

FEB 07 2007

BY Jpc
TOWN OF ULSTER

ZONING BOARD OF APPEALS JANUARY 3, 2007

The regular monthly meeting of the Zoning Board of Appeals was held Wednesday, January 3, 2007 at 7:00 p.m. at the Town of Ulster Town Hall Lake Katrine, NY 12449.

Present:
Donald Wise
Nelson White
Karen Markisenis
John Crispell –Chairman

A motion to open the meeting was made by Mrs. Markisenis and seconded by Mr. White. All were in favor.

Motion to approve the minutes from the December meeting was made by Mr. White and seconded by Mrs. Markisenis.

Michael Smith -155 Hudson View Terrace

Michael and Kathy Smith appeared on behalf of the application for an area variance for an addition on their home. Mr. Smith states that they would like to build a 24x30 addition that will be approximately 20 feet into the setback. The setback in their zone is 40 feet. The addition will be a dining room .with a garage underneath. A motion to hold over for a Public Hearing was made by Mr. White and seconded by Mrs. Markisenis with all in favor.

Carol and Jay Klitzner – 106 Esopus Avenue

Jay and Carol Klitzner appeared on behalf of the application for an area variance for a sign. The applicant is operating a wholesale auto dealer out of his house. New York State requires a 2x3 sign to be displayed at the site of the business. The Home Occupation Code states the sign cannot be larger than three square feet. A motion to hold over for a Public Hearing was made by Mr. White and seconded by Mrs. Markisenis with all in favor.

Motion to reopen the Public Hearing of Filomena Bunocore made by Mr. White and seconded by Mrs. Markisenis with Mr. Wise opposed.

Buoncore – 2071 Ulster Avenue

Mr. Melvin Higgins appeared on behalf of an application for a use variance. Ms. Buoncore was also in attendance. Mr. Higgins requested a use variance be granted for Ms. Bunocore’s property at 2071 Ulster Avenue stating that the applicant has agreed to comply with the Boards request and is planning to submit an application to the Town Planning Board for Site Plan approval. Mr. White states he agrees with the comments from the Ulster County Planning Board. Mrs. Markisenis states it would be in the best

interest of the Town to allow the use of apartments as long as the applicant follows through with the site plan approval. Mr. Wise agreed with the other Board members stating he felt there should be a stipulation that if the applicant does not follow through she will have to come back to the Board. The question of the status of the building concerning tenants was discussed at length; Mr. Higgins states that all tenants have been notified that they need to vacate the building, but at this time he does not know if all apartments are empty. Mr. Higgins states the applicant will do everything in her power to remove the tenants but requires more time. It is decided that the Board will grant a variance contingent upon site plan application and approval, the building be vacated of all tenants and copies of all documents pertaining to the eviction be copied to the Town of Ulster Building Department. A motion to grant a use variance contingent upon site plan approval with the stipulation that the applicant shall take the legal steps necessary to vacate the building and the Town of Ulster Building Department is made by Mr. Wise and seconded by Mrs. Markisenis with all in favor.

WHEREAS, Filomena Buoncore 86 O'Neil Street Kingston, NY 12401 of 2071 Ulster Avenue, Zone HC, has requested an USE variance for Tax Map Parcel # 39.15-4-18;and

WHEREAS, the applicant seeks a variance to operate an apartment house in a Highway Commercial Zone.

WHEREAS, the Town of Ulster Zoning Board of Appeals has duly advertised for a Public Hearing in the Kingston Freeman on said application and has held a Public Hearing thereon at the Town of Ulster Town Hall at 7:00 P.M. on November 1, 2006 and January 3, 2007 and,

WHEREAS, no one appeared at the Public Hearing in opposition to said variance and the applicant, through counsel appeared in support thereof and,

WHEREAS, under section 239.m of the General Municipal Law the County of Ulster Planning Board stated the applicant appears to meet the criteria for granting of a use variance. and recommended as a condition of the variance several requirements regarding upgrading of the site from a commercial /transient use to a residential use.

WHEREAS, the members of the Zoning Board of Appeals have determined that the requested use will not deter from the surrounding areas

WHEREAS, the members Zoning Board of Appeals voted unanimously to grant the Use Variance therefore

BE IT RESOLVED that a Use Variance to operate an apartment house on the property located at 2071 Ulster Avenue, Tax Map Parcel # 39.15-4-18 is approved contingent upon the applicant seeking site plan review within 90 days of the grant hereof and obtaining site plan approval of the Town of Ulster Planning Board with the further stipulation that the applicant shall take all legal steps necessary to cause the premises to

be vacant of all tenants until such time as a Certificate of Occupancy is issued for the use approved herein. It is further provided, as agreed by the applicant, that the town shall be copied on all documents pertaining to the eviction notices.

