

The monthly meeting of the Town of Ulster Planning Board was held on Thursday, August 18, 2005 at 7:30 p.m. At the Town of Ulster Town Hall, Lake Katrine, N.Y.

Present:

Chairman: Alan Deforest
Frank Almquist
Larry Decker
Clark Kimble
George Lucente

Planner: Daniel Shuster

The secretary called the roll: All the Board members were present. 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 - "Dunneman Estates" - Minor 2 lot subdivision - (lands of IPE Properties) 332 Lucas Avenue & 62-66 Dunneman Avenue - Mr. John Stinemire appeared on behalf of application proposing a 2 lot subdivision. The 4.74 acre residential site straddles the boundary between the Town and the City of Kingston, and presently has frontage on Dunneman Avenue, a mapped city-maintained street. Most of the parcel, 3.74 acres, is within the Town of Ulster. The remaining 1 acre is in the City of Kingston. Proposed Lot 1 has two existing detached one-family dwellings, there is no proposed development for Lot 2 at this time. A variance for creating Lot 1 without road frontage was granted by the Zoning Board of Appeals on August 3, 2005. With no one else wishing to be heard Mr. Decker made a motion to close the public hearing, seconded by Mr. Almquist, with all in favor.

Action - "Dunneman Estates" Mr. Shuster reviewed his memo with the Board stating that the applicant has obtained approval, with conditions for the frontage on Dunneman Avenue for the driveway, from the City of Kingston. A variance was granted by the Town of Ulster Zoning Board of Appeals to create a lot without direct frontage on a mapped street. The project is an Unlisted Action pursuant to SEQR and will require a determination of environmental significance. The proposal proposes no obvious adverse environmental impacts, and a Determination of Non-Significance (Negative Declaration) appears to be warranted. Mr. Kimble made a motion to Render a Determination of Non-Significance (Negative Declaration) pursuant to SEQR; and grant final plat approval, seconded by Mr. Lucente, with all in favor.

Robert Tutt - Minor Subdivision (lands of Hudson Valley Ice and Sports, Inc.) 111 Fairway Drive; 450 Hurley Avenue - Mr. Warren Tutt appeared on behalf of application for minor subdivision. The applicant is proposing to create a 0.939 acre lot from a 36+ acre tract owned by Hudson Valley Ice and Sports, Inc. that fronts on Hurley Avenue. The Ulster County Health Department is in the process of reviewing the well and septic systems. The applicant was granted a nine-foot side setback variance from the Town of Ulster Zoning Board of Appeals for the proposed 20-foot easement on the western side of the property on December 4, 2002. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that since the new lot will have access to the public street system via a ROW instead of direct ownership ("fee simple") frontage, which is otherwise required in Section 190-17.B of the zoning law, the new lot can only be approved by the Planning Board provided that the applicant first petitions for, and received from, the Town Board, an "Open Development Area" designation, pursuant to 280-a of NYS Town Law. The plat appears to be complete for purposes of public

hearing. The Board has received authorization from Hudson Valley Ice and Sports, Inc.. The Planning Board should schedule a public hearing and final action should be conditioned upon the following:

1. The change in status of the Tutt driveway from a single user driveway to a common drive, along with any construction work, should be reviewed and approved by the Town Highway Superintendent.
2. The proposed sanitary plan should be reviewed and approved by the Ulster County Health Department.
3. The designation of the site as an Open Development Area by the Town Board or receipt of a variance from the ZBA.
4. The proposed easement agreement be reviewed by the Town's consulting attorney.
5. The project is an Unlisted Action pursuant to SEQR and will require a determination of environmental significance.

A motion to accept the planners recommendations as stated and schedule a public hearing for September was made by Mr. Almquist, seconded by Mr. Kimble, with all in favor.

