

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, September 20, 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. Almquist, seconded by Mr. Kimble, with all in favor.

Public Hearing - David Gamburg, c/o Richard Rothe - Major (5) lot re-subdivision - 1284 Flatbush Road; 181 Private Woods Rd. (Whittier) Mr. Richard Rothe appeared on behalf of application for approval of a 5 lot re-subdivision. The project proposes division of 23.705 acres of rural residential land situate between the west side of Flatbush Road (NY Route 32) and Lake Katrine. The site includes 5.75 acres of the lake, and almost 18 acres of upland area. Lots 2, 3 and 5 will be accessed from an existing driveway on Flatbush Road. Lots 1 and 4 are to accessed from ROW to the south on lands of Sleight, known as "Private Woods Road." There is an existing house under construction on Lot 2. The Health Department has approved the septic systems on all 5 lots. NYSDOT has commented that the new access road has not been installed as the issued permit required. Neighbors and residents expressed concerns with access on Private Woods Road. The width of the road will not allow the passing of two cars in several areas. Culverts installed by the owners have been damaged due to heavy equipment traveling over the road. Ms. Pretch expressed concerns that the applicant stated on the Environmental Assessment form that there would not be any removal or disturbance of any mature forest or vegetation of over 100 years. There has been blasting and clearing of wooded area for the existing dwelling under construction. There were many concerns that included the septic approvals, clearing of land, wetlands, blasting, the use of Private Woods Road, drainage and possible pollution to the lake. Mr. Shuster reviewed his memo with the Board stating that there is no road profile nor construction plan submitted. Information on site disturbance is missing, this would include a limit of ground disturbance (breach line) and a disturbance area calculation not only for each vacant lot but for the entire site, this data is needed to establish disturbance "baselines" to be considered as part of the SEQR Determination, and to also determine the required coverage requirements under the state's "Phase 2" storm water SPEDES regulations. Incorrect setbacks and "building envelopes" are still shown for Lots 1, 2 and 4. Front yard setbacks should be designated to either side of the 50 foot wide easement on lot 5, as the easement will function as a street and the easement boundary is deemed equivalent to a street line. The house on Lot 5 is shown on the erosion and sedimentation control plan 20 to 25 feet from ROW bounds, inside the required 40 foot front yard setback. The plans are in disagreement over the locations of houses and sanitary facilities. Disturbance and regrading information has not been provide, nor have any construction plans and profiles for the northerly access road. The draft Road Maintenance Agreement should be referred to the Town's consulting attorney. The Planning Board should adjourn the public hearing until the missing data is provided (along with any reconstruction plans for the state highway access). Once the submission is complete, the Board should refer the plans to the Town's consulting

engineer, and schedule a date to re-open the hearing. A motion to adjourn the public hearing and reconvene when the additional data is received was made by Mr. Lucente, seconded by Mr. Decker, with all in favor.

Public Hearing - Warren Tutt - (lands of Hudson Valley Ice & Sports, Inc. & lands of Robert & Dolores Tutt) Minor re-subdivision - 111 Fairway Drive; 450 Hurley Avenue - Mr.

Warren Tutt appeared on behalf of application for approval to create a 0.939 acre building lot from lands of Hudson Valley Ice and Sports (36 + acres), with no street frontage. The site will access the cul-de-sac at the end of Fairway Drive via a 20 foot wide easement over the lands of Robert & Dolores Tutt. The Zoning Board of Appeals (SBA) granted an area variance for a resulting nonconforming side yard. The new lot will have private central water service (Rolling Meadows) and an on-site septic system. With no one else wishing to be heard Mr. Almquist made a motion to close the public hearing, seconded by Mr. Decker, with all in favor.

Action - Warren Tutt - Mr. Shuster reviewed his memo with the Board stating that the Board should Render a Determination of Non-Significance (Negative Declaration) pursuant to SEQR; and grant conditional final plat approval, subject to approval of the proposed easement agreement that should be reviewed by the Town's consulting attorney; approval of the septic system by the County Health Department; review of the increase in use of the existing access onto Fairway Drive by the Town Highway Superintendent; approval of an "Open Development area" designation of the site by the Town Board (to create a lot without street frontage) and submission of at least ten paper copies and a reproducible master plat, all signed by the affected landowners. A motion to accept the planners recommendation to refer the application to the Town Board and grant conditional final approval subject to the items above was made by Mr. Decker, seconded by Mr. Almquist, with all in favor.

