

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

Present:	Chairman:	Alan Deforest Frank Almquist Larry Decker
Absent:		George Lucente  Clark Kimble
	Planner:	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. Lucente, seconded by Mr. Decker, with all in favor.

**Public Hearing - Estate of Catherine M. Perry, c/o Deborah Gac, Esq. - Minor (2) lot re-subdivision - 690-700 E. Chester Street - Perry Hill Rd.** - Mr. Michael Vetere appeared on behalf of application for a minor re-subdivision. The application will affect "Lot 5" on the Michael Perry Jr. subdivision that was approved by the Town in 1991. The site is a "double frontage" (or through) lot with an area of 1.3 acres. There is 360 feet of state highway frontage on East Chester Street and 275 feet of town highway frontage near the cul-de-sac on Perry Hill Road. The applicant proposes an unequal division of Lot 5 into a southerly Lot 5A, with under a half acre of area; and a northerly parcel - Lot 5B - with just over 8/10 of an acre. Both lots will have frontage on East Chester Street and Perry Hill Road. The new division line will be drawn parallel to and north of the old asphalt driveway. The billboard will be located on Lot 5A. Mr. Vetere stated that the owners have informed him that they wish to sell the northerly site, Lot 5B, and desire to keep Lot 5A as "forever wild", as termed by the applicant. A letter has been received from the NYSDOT stating "it is not likely the Department would deny an individual, with property fronting on State Right of Way, access to the State Highway". Mr. Barton, a resident of the area expressed his concerns that traffic would increase on Perry Hill, a residential area. The Board stated that Perry Hill access would be for maintenance of the lot and for the existing billboard. With no one else wishing to be heard a motion to close the public hearing was made by Mr. Lucente, seconded by Mr. Almquist, with all in favor.

**Action - Estate of Catherine M. Perry** - Mr. Shuster reviewed his memo with the Board stating that a restrictive note on the original subdivision stated that "Perry Hill Road shall be used for residential traffic and is restricted from commercial use". This notation should be added onto the current maps. It is recommended that the Board make a Determination of Non-Significant Impact (Negative Declaration) pursuant to SEQR; and grant final plat approval conditioned on a note be added indicating that Lot 5A is not to be used for building purposes and the access on Perry Hill Road not to be used for commercial use. Mr. Lucente made a motion to grant final plat approval conditioned on:

1. A note be added indicating Lot 5A is not to be used for building purposes.
2. The original note regarding restrictive as access for commercial use for Perry Hill Road be added to the plat.

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

**Public Hearing - Michael Provenzano - Minor subdivision - 574 Lucas Avenue - Rolling Meadows area** - Mr. Michael Provenzano appeared on behalf of application for a minor 2- lot subdivision of a 70+ acre parcel, straddling the town boundary with Hurley, into two parcels. The owner proposes creation of a 2.49 acre building lot in Ulster. A motion to close the public hearing was made by Mr. Decker, seconded by Mr. Almquist, with all in favor.

**Action - Michael Provenzano** - Mr. Shuster reviewed his memo with the Board stating that it appears that a shared-access arrangement is proposed, a Road Maintenance is required, and an easement must be shown on the plat. Documentation should be provided from the Ulster County Department of Highways and Bridges indicating their approval of the shared use of the existing access onto Lucas Avenue. The Board should move to make a Determination of Non-Significance (Negative Declaration) pursuant to SEQR; and grant conditional final plat approval; subject to submission of a revised plat that shows:

1. A probable disturbance area of less than 1 acre;
2. An easement for Lot 1 across Lot 2; and
3. Corrected data, including a revised location map for the entire 72+ acre site.

A motion to accept the planners recommendations as stated and grant final plat approval subject to items 1 - 3, above by Mr. Lucente, seconded by Mr. Decker, with all in favor.

**Site Plan Amendment - "Volvo Rents" - (lands of Best Kingston General Rental, Inc.) 711 East Chester Street** - Mr. Tejada appeared on behalf of application for re-approval of a site plan that was granted about 5 years ago. The applicant wishes to construct a 30 foot by 30 foot addition to the first floor front of the building. The elevations show a design with a peaked roof that is consistent with the design of the existing building. The Board recommended placement of windows in the addition to enhance the appearance of the building. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that this is the same plan approved in the early part of 2000, and never acted upon. The existing free standing lights on the site were actually erected when the site was approved for a used car sales lot (Desirable Auto). The Board needs information on the wattage of the free standing lights and the provision of glare shields on the lights that shine toward East Chester Street. The Planning Board should refer the application to the Ulster County Planning Board subject to submission of a revised site plan that addresses the following concerns:

- a. A tabulation of required parking.
- b. Revisions to (or removal of) the sign details for "Best Kingston General Rental".
- c. Revision to the lighting plan, to achieve the 25 foot-candle maximum set forth in §190-28.H, including use of fully glare-shielded fixtures for the building addition.

