

The monthly meeting of the Town of Ulster Planning Board was held on Thursday, July 21, 2005 at 7:30 p.m. At the Town of Ulster Town Hall, Lake Katrine, N.Y.

Present:	Acting Chairman:	Frank Almquist Larry Decker Clark Kimble
	Planner:	Daniel Shuster
	Absent:	Alan Deforest George Lucente

The secretary called the roll: All the Board members were present except Mr. Deforest and Mr. Lucente. 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. Kimble, seconded by Mr. Decker, with all in favor. Mr. Almquist stated that following the scheduled public hearing the site plan application for Cedar-Kingston 4 LLC will be reviewed. Due to the amount of applications submitted this month the Board will not take public comments other than for the public hearing. The Board recognizes the interest in the Ulster Manor application. At the time the Board reviews Ulster Manor Mr. Shuster will explain the procedure for the Scoping Session .

**Public Hearing - Cedar- Kingston 4 LLC, c/o Barry Medenbach - Minor subdivision (reconfigure three lots into four - lands of SAS Properties, Albert DiDonna Trust and Lillian Ferlazzo Trust 1285, 1287 & 1307 Ulster** - Mr. Barry Medenbach appeared on behalf of application for minor subdivision proposing to develop two-drive-in restaurants, a drive-in pharmacy and a hotel on a 4.4 acre site which will be divided into four parcels. The site is vacant and formerly housed the Costello Motor Court. Also included are two small residential properties to the south owned by two trusts (Lillian Ferlazzo and Albert Didonna). The applicant proposes four freestanding structures as follows: CVS Pharmacy - 13,000 square feet, Taco Bell Restaurant - 2,924 square feet, 4 Story Hotel - 91 rooms and Dunkin Donuts Restaurant - 2,400 square feet. The main site will be subdivided into three parcels for each of the first three uses. The Dunkin Donuts will be sited on the two small residential parcels which will be leased. There will be a common maintenance agreement among the four parcels. With no one else wishing to be heard Mr. Decker made a motion to close the public hearing, seconded by Mr. Kimble, with all I favor.

**Site Plan- Cedar - Kingston 4 LLC** - Mr. Shuster reviewed his memo with the Board stating that the ability of the fire department to access and service the site has been addressed. The application was referred to the Town's traffic consultant, Creighton Manning Engineering, LLP. The conclusion is as follows:

With completion of the traffic signal upgrades, including providing signal heads for the eastbound site driveway approach, and construction of a northbound left-turn lane at the study intersection, the NYS Route 9W/HVM Northern Driveway intersection will continue to operate at acceptable levels of service.

More extensive landscaping has been provided along the streetline. However, continuous broadleaf evergreen hedge, such as boxwood, should be considered, as opposed to forsythia, in addition to the deciduous trees. The buildings will be four separate franchises, the applicant should consider a design theme which will help tie the site together. Painted crosswalks for pedestrian circulation are proposed. These should instead be raised platforms at least 10 feet

wide. The Town Engineer has reviewed the drainage and utility plan and has a number of comments on the drainage system, those comments will be required to be satisfied. The application was referred the Ulster County Planning Board which proposed major changes to the development plan, which the Board will consider. Reciprocal cross-easements between all lots must be prepared and placed on the subdivision plat and the site plan. It is recommended that no action be taken pending review of the drainage plan and comments from the Sewer and Water Departments. Approval from NYSDOT for the redesigned traffic signal and intersection at the northern entrance to the Hudson Valley Mall is necessary. It is recommended that the Board not take action on the subdivision plat, because the subdivision makes no sense unless the site plan is approved. No action was taken.

**Hurley Veterinary Hospital Site Plan Amendment - 509 Hurley Avenue** - Mr. Mark Rosenberg appeared on behalf of application for site plan amendment for a new driveway for employee parking. Signage will be added stating that there will be no through traffic. The scope of work for the approved site plan included provision of additional parking, exterior lights and landscaping, and upgrades to the existing septic system. The applicant has submitted a site plan that illustrates a number of changes:

- a. Relocation of a front sidewalk and removal of a proposed staircase (and replacement with a ramp);
- b. Reduction of screening along the westerly lot line, except for the rear 30 feet of this boundary, which will be planted with five foot high evergreens to screen the employee parking area from the neighboring residence.
- c. Gravel surfacing is proposed for the employee parking areas and adjacent access drives.
- d. One of the conditions attached to the County work permit is that the County will reserve the right to close this access drive if warranted by future traffic and safety conditions.