Hurley Veterinary Hospital - Site Plan Amendment - (lands of Mark & Donna Rosenberg) -

509 Hurley Avenue - Mr. Mark Rosenberg appeared on behalf of application for site plan amendment. The applicant submitted an "as-built" map indicating changes from what was originally approved in December 2003. These changes include development of a second, gravel access onto Hurley Avenue for employee parking, modifications to landscaping and relocation of an access ramp into the building. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that because Hurley Avenue is a county road the application was referred to the County Planning Board. The County Planning Board was unable to attain a majority for making decisions at the August 2005 meeting, and the response from the County is "Reviewed No Decision". The referral requirements of Section 239-m of GML have been satisfied and the Town can take action on the application. The project appears to be a Type 2 Action pursuant to SEQR, and a determination of environmental significance is not required. The Town Planning Board should grant approval of the amended site plan, as submitted. Mr. Lucente made a motion to accept the planners recommendations as stated and grant approval of the amended site plan, seconded by Mr. Almquist, with all in favor.

**HURLEY VETERINARY HOSPITAL
RESOLUTION OF SITE PLAN AMENDMENT APPROVAL
TOWN OF ULSTER PLANNING BOARD**

WHEREAS, the Town of Ulster Planning Board received an application for site plan amendment approval from Mark and Donna Rosenberg for the purpose of modifications to an originally approved site plan. Changes include development of a second, gravel access onto Hurley Avenue, modifications to landscaping and relocation of an access ramp into the building on a site located at 509 Hurley Avenue, Tax Parcel 48.017-1-37.2; 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 August 18, 2005; and

WHEREAS, under Section 239.l and m of the General Municipal Law, the County of Ulster Planning Board has declared “Reviewed No Decision”; 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:

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

Letersky; Russell - Minor re-subdivision & Lot line adjustment - 127; 155 DeWitt Mills Road - Mr. David Letersky appeared on behalf of application of a minor subdivision that will split 10.373 acres of vacant land on the Hurley town boundary into two lots of 5+ and 3+ acres each and a conveyance of almost 2 ¼ acres to a neighbor. There has been some minor changes in the layout in order to consolidate access onto one roadway. All lots will have frontage in the Town of Hurley, with the “buildable” areas located in the Town of Ulster, the lots will exceed the minimum lot area requirements in Ulster. Proposed Lot 1 has been enlarged to an area of 6.602 acres. This will include about 1,000 square feet of area in the Town of Hurley, along with 37 1/3 feet of frontage on DeWitt Mills Road. Proposed Lot 2 has been reduced in area to 1.546 acres, of which about 100 to 200 square feet is in Hurley, along with 37.32 feet of highway frontage. No changes are proposed to the conveyance of the southeasterly 2.226 acres to a neighbor, Russell. This will be attached to their vacant parcel (tax lot 2.4) to increase that lot area from 2.093 to 4.319 acres. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that prior subdivision of the parcel was approved by both the Town of Ulster and the Town of Hurley. The parcel occupies a low, poorly-draining area that extends towards the northeast and is coincident with State Wetland KW-20 (Kingston West quadrangle). The wetland appears to drain southerly under DeWitt Mills Road, into the Rondout Creek via the Binnewater Lakes and the Green Kill. Correspondence from NYSDEC dated last October notes the site’s proximity to a state wetland and the need to delineate the 100 foot buffer zone. The revised plat depicts portions of a stream on the site, and a “wet area”, in a somewhat schematic fashion, with no indication of the wetland bounds being surveyed. Mr. Letersky submitted a review from the NYSDEC stating that “Wetlands appear to border parcel on the northwest side”. The maps do not delineate the wetlands or how to maintain the 100 foot buffer zone. In place of delineating the wetlands on the plat the applicant could establish a 200 foot buffer from the property line with a note on the plat that there would be no disturbance or development in this area. Mr. Deforest expressed concerns with the DEC statements not being clear and has requested that the applicant get a clarification. Mr. Shuster recommend the Board schedule a public hearing upon submission of the following:

1. A plat with locations of the house, well, septic and driveway, disturbance zones and area calculations; a construction plan for the common driveway inclusive of grading, (including a road profile), drainage and erosion control measures.