Variance Granted on January 3, 2007

Motion to adjourn made by Mr. White and seconded by Mrs. Markisenis with all in favor

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TOWN OF ULSTER

**RESOLUTION
TOWN OF ULSTER PLANNING BOARD**

FINAL SUBDIVISION PLAT APPROVAL

**QUICK CHEK ROUTE 9W
UNLISTED ACTION - COORDINATED REVIEW
P-339-2**

OCTOBER 19, 2006

REVISED JANUARY 18, 2007

WHEREAS, the Planning Board of the Town Ulster has received a Subdivision Application (339-2) from Quick Chek Corporation pertaining to a proposed three (3) lot subdivision; and

WHEREAS, the subject property consists of two separate tax lots totaling approximately 7.5 acres, located on the easterly side of NYS Route 9W, in the Town of Ulster, Ulster County, New York, within an RC Regional Commercial Zoning District, as designated on the Tax Maps of the Town of Ulster, as Section 39.082, Block 2, Lots 3.1 & 4; and

WHEREAS, the proposed subdivision seeks to reconfigure the existing two tax parcels to create three new building lots:

- Proposed lot 3.2, consisting of approximately 3.729 acres;
- Proposed lot 3.3, consisting of approximately 0.838 acres;
- Proposed lot 3.4, consisting of approximately 2.762 acres; and

WHEREAS, the proposed action also includes the demolition of an existing former single family residence and related improvements, and subsequent development of the three lots pursuant to a proposed Site Plan under consideration by the Town Board of the Town of Ulster; and

WHEREAS, the proposed site development components will be designed and integrated to function as a single site, with access proposed via two curb cuts along NYS Route 9W, one of which will be aligned with the Grant Road intersection and signalized accordingly; and

WHEREAS, appropriate cross easements are proposed to be established concurrent with the Final Site Plan Approval; and

WHEREAS, the southerly/southeasterly portion of the property is the preferred potential location for a future road serving as a Route 9W by-pass (connecting from Frank Sottile Boulevard, south of Route 209/199), as it provides for a future road alignment opposite of Grant Avenue; and

WHEREAS, the applicant has agreed to design the site development for portion of the property in such a way so as to lend itself to future conversion and dedication as a public road to the appropriate entity; and

WHEREAS, materials received in support of the proposed action include:

- > Site Plan Application;
- > Subdivision Application;
- > Copies of Deeds, etc;
- > Site Photos;
- > Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Dee, Dolan, Griffinger & Vecchione, March 1, 2006;
- > Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, April 26, 2006;
- > Letter to the Planning Board from Bohler Engineering, P.C., April 26, 2006;
- > Submittal Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, July 5, 2006;
- > Response Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, July 5, 2006;
- > Submittal Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, September 7, 2006;
- > Response Letter from Paul Going, P.E. and Alicia Costa, Atlantic Traffic & Design Engineers, with attachments, October 4, 2006;
- > Submittal and Response Letter from Tung To Lam and Jeffrey A. Martell, Bohler Engineering, P.C., October 4, 2006;
- > Proposed Scope of Traffic Analysis, Atlantic Traffic & Design Engineers, Inc., May 25, 2006;
- > Traffic Impact Analysis, Paul Going, RE, and Raymond J. Dipasquale, PE, P.P., C.M.E., September 7, 2006;
- > Stormwater Management Report, Rober L. Streker, P.E., Bohler Engineering, P.C., January 2006, revised to October 2006;
- > Part I Full Environmental Assessment Form, Jeffrey Martell, Design Engineer, January 13, 2006, revised to August 11, 2006;
- > Project Description;
- > Table of Deviations from Zoning Local Law;
- > Subdivision Plat, Gregory S. Gallas, LS, Control Point Associates, Inc., January 11, 2006, revised to January 13, 2006;
- > Proposed Floor Plan, A1, Sheet 1 of 4, Gary Kliesch, RA, GK+A Architects, January 12, 2006, revised to July 5, 2006;
- > Proposed Elevations, A2, Sheet 2 of 4, Gary Kliesch, RA, GK+A Architects, January 12, 2006, revised to July 5, 2006;
- > Proposed Elevations, A3, Sheet 3 of 4, Gary Kliesch, RA, GK+A Architects, January 12, 2006, revised to July 5, 2006;
- > Gas Canopy Elevations, Etc, A4, Sheet 4 of 4, Gary Kliesch, RA, GK+A Architects, January 12, 2006, revised to July 5, 2006;
- > Traffic Impact Analysis, Raymond J. Dipasquale RE and Paul Going, P.E., Atlantic Traffic & Design Engineers, Inc., dated September 7, 2006;
- > Cover Sheet, Sheet 1 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > General Notes Plan, Sheet 2 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Demolition Plan, Sheet 3 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Overall Site Plan, Sheet 4 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Site Plan, Sheet 5 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Signage Plan, Sheet 6 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Grading Plan, Sheet 7 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Wet Utilities Plan, Sheet 8 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Dry Utilities Plan, Sheet 9 of 21, R.L. Sucker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Landscape Plan, Sheet 10 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Lighting Plan, Sheet 11 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to July 3, 2006;
- > Soil Erosion & Sediment Control Plan SWPP "Site Plan" Phase I, Sheet 12 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Soil Erosion & Sediment Control Plan SWPP "Site Plan" Phase II, Sheet 13 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Detail Sheet (A), Sheet 14 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, revised to October 4, 2006;
- > Detail Sheet (B), Sheet 15 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Detail Sheet (C), Sheet 16 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Detail Sheet (D), Sheet 17 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Detail Sheet (E), Sheet 18 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Detail Sheet (F), Sheet 19 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Detail Sheet (G), Sheet 20 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
- > Signage Detail Sheet, Sheet 21 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006; and