With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the scope of work is minimal in nature, and affect only outdoor areas of the site. The amendment must be reviewed by the Ulster County Planning Board. The project appears to be a Type 2 Action pursuant to SEQR, and a determination of environmental significance is not required. A motion to refer the application to the Ulster County Planning Board was made by Mr. Kimble, seconded by Mr. Decker, with all in favor.

**Ulster Land Holding Partners, LLC "Ulster Manor", c/o Barry Medenbach - Major subdivision and multiple family dwelling (Special Ulster Permit) - SEQR Scoping** - Mr. Barry Medenbach appeared on behalf of application for plans to develop a mixed unit residential development off the East Chester Street By-Pass. The latest plan calls for 25 lots and 124 townhouses - on a 48 acre site accessed from Memorial Drive. Due to redelineation and reclassification of the on-site wetlands, the applicant has made substantial revisions to the original plan. Due to the concerns regarding a number of environmental issues, the applicant has recognized the need to prepare a Draft Environmental Impact Statement (DEIS) and has submitted a Draft Scoping Document for the Board's review. Mr. Shuster clarified the procedures regarding application as follows:

This application was submitted in the spring of 2004. In April of 2004 the Board voted to under take Lead Agency Coordination under SEQR. At which time the application is referred to all

other agencies which have an approval to make regarding the project. Thirty (30) days are allowed a response from those agencies. No other agency indicated a desire or intent to serve as Lead Agency. In June of 2004, the Planning Board declared itself Lead Agency, which means it takes the lead during the environmental review of the project. Since that time there have been various revisions of the plan, none of which, any action was taken. Various concerns have been raised regarding the potential environmental impact. The applicant acknowledged these concerns and indicated that they were prepared to prepare a Draft Environmental Impact Statement. As provided under the SEQR regulations the first step in the Environmental Impact Statement process is for the applicant to submit a proposed scope for the Draft Environmental Impact Statement, which they have done. At this point the Board will undertake two actions;

1. Approve preparation of a Positive Declaration under SEQR which indicates that there may be Significant Impacts on the environment, and that a Draft Environmental Impact Statement will be prepared.

2. The Board will also schedule a public Scoping Session, at which time the scope will be available for public review. The public will have an opportunity to comment on the scope to indicate what issues they believe should be addressed in the Environmental Impact Statement and the extent of detail that should be included.

Following that the Board will take all of the input that has been submitted, and it will prepare an approved and final Scope for the Environment Impact Statement. This will tell the applicant all the studies that they will have to undertake and the analysis that have to be completed. It is then up to the applicant to prepare the Draft Environmental Impact Statement. The first step is to submit it back to the Board to determine if it is complete, whether all the items and issues that were in the scope are addressed in a satisfactory manor that allows public review and comments. Once it is accepted as complete the Board accepts it and will establish a period for public comment, which has to be at least 30 days or more during which time a public hearing will be scheduled. Public comment will be taken and written comments can be received until of the end of that comment period. Once the comment period is over and all comments written and verbal have been received the applicant is required to submit responses to all of those comments in a document which ends up being the final Environmental Impact Statement. The Planning Board will determine whether the responses are adequate or will have to be revised or expanded. Once the Board is satisfied that all comments have been addressed they will then approve the Final Environmental Impact Statement, and only then will it make its findings as to whether the project should be approved based on the environmental review. Tonight the Board should authorize preparation of a Positive Declaration under SEQR, and notice of a public Scoping Session at which time the scope and proposed plans will be available. A date has not been set due to the availability of the room for the meeting. There will be a public and a legal notice both for Positive Declaration and announcing the date for the Scoping Session. At this time Mr. Vincent Guido requested being included as an interested agency. Mr. Kimble made a motion to approve a Positive Declaration under SEQR, and schedule a public Scoping Session for Ulster Manor, seconded by Mr. Decker, with all in favor.