Public Hearing - Letersky; Russell - Minor re-subdivision & Lot line adjustment - 127; 155 DeWitt Mills Road

- Mr. Letersky appeared on behalf of application for re-subdivision. The project 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 2¼ acres to a neighbor. With no one else wishing to be heard Mr. Lucente made a motion to close the public hearing, seconded by Mr. Kimble, with all in favor.

Action - Letersky; Russell - Mr. Shuster reviewed his memo with the Board stating that there remains concerns with the proximity to the wetlands. There has been no clarification offered on the previous statements by NYSDEC on the wetlands. The maps do not show the surveyed bounds of the state wetland or its regulatory buffer. A revised subdivision plat shows sections of driveways on the two lots, with no connections shown to the plotted house site. The plats do not show a disturbance area limit, disturbance calculations, drainage and erosion control measures. Road construction plans, including a road profile, were not located. A 200 foot buffer along the northwesterly lot line, as suggested by some Board members last month, is not shown. Application for subdivision approval in the Town of Hurley has not been made. The Planning Board should adjourn the public hearing until the missing data is provided. Once the submission is complete the Board should schedule to reopen the hearing. A motion to adjourn the public hearing until submission of the missing data, and response from the Town of Hurley was made by Mr. Lucente, seconded by Mr. Kimble, with all in favor.

Public Hearing - Eugene Dachenhausen - Minor re-subdivision - 235 & 185 Main Street (Ruby)

- Mr. Eugene Dachenhausen appeared on behalf of application for approval to re-subdivide a 3.3+ acre 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 a right-of-way on an abutting lot. The applicant obtained an area variance from the Zoning Board of Appeals to correct this. With no one else wishing to be heard Mr. Lucente made a motion to close the public hearing, seconded by Mr. Almquist, with all in favor.

Action - Eugene Dachenhausen - Mr. Shuster reviewed his memo with the Board stating that the Board should Render a Determination of Non-Significance (Negative Declaration) pursuant to SEQR; and grant conditional final plat approval, subject to submission of at least three (3) paper copies and a reproducible master plat, signed by the landowner. A motion to accept the planners recommendation to Render a Determination on Non-Significance (Negative Declaration) pursuant to SEQR and grant conditional final approval was made by Mr. Kimble, seconded by Mr. Almquist, with all in favor.

Information on "Ulster Manor" application - For informational purposes to the general public the Chairman, Alan Deforest read a memo issued to the Planning Board from the Town planner, Mr. Shuster, on the Ulster Manor project as follows:

Following the Scoping Session conducted on August 24, 2005, we have received further written comments and the transcript of the Scoping Session.

We are in the process of reviewing the Draft Scope submitted by the applicant and the oral and written comments received. In view of the many varied issues related to this project, we propose to organize a team of special consultants to assist in this review and that of the Draft Environmental Impact Statement to be prepared upon the Board's approval of a Final Scope. The team will consist of the following:

Bagdon Environmental, Delmar, NY
- Wetlands and terrestrial/aquatic resources

Joseph E. Diamond, Hurley, NY
- Archaeological and historic resources

Creighton Manning Engineers, Albany, NY
- Traffic and transportation

Brinnier and Larios, Engineers, Kingston, NY
- Utilities and stormwater treatment

We anticipate that a proposed Final Scope will be submitted to the Board for approval at the October 2005 meeting.

Mr. Shuster asked that the record show that the consultants on this list consist of highly qualified professionals. Creighton Manning are the only group that have previously worked on the project. They prepared the traffic study on behalf of the Town of Ulster, not on behalf of the applicant. A motion to accept the team as proposed was made by Mr. Lucente, seconded by Mr. Almquist, with all in favor.