WHEREAS, a Negative Declaration (pertaining to a larger SEQR Unlisted action for which the proposed subdivision action described herein is only a component) was issued in accordance with SEQR 6 NYCRR Part 617, by the Planning Board, as lead agency, on October 19, 2006, pursuant to a coordinated environmental review; and

WHEREAS, the Planning Board considered the proposed action at a duly noticed Public Hearing opened on August 17, 2006, continued on September 21, 2006, and closed on October 19, 2006, at which time all interested parties were heard; and

WHEREAS, as set forth in § 161-11.1 B of the Land Subdivision Regulations, the Planning Board is authorized in regard to the review of minor subdivisions to omit the procedural steps of Preliminary Plat Approval; and

WHEREAS, the Planning Board has considered the application materials submitted by the applicant in support of the proposed action, has considered the comments of the Board's consultants made via memoranda (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings and Public Hearing pertaining to the review and evaluation of the proposed action; and

WHEREAS, the Planning Board on October 19, 2006, adopted a Resolution granting Final Subdivision Plat Approval; and

WHEREAS, the NYSDOT subsequently informed the applicant that an additional right-of-way dedication, beyond that shown on the applicant's Final Subdivision Plat as approved by the Planning Board, will be required in order to provide a shoulder and to ensure that the proposed sidewalk is located within the right-of-way to allow for maintenance and public access;

FINAL SUBDIVISION PLAT APPROVAL

NOW THEREFORE BE IT RESOLVED, that upon full consideration of the above, the Planning Board hereby grants the application for Final Subdivision Plat Approval, submitted by Quick Chek Corporation for the 3-lot minor subdivision described herein, subject to the following conditions:

PRIOR TO PLANNING BOARD ENDORSEMENT OF FINAL PLANS

The following conditions shall be completed by the applicant prior to endorsement of the Final Subdivision Plans as Final by the Planning Board Chair and Planning Board Member:

1. Within one hundred eighty (180) days of the date of this Resolution of Approval, the applicant shall submit revised Plans, prepared in *final form* (in accordance with the Land Subdivision Regulations of the Town of Ulster) for final review by the Town Consulting Planner and signature by the Planning Board Chair and Planning Board Member. This Resolution authorizes only the activities approved herein and as delineated on the signed and *filed final Plans*. *Any alterations or modifications to the approved Plans or approved facilities shall require the prior review and approval of the Planning Board of the Town of Ulster; however, the anticipated additional right-of-way dedication required by NYSDOT shall not require prior review and approval of the Planning Board of the Town of Ulster, so long as it does not exceed five feet (5') in excess of the original ten foot (10') dedication shown on the approved Plans.*
2. The Subdivision Plat shall be revised as follows:
 - a. To address technical review comments of the Town Consulting Planner.
 - b. To include notes generally addressing the following:
 - *The applicant acknowledges that the Town of Ulster has a plan to develop a connector road extending from the terminus of Frank Sottile Boulevard across and connecting to NYS Route 199 and terminating at the Grant Avenue intersection of NYS Route 9W.*
 - *It is further acknowledged that the Subdivision and related Site Plan contain elements that obstruct this future roadway and agree that those obstructions will*

be removed at the request of the Town, at the applicant's expense, to allow for construction of the extension of Frank Sottile Boulevard.