**Teicher Organization: Landing Woods (lands of Bluestone Realty LLC) Multiple dwelling - Townhomes (Special use permit - 1271 - 1299 Flatbush Road @ Meadowbrook Lane - Mr.**

Harv Hilowitz appeared on behalf of application for a special use permit to develop townhome style (attached) dwelling on a site in the R-10 District. The site is served by private central water and municipal sewer. The applicant has been working with the Town and stated that they have agreed prepare a draft to go ahead with a "developers agreement". Teicher Organization will make an investment into the sewer district for improvements to the current sewer plant, allowing the existing capacity to be increased. The site has on-site federal wetlands which the applicant has flagged, the original delineation of several of theses wetlands has been modified. The plan has been substantially revised to avoid disturbance of areas of "historic significance"

and “archaeological interest” in the north central portion of the site. The applicant stated that they have drilled a test well with positive results for water. Mr. Shuster reviewed his memo with the Board stating that the applicant has submitted a traffic impact study which indicates that level of service will remain at A/B upon completion of the project. A storm water management plan and sewer and water report have been referred to the Town Engineer. The procedures to ensure adequate capacity is available from both systems must be established. The revised site plan layout is substantially different from the plan reviewed last year and addresses some of the issues raised at that time. Additional issues should be addressed, as follows:

1. Although sidewalks have been provided on one side of internal streets so that pedestrians have an alternative other than the driveways, opportunities should be considered for pathways through the site between buildings and in open areas.
2. Parking spaces which require backing out onto the main entrance road should be eliminated, minimized and/or redesigned to avoid traffic conflicts.
3. The proposed tot lot and basketball court should be moved away from homes in the Whittier development.
4. An emergency exit to Alder Court should be considered via the existing road reservation although the revised plan provides dual circulation routes throughout the site beyond the first 500 feet of the entrance road.
5. The area of site disturbance should be delineated.
6. An archaeological report must be provided regarding the identified resources.
7. Procedures:
  - a. This application will require a public hearing and approval of a plat by the Planning Board and a public hearing and approval of a special permit by the Town Board.
  - b. The project appears to be an Unlisted Action pursuant to §617.4(b) of the SEQR regulations unless the archaeological or historic sites are eligible for listing on the National Register of Historic Places.
  - c. As the lead agency the Planning Board must make a determination of significance under SEQR.
  - d. An escrow account in the amount of \$10,000 has been established to cover the cost of necessary engineering review.
  - e. The application should be referred to the Ulster County Planning Board.

No further action, should take place at this time, pending review of the utility and stormwater reports. A motion to refer the application to the Ulster County Planning Board was made by Mr. Kimble, seconded by Mr. Decker, with all in favor.

**David Gamburg, c/o Richard Rothe, PE as agent - Major 5 lot subdivision - 181 (Private) Woods Road -1284 Flatbush Rd. (NYS Route 32)** - Mr. Richard Rothe appeared on behalf of application for the purpose of dividing a large wooded lakefront parcel, served by a narrow private gravel road, into five oversized lots. Four of which will have no deeded street frontage and three of which will include portions of Lake Katrine. The applicant stated that he was unaware that each parcel would be required to have street frontage. Mr. Rothe discussed the creation of flag lots. After much discussion Mr. Shuster reviewed his memo with the Board stating that the 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 for Lots 2, 3 and 5 by creating a deeded street parcel for the proposed private road or requesting designation of an open development area. The road length appears to measure 1,200 feet. The 50 foot wide easement shown on the plat should be re-designated as a street parcel. Even if the 50 foot wide easement is changed to a street parcel, it will not resolve the frontage issues with proposed Lot 1 and 4. If no alternate design can be created that would provide such road

frontage, the developer should consider requesting of the Town Board an "Open Development Area" designation for the project site, which will allow for lots to be created without mapped street frontage. Creation of a private road (serving two or more lots) will entail preparation of a Road Maintenance Agreement (RMA). The private roadway must be improved to meet Town specifications for construction, drainage and grades. There needs to be better distinction made between the existing and proposed lot lines, and between existing and proposed easements or right of ways. The subdivision plans should provide a conceptual house, driveway, well and septic location for each vacant lot, and an area of disturbance. This calculation should also provide the initial disturbance area associated with the house construction. Road profiles will be required. The sanitary layout for the proposed lots should include a canvass of all wells and septic system on any abutting parcel, which may be located within 100 feet of the site boundaries. Easements will need to be established for overhead utility service lines if they are to be located off the access easement(s). Wetland and flood hazard area boundaries need to be shown. The Planning Board should have a copy of all documentation from NYSDOT in regards to the approved "curb cut"; and also any correspondence from NYSDEC on the presence of threatened or endangered species. Preparation of a separate, "existing site features" map may be desirable. The revised sketch plan provides a simple schematic, similar to the March sketch, that shows how the proposed lots will meet the area requirements of the R-60 District and the means of access. Given the topography of the site and the types of soils that are likely to be present, more details are needed on topography, bedrock exposures, presence of karst features, wetland and flood zone boundaries, streams and drainage swells. The Planning Board must consider the following:

- a. The slope and soils conditions are potentially serious development constraints, and the Planning Board should require sanitary approvals by the County Health Department as a condition of approval.
- b. The road frontage issue must be resolved by the applicant before review proceeds further.
- c. The applicant must address the documentation issue noted above.

The project is an Unlisted Action pursuant to SEQR, and will require a determination of environmental significance. The Planning Board should consider undertaking Coordinated Review pursuant to SEQR with the intent to serve as "Lead Agency". It is recommended that the Town's consulting engineer be involved in the review of this project. A motion to schedule a public hearing upon submission of a revised plat was made by Mr. Kimble, seconded by Mr. Decker, with all in favor.

**Smokehouse of the Catskills - Free-standing sign - 1706 Ulster Avenue @ Carle Terrace -**

Mr. Richard Rothe appeared on behalf of application for a free-standing sign. The site is a corner lot in the HC District, developed with a 1-story commercial building with Town sewer and water connections. The existing single pole-mounted sign will be replaced at the same location by a new sign mounted on two posts within a raised bed planter. Mr. Shuster reviewed his memo with the Board stating that the application was referred to the Ulster County Planning Board last month, however, we have not received any comments from them. The project is a Type 2 Action pursuant to SEQR, and does not require a determination of environmental significance. A motion to grant site plan approval was made by Mr. Decker, seconded by Mr. Kimble, with all in favor.

## SMOKEHOUSE OF THE CATSKILLS

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

**WHEREAS**, the Town of Ulster Planning Board received an application for site plan approval for the Smokehouse of the Catskills, for the purpose of a freestanding sign in front of a butcher shop & related retail store at the same location on a site located on 1706 Ulster Avenue @ Carle Terrace, Kingston, Tax Parcel 39.082-2-1; 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 July 21, 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 a Type 2 Action pursuant to SEQR; and does not require a determination of environmental significance.

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

The application for site plan approval is hereby approved in accord with Chapter 190 of the Town Code.

**New Life Tabernacle, c/o David Cordeau - Site plan re-approval 15 Swart Lane @ NYS Route 32; Flatbush Road** - Mr. Paul Jankowitz appeared on behalf of application for site plan approval, to allow for the expansion of a church sanctuary on a 12.4 acre property in the R-60 District. The applicant had received site plan approval in 1995 for a similar project - a substantial addition to the sanctuary, a small vestibule addition for the front entrance, and an expansion of accessory parking and other minor physical modifications. The applicant stated that all the improvements except the entry have been completed, however the building permit expired and they are required to reestablish the site plan. Mr. Shuster reviewed his memo with the Board stating the a complete tabulation of all required parking by use and occupancy and a tabulation of existing and proposed floor area need to be established. The application was referred to the County which has responded with required modifications for lighting, landscaping, signage and drainage. The Board should take no action pending submission of revised plans. No action was taken.

**Prestige Automobiles, c/o Robert DuPont - 756-768 East Chester Street - Site Plan Amendment** - Mr. Robert DuPont appeared on behalf of application proposing the creation of an outdoor "inventory" storage area to the rear of the Prestige Hyundai and Toyota dealership buildings, but on the same parcels. Mr. DuPont submitted a letter from Tectonic Engineering & Surveying stating that the area of disturbance will not exceed 1 acre. Also submitted was a copy of the proposed camera lighting, a Declaration of Easement and a Storm Water analysis. The