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

**Fink - Major subdivision - 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, situate in the R-60 District, into 12 building lots and a private access road.

The length of the road exceeds the 1,200 foot limit set for "Permanent dead-ends" in the subdivision regulations (Section 161-19.E.). The Planning Board is permitted to waive this design standard, as provided for in Section 61-4, but this action requires a "majority plus one" vote of the Planning Board, and there were not enough Board members in attendance at the last two meetings to grant such a waiver. The applicant is working with the response made by the Fire Department, who requested the new roadway be 24 feet in width, and the circular turnaround area have a diameter of 100 feet. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the layout meets sketch plan purposes. The main issue for the Board is the granting of the waiver of the length of the cul-de-sac, approximately 2,200 feet. The subdivision proposes creation of at least 10 lots that will not have deeded frontage onto a mapped street, as required by §190-17.B of the Town Code. For a major subdivision such as this project, the frontage requirements can be met by creating a deeded street parcel for the proposed private road, with a road maintenance agreement. A motion to grant a waiver for the length of the cul-de-sac was made by Mr. Lucente, seconded by Mr. Almquist, with all in favor. A motion to grant sketch plan approval was made by Mr. Lucente, seconded by Mr. Almquist, with all in favor.

**Free-Standing Sign - Nicholas Williams - "Psychic Studio" - lands of the Albert DiDonna Trust - 1285 Ulster Avenue** - Mr. Nicholas Williams appeared on behalf of application for a free standing sign. Each sign face will have an area of 24 square feet. The height is proposed to be 6 feet off the ground, the sign will comply with the minimum 10 foot setback off the front lot line. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that sign complies with the standards in the Zoning Law. The application was referred to the Ulster County Planning Board who voted that the sign would have "no county impact". A motion to grant site plan approval was made by Mr. Decker, seconded by Mr. Almquist, with all in favor.

## **PSYCHIC STUDIO**

### **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 Psychic Studio for the purpose of a freestanding sign at the same location on a site located at 1285 Ulster Avenue, Kingston, Tax Parcel 48.007-1-20; and

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

**WHEREAS**, In accord with Chapter 190 of the Town Code, the Planning Board reviewed said application on March 17, 2005 and approved said application; 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

**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 190 of the Town Code.

**Robert Lopez; Ellen Clewis - Lot Line Adjustment - 104 & 118 Hinsdale Street** - Mr. Lopez appeared on behalf of application for a lot line adjustment between two abutting lots on the northeast side of Hinsdale Street, near the Kingston city line. Each parcel is developed with a single family dwelling and a "curb cut" onto the town road. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that one of the landowners was present at last month's meeting to discuss the proposed conveyance. A restriction on the further subdivision of one of the involved lots, established on a prior subdivision map, was discussed. The matter was referred to the Town Planning Board's consulting attorney for an opinion. The opinion is as follows:

"Notwithstanding the Filed Map 7070 notation "Lot 2 May Not Be Further Subdivided", it is reasonable to conclude that proposed lot line adjustment may be accomplished based upon the following rationales:

- (i) The Planning Board's own records do not shed any light on who authorized (and for what reason) that Lot 2 may not be further subdivided. We do not know, for example, whether this restriction is an erroneous notation on a filed map absent due authorization and authority.
- (ii) To the extent that restriction contained within Filed Map 7070 was duly authorized, its purpose, more likely than not, would have been to preclude additional and/or smaller non-conforming lots at the same site, not restrict the elimination of existing non-conforming side yard setbacks, as sought by this application.
- (iii) Filed Map 7070 was filed prior to adoption of the Town's Zoning Law, and since adoption of the Zoning Law, the Town now specifically provides for Lot Line Adjustments pursuant to Ulster Code Section 161-11.1. The Ulster Town Code specifically states that " a lot line adjustment is not "subdivision" or "resubdivision" as defined herein.

Accordingly, even if the "restriction" was deemed valid, the Ulster Code now specifically provides for Lot Line Adjustments which are not subdivisions or resubdivisions. Therefore, the contemplated action would no be a violation thereof."