2. A draft Road Maintenance Agreement be prepared and submitted to both Towns for review by their respective legal counsel.

A motion to schedule a public hearing as recommended was made by Mr. Lucente, seconded by Mr. Kimble, with all in favor.

Breathe Fitness (B.F. Landholding, LLC) - Lot line adjustment - Merge 2 lots into 1 - Re-approval of Final Plat - Mr. Ron Matthias appeared on behalf of application for the purpose of merging two abutting lots, in conjunction with the development of "Breathe Fitness" on this site. The application was submitted in January, and was signed by two members of the Planning Board on January 5th. Unfortunately, the signed maps were not filed, and the subdivision approval has since expired. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the applicant has submitted a subdivision application, a short EAF, dated 8/4/05; and copies of the previously approved plats, as revised through last December. The Planning 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 final plat approval. Mr. Kimble made a motion to grant final plat approval as stated, seconded by Mr. Lucente, with all in favor.

Eugene Dachenhausen - Minor re-subdivision - 235 & 185 Main Street - Ruby - Mr. Eugene Dachenhausen appeared on behalf of application for minor subdivision of a 3.3+ acre residential lot having street frontage into a vacant 1.382 acre lot with street frontage and a 1.90 acre "remainder" lot developed with an existing dwelling. The 1.90 acre lot will have no deeded street frontage, and the house is presently accessed via right-of-way on an abutting lot. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the applicant requested an area variance to create a lot without frontage. The variance was granted by the Zoning Board of Appeals on August 3, 2005. The submission is complete for purposes of a public hearing. The applicant has previously indicated that he has no immediate plans to develop Lot 3B, and therefore no plans to obtain Health Department approval. The Board should consider either requiring County Health Department approval as a condition of subdivision approval, or approval with a restrictive note added to the plat stating clearly that "Lot 3B has not been approved by the County Health Department for occupancy". A motion to schedule a public hearing was made by Mr. Decker, seconded by Mr. Lucente, with all in favor.

David Gamburg - Major re-subdivision - 1284 Flatbush Rd; 181 Private Woods Rd. Mr. Richard Rothe appeared on behalf of application for a five lot subdivision. The applicant has submitted copies of the approved septic plans for Lots 3, 4 and 5 and an erosion and sediment control plan. The applicant states that he will obtain a letter from NYSDOT stating that the existing curb cut is adequate for access for three lots. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that many of the outstanding items have been submitted. The applicant will need to petition the Town Board for an "Open Development Area" on the site to permit the creation of building lots having no frontage on a mapped street. A motion to schedule a public hearing was made by Mr. Kimble, seconded by Mr. Lucente, with all in favor.

Cedar - Kingston 4 LLC - SAS Properties, Inc. Special Permit - Site Plan & Subdivision Commercial Development 1285-7 and 1307 Ulster Avenue - Mr. Barry Medenbach appeared on behalf of application 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 four structures will be separated by extensive parking lots and internal circulation. Access is proposed via a redesigned intersection opposite the northerly entrance to the Hudson Valley Mall and a right turn entrance near the center of the site. The Town's traffic engineer provided an analysis which indicated this new, four-way intersection would operate at a satisfactory level and has been approved by NYSDOT. The applicant is proposing extensive landscaping along with a fence that borders the residential DiDonna property to the south. The applicant was made aware that Mr. DiDonna is requesting a cross easement be designated to his parcel for future development. Mr. Kimble expressed concerns with the internal circulation for emergency access and has requested that the fire chief review the site. There was much discussion about the access road connecting to the Hannaford site. The applicant stated that the exterior of the buildings will have the same red brick with their own corporate logos. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that there is little connection or relation between the four separate buildings. Building elevations were provided at a workshop meeting which showed some attempt to use common materials. However, each is a national chain which has a unique corporate design theme which will not help to tie the site together. Painted crosswalks for pedestrian circulation have been replaced with raised platforms. However, the platforms should be at least 10 feet wide to prevent damage to vehicle undercarriages. The landscaping buffer adjacent to the residence south of the proposed Dunkin Donuts should be expanded to a double row of evergreens and/or an 8' high fence. The boxwood hedge should be extended for 100 feet along the north property line. Reciprocal cross-easements between all lots must be prepared and placed on both the subdivision plat and the site plan. Details of the free-standing signs must be provided. It is recommended that the sign for the hotel at the northern entrance be a monument sign. A storm water plan and report have been submitted. All stormwater is proposed to be retained/detained in underground chamber underneath the parking lots. The plans are being reviewed by the Town Engineer who has a number of comments and requested additional studies and redesign. Mr. Lucente requested that a formal agreement be submitted stating who will construct and maintain the cross-easement between this site and the Hannaford site. The Board should take no action pending submission of:

1. Approval of drainage plans by the Town Engineer and sewer and water plans by the respective Town departments heads.
2. Architectural design of the buildings.
3. Fire Department review internal circulation of the entire site.
4. Written agreement for the construction and maintenance of the access road to the Hannaford site.

Mr. Almquist made a motion to accept the planners recommendations as stated to take no action pending submission of the above, seconded by Mr. Lucente, with all in favor.

Prestige Automobiles - (lands of 756-768 E. Chester, LLC c/o Brauer) - Site Plan

Amendment: Outdoor Storage yard - Mr. Rob DuPont appeared on behalf of application for site plan amendment proposing an outdoor auto inventory storage area. The storage yard will extend over portions of the two properties and will be available for use by both dealerships. Access into this area will be restricted to employees only. Security needs will be addressed with cameras and lights. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the Stormwater Management Plan was reviewed by the Town Engineer

and is acceptable. The application was referred to the County Planning Board last month, they were unable to attain a majority for making decisions at the August 2005 meeting, and the response from the County is "Reviewed No Decision". The referral requirements of Section 239m of GML have been satisfied and the Town can take action on the application. Providing that the disturbance area does not exceed 1 acre, the Planning Board can approve the site plan amendment pursuant to Section 145-10.1 of the site plan law. The Board should move to render a Determination of Non-Significance (Negative Declaration) pursuant to SEQR and grant approval of the site plan amendment. Mr. Decker made a motion to render a Determination of Non-Significance pursuant to SEQR and grant approval, seconded by Mr. Kimble, with all in favor.

**PRESTIGE AUTOMOBILES
RESOLUTION OF SITE PLAN AMENDMENT
TOWN OF ULSTER PLANNING BOARD**

WHEREAS, the Town of Ulster Planning Board reviewed an application for site plan amendment approval from Prestige Automobiles, for the purpose of adding an outdoor auto inventory storage area, located at 756-768 East Chester Street By-Pass, Kingston, Tax Parcel 48.050-2-6 & 7; 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 August 18, 2005; and

WHEREAS, under Section 239. l and m of the General Municipal Law, the County of Ulster Planning Board has declared "Reviewed No Decision"; 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; and

NOW THEREFORE BE IT RESOLVED, that:

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

The Children's Annex, Inc. - c/o Susan Buckler - Expansion (Site Plan Amendment) - 70 Kukuk Lane - Mr. Dennis Suraci appeared on behalf of application for site plan approval to develop a 3,200 square foot addition to an existing special education facility. The addition is intended to replace a trailer on the site that is presently being used for classroom space. Permanent building additions will be made at three locations, all adjacent to an existing structure:

1. A 1,746 square foot addition onto the east side of the administrative wing for clinical services;

2. A 520 square foot conference/library addition to be constructed in the space between the education and administrative wings; and
3. A 944 square foot that will connect the education wing with the modular unit.