rear of the site will be redeveloped with a 60-vehicle storage area. The lot will only be assessable to the employees, not for the general public. The following natural wooded buffers will be retained: a 35 foot wide strip to the rear of the Toyota dealership parking; an 80 to 100 foot wide area along the easterly property line and a 60 foot strip at the southerly boundary where the Toyota parcel abuts the Lowe properties. The access ramp will be fenced of with a chain link fence and a sliding gate. The applicant is proposing security cameras with two shielded light fixtures with minimum lighting aimed away from the adjoining properties. Mr. Shuster reviewed his memo with the Board stating that the layout appears to meet the applicant's needs for on-site storage and manages to retain some degree of the existing woodland buffer. A photo metric will need to be submitted showing the actual printout of the foot candles on the site. The Town desires adequate landscaping and buffering to provide compatibility between adjacent land uses, especially where residential uses abut a nonresidential site. Since the site abuts a state highway, a complete submission must be referred to the Ulster County Planning Board. The grading, erosion control and drainage plans, along with any supporting drainage study, should be reviewed by the Town's consulting engineer. A motion to refer the application to the Town's engineer and the Ulster County Planning board was made by Mr. Decker, seconded by Mr. Kimble, with all in favor.

**Quality Forestry Management - (lands of Carbone and of Kyriacou) Timber Harvest (Special Use Permit)**

- Mr. Dominic Carbone owner and Michael Trautschold of Quality Forestry Management appeared on behalf of application proposing a selective timber harvest on approximately 116 + acres on sloping woodland, on two abutting parcels. One of the two parcels is the landlocked property of Carbone. Mr. Carbone stated that he has secured an agreement over the lands of Vincent and the railroad to provide access to his site from Route 28; and that a second access would be developed on the Peckham lot. Some logging has taken place on Carbone property prior to approval. The applicant has been stopped by the Building Department pending approval of a Special Permit. After much discussion Mr. Shuster reviewed his memo with the Board stating that the site consists of the 72 acre Carbone lot and the abutting acre Kyriacou parcel, including all or portions of Clove Class lots 3, 6, 9, 13, 14, 19 & 20 of the Kingston Commons patent. The logging site abuts the south side of the railroad. Portions of the site abut State Forest Preserve lands and building lots created from the Stickles subdivision. The parcels do not have any mapped public street access. The Vincent parcel is a developed one family residential site at 325 Route 28. The existing driveway will be used for logging truck and equipment access between Route 28 and the railroad parcel. The Catskill Mountain Railroad parcel has been owned by the County since 1979, and is presently leased by the Catskill Mountain Railroad of Phoenicia. The applicant proposes to access the logging site, in two locations, by using the railroad to connect to the Peckham and Vincent parcels. The landowner (Carbone) will need to contact representatives of the railroad to secure permission for access. The applicant needs to address the following:

- a. The reduced scale tax map copies submitted with the application are somewhat illegible and lack complete, clear labeling. They should be backed up with a topographic map with details. The site maps should distinguish between skid trails, equipment access roads, or limits of vegetation clearing (if any are proposed).
- b. The narratives note that :”erosion control efforts will be adhered to whenever necessary but the layout of the property is such that it will have minimal impact on the property.” The narrative appears to minimize the erosion hazard potential, and nowhere in the narrative is there any indication that the Best Management Practices endorsed by NYSDEC will be adhered to in order to minimize erosion and sedimentation, including reseeding and mulching.

- c. The application narrative does not describe any buffers along the exterior bounds of the logging site, where no logging will occur. Portions of the two affected parcels abut existing residential lots - the lands of Flood, Peckham; and Yonta-Sauer. The dwellings on the Flood and the Yonta-Sauer lots are located at some distance away from the bounds of the parcels to be logged.
- d. We note that some exceptionally steep slopes are likely to be present on the Kyriacou property and it would be advisable for logging avoid these areas. Since the logging site abuts two separate State Forest Preserve lots, these specific bounds should be accurately and clearly marked in the field.
- e. There is no indication given as to the percentage of existing trees on the site that will be harvested and those to remain. Usually an estimated tree count is given to better illustrate just how selective the harvest will be.

A site harvest map should show and label property boundaries, delineation of general forest type, existing and proposed access drives, loading areas and skid trails; limits of harvesting; and locations where erosion control measures and other "Best Management Practices" will be used. The Planning Board should request confirmation and clarification on:

1. Accuracy of property lines, especially where they abut state forest preserve lands;
2. NYSDOT approvals for truck access, with any and all safety measures that may be specified (e.g. Use of flag man);
3. Written authorization from representatives of the Catskill Mountain Railroad regarding use of their property for access.

The project is an Unlisted Action pursuant to SEQRA. The Short EAF must be revised to encompass both properties. No action was taken pending submission of the missing information.

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