**Twin Creeks - C. Decicco, J. Lobianco, A. Lobianco & P. Lobianco - Major (25 lot)
Subdivision - 270 - 300 Old Kings Highway** - Mr. David Rider appeared on behalf of application proposing the division of 82 acres of vacant land with Esopus Creek frontage into 24

lots, along with a proposed town highway. The project is to be developed in two phases, Phase 1 will consist of 13 lots. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that a public hearing was conducted in September, 2004. At the time the Board requested additional data to be submitted. A "Residential Well Survey" which lists data for surrounding well was submitted, but does not include any statement of findings or conclusions. There is no evidence of County Health Department approval for the proposed wastewater systems. The erosion control and stormwater pollution plan have been submitted the Town Engineer for review. The Town Engineers, Brinnier & Larios have submitted a letter providing initial comments for tonight's meeting and will submit any additional review comments by September 27, 2005. The following are the initial comments:

"At two locations, the subdivision utilizes a general approach of grassed drainage swales between lots to manage stormwater runoff. This approach is not acceptable for dedication to the Town of Ulster; since stormwater treatment is being performed on private property that is not accessible for long term maintenance. Permanent stormwater management systems that will be turned over to the Town require dedicated parcels with adequate area for maintenance and access. These requirements were communicated to the applicant at a prior meeting." The applicant should submit verbiage that summarizes the findings of the well logs. At this time, the Board should review the plans and consider the reports of the Town Engineer and Attorney, prior to further action. No action taken.

Cedar - Kingston 4 LLC - SAS Properties, Inc. Special Permit - Site Plan & Subdivision - 1285-1287 and 1307 Ulster Avenue - Barry Medenbach, project engineer and James Reynolds architect appeared on behalf of application proposing the development of two drive-in restaurants, a drive-in pharmacy and a hotel on a 4.4 acre site which will be divided into four parcels. At last months meeting the Board expressed concerns on the density of the site. The right turn entrance design has been redesigned to eliminate conflicting movements. A perspective, isometric fashion drawing was submitted. The landscape buffer adjacent to the residence south of the proposed Dunkin Donuts has been expanded to a double row of evergreens and an 8' fence. Mr. Medenbach stated that typically a 4'-5' arborvitae would be planted and the 8' fence would supply the initial visual screening. Mr. Decker questioned the location of the proposed cross-easement to Mr. Louis DiDonna's property. Mr. Kimble expressed his concerns with the layout and internal circulation with the proposal. The owner of the neighboring residence, Mr. Louis DiDonna stated that the cross-easement to his parcel is in the wrong location. Mr. Medenbach said a "floating easement" could be established for the DiDonna parcel. Mr. DiDonna submitted in writing his concerns and asked that they be included as part of the record. Mr. DiDonna expressed several of his objections which included the lack of sufficient green space, a fence in place of a 40' buffer. After much discussion Mr. Shuster reviewed his memo with the Board stating that the Board initially expressed numerous concerns about the project and required the developer to make several revisions and modifications. A variety of changes have been made. A stormwater plan and report have been submitted. The plans have been reviewed by the Town Engineer and approved. Final NYSDOT approval for the redesigned traffic signal and intersection at the northern entrance to the Hudson Valley Mall is necessary, but a letter from NYSDOT has been received that indicates agreement with the traffic analysis prepared by the Town's consultant the demonstrates the intersection will operate at a satisfactory level of service. The right turn entrance design has been redesigned to eliminate conflicting movements. Raised crosswalks have been provided to connect the three buildings at the front of the site and designed with a 10 foot width. A broadleaf evergreen hedge has been added along the entire Ulster Avenue frontage and along the northern property line. The landscaping buffer adjacent to the residence south of the proposed Dunkin Donuts has been expanded to a double row of evergreens and an 8' fence. At the request of the Planning Board, the Town's traffic consultant prepared a queuing analysis at the main site

entrance which indicates adequate area for on-site queuing of exiting vehicles. The traffic consultant also reviewed turning movements for both trucks and fire equipment within the site and determined that turning radii were adequate. Although the site consists of four separate buildings, the applicant has provided building elevations which show common materials and colors to create a design theme which will help tie the site together. 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 have been depicting a monument sign for the hotel at the northern entrance and a pylon sign for the other uses at the main entrance. While the monument sign complies with the Zoning Law, the pylon sign exceeds the permitted height of 20 feet and the maximum area of 150 square feet per face. The applicant has made extensive revisions to the plan to comply with the Planning Board's comments and the site plan is complete. A public hearing on the proposed subdivision was conducted in July. A detailed plat must be submitted. The Planning Board should refer the plans to the Town Board with recommendation that they be approved subject to provision of reciprocal cross-easements within the parcel and elimination of the non-conformities in the freestanding pylon sign. Remaining actions required will include the following:

1. Approval of a negative declaration under SEQR since all relevant environmental impacts have been addressed.
2. The Town Board must conduct a public hearing regarding the special permit for the hotel.
3. The over-all site plan must be approved by the Town Board.
4. The Planning Board must approve the final plat.
5. Final design of water and sewer connections must be approved by the Town Sewers and Water Departments.

Mr. Lucente asked for a note to be added that the applicant agreed to move the transformer from its' current location, near the DiDonna parcel to a satisfactory location. Mr. Lucente made a motion to accept the planners recommendation and refer the application to the Town Board as stated, seconded by Mr. Almquist. Mr. Deforest made the following statement:

"There have been many good comments here tonight. The thing that bothers me the most is the County Planning Boards' comments, and they've been generally comprehensive in nature. What is continually lacking in this Town is a comprehensive plan to address the entire Town. I believe the Town needs to hear these, and I think they need to hear it loud and clear from the residents of this community. I think you should be afforded the opportunity to speak to the Town Board on these issues. So I'm going to vote to refer because I believe they need to hear this. It comes up constantly, we urge them to take action and I'm personally disappointed that action has not been taken. All in favor" - Mr. Decker stated that " In light of this floating right-of-way (on the DiDonna side) and continuing concerns, I am not prepared to vote in the affirmative at this time." Mr. Kimble stated " I am going to have to vote no also, on the size of the project and the congestion, and I'm going with the recommendation of the County Planning Board." Vote was No - 2; Aye - 3, motion carried.

Benny's Pizzeria - (lands of Bryant Trust) - Site Plan - Change of Occupancy - Restaurant 634 - 644 & 650 - 654 Ulster Avenue - Mr. Robert Young appeared on behalf of application for approval of a plan that proposes a change of use from a retail occupancy to a restaurant. The proposal call for re-occupancy of a 3,000 square foot one-story building, which previously housed Ulster Glass and Mirror, with a restaurant. The applicant has revised the plans as requested by the Board at last months meeting. Concrete curbs, delineation of the entrance and exit to the site, and a landscape design have been added. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the revised plans address the

concerns raised over parking, internal circulation, access modifications, landscaping, signs and lighting. The proposed sign dimensions slightly exceed the dimensional standards for wall signs, and should be adjusted to comply with the code. The proposed curbing and sidewalk on Ulster Avenue will require a work permit from NYSDOT. No correspondence has been submitted indicating acceptance of the proposed channelization concept by NYSDOT officials in Kingston or Poughkeepsie. The project is a Type 2 Action pursuant to SEQRA, and does not require a determination of environmental significance. The Planning Board should refer a copy of the revised plans and supporting documents to the Ulster County Planning Board. A motion to accept the planners recommendation and refer the application to County Planning Board was made by Mr. Lucente, seconded by Mr. Decker, with all in favor.

Stoutenburg - Lot line deletion - 450 Lucas Avenue - Sherri Stoutenburg appeared on behalf of application for approval of a lot line adjustment that would merge two abutting vacant lots in the "Hillside Acres" area near Spring Lake. The owner of the two lots proposes construction of a dwelling and related improvements, which cannot be otherwise contained within either lot. With no one else wishing to be heard Mr. Shuster reviewed his memo with the Board stating that the plat shows the merger of the two parcels, an "after" lot area of 0.771 acres; and proposed locations of a house, septic area, water service line and driveway. Shared use of the existing "curb cut" onto Lucas Avenue is proposed. The house location will comply with the required setbacks for the enlarged parcel, but will also be located under the Central Hudson powerline and presumably within their easement. The Board should take no action until the following concerns are addressed:

1. Approval of the access onto Lucas Avenue by the County Department of Highways and Bridges.
2. Easement granted to Lukaszewski for access (documentation is needed); and
3. Easement granted to Central Hudson, including any restrictions that would affect building construction or other improvements.

No further action was taken pending submission of the above items.

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