Mr. Shuster stated that the Board should make the findings under Section §161-11.1 of the subdivision ordinance that the project is a "lot line adjustment"; waive a public hearing; render a Determination of Non-Significance (Negative Declaration) pursuant to SEQR; and grant conditional final plat approval, subject to the following:

1. Plat revisions that show the driveway to the Lopez parcel and the sewer and water connection to both lots; and
2. Submission of at least ten paper prints and a reproducible master plat signed by both landowners.

In the event that the "third party" water line crossing situation will result from the proposed conveyance, the Board should not sign the final plats until a waiver to Chapter 177 of the Town Code is granted by the Town Board. Mr. Almquist made a motion to grant conditional final plat approval conditioned upon revision to the plat as stated above, seconded by Mr. Lucente, with all in favor.

**Robert & Laura Brooks - Minor subdivision - 620 Ulster Landing Road** - Mr. Brooks appeared on behalf of application for a minor subdivision of a 4 3/4 acre residential parcel into two parcels. The parcel is located on the easterly side of Ulster Landing Road, at the intersection of Kukuk Lane and is across the street from the East Kingston fire station. Access into the vacant site, :Lot 1", is to be developed next to the existing "curb cut" onto Ulster Landing Road, creating a side by side driveway arrangement with a shared point of access onto the public highway. 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 will require a determination of environmental significance. Access to Ulster Landing Road is subject to approval of the County Department of Highways and Bridges. The Planning Board should grant sketch plan approval, and schedule a public hearing upon receipt of a plat which includes a disturbance area "envelope" and calculation; proposed erosion control measures; and data on any wells on abutting parcels that are within 100 feet of the site's boundaries. Sanitary design approvals from the County Health Departments should be considered as a condition of subdivision plat approval. A motion to grant sketch plan approval and schedule a public hearing upon receipt of revised plat as stated was made by Almquist, seconded by Mr. Lucente, with all in favor.

**David Gamburg - Major re-subdivision - 1284 Flatbush Rd.; 181 Private Woods Rd.** - Mr. Richard Roth appeared on behalf of application for approval to divide a large parcel, served by a narrow private gravel road, into five oversized lots. Four of the lots will have no street frontage. The lot layout will create three abutting, long narrow parcels, Lots 1 through 3, in the western portion of the site, each to include ownership of a portion of Lake Katrine. Lot areas will range from 2.22 to over 5 acres. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that creation of building lots with no frontage on a deeded street is prohibited under the zoning law, specifically Section 190-17.B. This issue can be addressed by creating a deeded street parcel for the proposed private road. The road length appears to measure 1,200 feet. Creation of a private common driveway to serve two or more lots will entail preparation of a Road Maintenance Agreement (RMA). The driveway may need improvement to achieve a 2 vehicle width, suitable grades and all season access. A parcel or right-of-way will need to be defined for the new road; and a street name will have to be designated. About half of Lot 1 is under Lake Katrine. This lot, at 2.2 acres, may have only about an acre of useable land. The plat does not appear to reflect a full metes and bounds of the site as described in the deed. The location of the 20 foot wide access easement and its centerline and related courses and bearings are not shown. There needs to be better distinction made between the existing and proposed lot lines. Given the topography of the site and the types of soils that are likely to be present, a detailed plat will be needed. The Planning Board should take no action on the sketch plan, until it receives a map that provides additional details on the existing topography, the grade and width conditions of the existing access road, and identification of woodland

borders, isolated large trees, stone walls and bedrock outcrops. Mr. Deforest suggested the applicant schedule an appointment for a workshop and take no action at this time.

**"Oakwood Park"; c/o Sharad Deedwaniya - Conditional Final Plat: Phase 3 (Re-Approval)**

**Pawan Circle; Varun Lane** - Mr. Deedwaniya appeared on behalf of re-approval for Phase 3 of a 3 phase subdivision that began in 1990. The proposal has not changed. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the applicant has submitted a new application and paid all applicable fees, as requested. The plats are unchanged. For this reason, the re-approval of Phase 3 is a Type 2 Action pursuant to SEQR and does not require a determination of environmental significance. The Board should ensure that all required performance guarantees are in place. The Planning Board should move to declare that the application for re-approval of Phase 3 of Oakwood Park proposes no substantial changes to the layout different from the previously approved plats for Phase 3; and that the final plat has been submitted is in substantial agreement with the preliminary plat for Oakwood Park, and no public hearing is required. It is recommended that the Board grant final plat approval conditioned upon completion of the street. Move to grant conditional final plat approval for two consecutive 180 day periods provided for in §161-15.E. A motion to accept the planners recommendations as stated was made by Mr. Almquist, seconded by Mr. Decker, with all in favor.

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