With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the submission is complete. The building additions do not require provision of additional on-site parking or new sewer or water connections. No new lights or signs are proposed. The size of the building additions is more than 2,500 square feet, and the plans will have to be approved by the Town Board following review and recommendation by the Town Planning Board. The site abuts a county road and the project must be referred to the Ulster County Planning Board. The Town Planning Board should take the following actions:

- a. Refer the project to the Ulster County Planning Board; and
- b. Refer the project to the Town Board with a recommendation to approve the amendment, subject to the following conditions:
 - (1) The plan drawings be revised to show a limit of disturbance (breach line); and
 - (2) The temporary classroom trailer is removed within six months after a Certificate of Occupancy is issued for the building additions.

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

Benny's Pizzeria - (lands of Bryant) Site Plan - Change of Occupancy - Restaurant - Mr. Robert Young appeared on behalf of application for site plan approval to change the occupancy of an existing vacant commercial building in the HC District to establish a pizzeria. The southerly access drive by the pizzeria will be marked for one-way entering movements. Two way vehicle movements will be maintained at the entrance closest to the Triumph/Auto Credit building and the drive just to north of the pizzeria. There are currently five planters on site and the applicant is proposing a fifth to delineate the entranceways. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the plan represents an effort to clearly define access into & out of the site and provide all parking for both parcels. It is recommended that some of the direction and channelization be done with curbed islands instead of painted islands. No use is proposed for the "curb cut" that is directly in front of the CSX building. This entryway should be closed off, with NYSDOT approval. The proposed transition in entryway widths from the state curbs onto the site is sudden, especially given the 15 foot offset proposed at the southerly driveway. There should be some measures, such as curbing, that will smooth out this transition area between offsets, as to discourage vehicle maneuvers that might impact the planters or directional signs. The lack of a smooth transition area on the southerly access is a major concern. The painted island, entrance sign and planter could be pulled back towards the south by about 5 to 10 feet. A paved area of over 30 feet is shown between the pizzeria building and the sidewalk on Ulster Avenue. Future use of this paved area is not specified on the plan. Preferably, there should be restrictions on parking (or standing for delivery vehicles) so as to maintain clear sight distance. Given the proximity of this paved area to the two entrances onto Ulster Avenue and associated tight turning radii, it would be preferable to completely restrict vehicles from here. No details were provided for the entrance and exit "directional" signs. No details are provided for the dumpster enclosure. The

proposed re-occupancy appears simple, however, a number of concerns (internal access patterns, entryway channelization and landscaping) are raised by the site plan that was submitted. The total amount of required parking should be re-calculated, and the parking layout revised, to avoid designating spaces or access aisles where sign posts or other permanent obstructions may exist. Drawing details should be provided for the dumpster enclosure, entrance and exit directional signs, the building mounted wall sign. Additional landscaping, including foundation plants, should be considered. The project is a Type 2 Action pursuant to SEQR. The Planning Board should take no action until the issues of parking, access channelization and internal circulation have been addressed. No action was taken.

Johnson Ford/Kia/Nissan/Campers Barn Master Sign Plan - Mr. Jim Brocco appeared on behalf of application for the release of Certificate of Occupancy for the body shop. The Johnson Ford Body Shop site plan was approved October 20, 2003 with the condition:

Within six months of approval, the applicant shall consult with the Planning Board to prepare a master signage plan indicating the location and design of all existing and proposed signs in accord with §190-33.B.(9) of the Zoning Law. Such plan shall include a building location directory sign near the entrance to the site from Route 28 and appropriate internal direction signs.

The applicant stated that Timely Signs is preparing a master sign plan and therefore, is requesting that the Planning Board recommend the Building Department release the Certificate of Occupancy for the Johnson Ford Auto Body. A motion to recommend to the Building Department that the Certificate of Occupancy be released was made by Lucente, seconded by Mr. Almquist, with all in favor.

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