction on "Lot 2" from Filed Map 7070 will not preclude a lot line adjustment; and that no

"third party" water service line crossings will result from the proposed reconfiguration. The Planning Board should get the opinion of the Town Planning Board's consulting attorney on the ramifications of this particular plat restriction. If the issue of the restriction is resolved in favor of the proposed lot line revision, the applicant's surveyor should amend the maps to show the approximate, existing locations of the sewer and water service connections to both sites. The project is an Unlisted Action pursuant to SEQR and will require a determination of environmental significance once a completed map is submitted. The application will be forwarded to the Town attorney for an opinion. The Board will reschedule the application for next months meeting upon receipt of the Town attorneys opinion.

Miscellaneous Referral from the Town Board
Proposed Zoning Amendment - Dimensional Standards for Wall Signs §190-33

Mr. Deforest read the following:

As per the Board's request, we have prepared the following recommendations regarding signs for the Board's consideration:

1. Revised Standards for Wall Signs

- a. In response to the Board's concern that many requests for variances from the current sign standards have been submitted the ZBA, we propose the attached amendment to the Zoning Law.
- b. If the sign standards are to be relaxed, we recommend that those dealing with wall signs be revised rather than free-standing signs. Wall signs are part of, or attached to, a structure rather than becoming a separate structure which contributes more to visual clutter and disorganization.
- c. The revised regulations are based primarily on the ratio of sign area to building length, rather than a maximum sign area, and increase the ratio from the present regulation. For example, a 300 foot long structure in the RC District would be allowed a 450 square foot sign under the new regulations as opposed to 100 square feet under the existing standards. In the LC, HC, OM or I District, the same building would be allowed a 200 square foot sign as opposed to the current 50 square feet.
- d. The type of sign proposed for Barnes & Noble, comprised of free-standing letters, would be allowed an area of 277.5 square feet. Even though a slightly larger sign has been submitted to the ZBA for a variance, the ratio is similar.

Mr. David Brink questioned the proposal that includes the LC, HC, OM and I Districts, stating the applications to the ZBA have been primarily in the RC District. Mr. Almquist stated that the Board should ask the Town Board to consider a reasonable setback requirement with the increase. After much discussion a motion was made by Mr. Kimble to recommend that the Town Board consider amending the sign standards as proposed for the RC District only, and consider a reasonable setback requirement, seconded by Mr. Almquist, with all in favor.

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