- *The applicant agrees to reconfigure its southern access to accommodate the extension of Frank Sottile Boulevard as provided in the future plans for said road.*

3. *Site Development Plans* shall be prepared and submitted in accordance with the requirements of Code Chapter 145, and Final Site Plan Approval shall be obtained from the Town Board.
4. The applicant shall pay to the Town of Ulster all outstanding professional review fees.
5. The applicant shall furnish the Planning Board with one (1) mylar of the *Final Subdivision Plat*, revised as conditioned herein, for *final* review by the Town Consulting Planner and endorsement by the Planning Board Chair and Planning Board Member as the approved *final* Plat.
6. Upon payment of all required fees and submission of the revised *final* Plat evidencing the applicant's compliance with the conditions of this Resolution of Approval, including confirmation of such revisions by the Town Consulting Planner, the Planning Board Chair and Planning Board Member shall be authorized to endorse the revised Plat as *final*.
7. Following the endorsement of the Plat by the Planning Board Chair and Planning Board Member as *final*, the mylar will be returned to the applicant for filing of the *signed* Plat with the Office of the Clerk, of Ulster County, within sixty (60) days of the approval date.
8. Within ten (10) days after filing of the Plat, the applicant shall deliver to the Planning Board Secretary three (3) duplicate copies of the Plat as filed, showing all signatures and acknowledgments of filing. *No Building Permit shall be granted by the Building Inspector until copies of the required final signed print sets are provided to the Planning Board Secretary and all other applicable conditions above have been complied with.*

PRIOR TO ISSUANCE OF ANY FUTURE BUILDING PERMITS

The following conditions shall be completed prior to the authorized issuance by the Building Inspector of any Building Permit:

9. The Building Inspector shall not issue any Building Permit until the Final Site Plan Approval has been received and copies of the signed and filed final Site Development Plans have been provided to the Town Board and Planning Board.
10. This Resolution authorizes only the subdivision of the site into three new lots. No site work, tree or land clearing, or construction activity is authorized to commence as a result of this Resolution and can not commence without prior compliance with the conditions as set forth herein and without the prior issuance of required State, County and/or local permits pertaining to same, and copies thereof provided to the Building Inspector.
11. A minimum of forty-eight (48) hour notification to the Building Inspector prior to the commencement of permitted site construction activity shall be provided.
12. Prior to the commencement of any site work or construction activity, erosion and sedimentation controls shall be installed and shall be subject to continual maintenance and additional controls as may be required by the Building Inspector or its authorized agents.

13. All new utilities shall be installed underground, if underground installation is approved by the applicable utility companies.
14. All site development activities shall be in accordance with the approved Final Site Development Plans.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

The following conditions shall be completed prior to the issuance of a Certificate of Occupancy by the Building Inspector:

15. Prior to the issuance of a final Certificate of Occupancy by the Building Inspector, an "As Built" plan showing the installed and completed improvements, certified by a New York State licensed Land Surveyor shall be prepared at the sole expense of the Owner and/or Developer. Said As-Built plan shall be provided to the Building Inspector and the Town Consulting Planner, documenting satisfactory completion of all authorized construction activities and zoning compliance.
16. Prior to the issuance of any Certificate of Occupancy by the Building Inspector, all site utilities shall be installed and operational, including but not limited to septic, water supply well, electric and telephone.
17. Prior to the issuance of any Certificate of Occupancy, the Building Inspector shall confirm that all aspects of construction, as set forth in the notes and details on the Final Site Development Plans have been complied with.
18. Failure to comply with any of the conditions set forth herein shall be deemed a Violation of this Approval, which may lead to the revocation of said Approval, or the revocation by the Building Inspector of any issued Certificate of Occupancy pertaining thereto.
19. A Certificate of Occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the buildings or lands to which it applies, and shall continue in effect as long as such buildings and the use thereof, or use of such lands, is in full conformity with the provisions of Ulster Zoning Ordinance and any requirements made pursuant thereto.

APPROVAL EXPIRATION

BE IT FURTHER RESOLVED, conditional approval of the Final Subdivision Plat shall expire one hundred eighty (180) days after the date of this Resolution if said Plat is not *signed* by the Planning Board Chair and Secretary, and all requirements have not been certified as completed as set forth in this Resolution of Approval; and

BE IT FURTHER RESOLVED, that the Planning Board, and only the Planning Board, may extend the time in which the conditionally approved Final Subdivision Plat in *final* form must be submitted for signature, if in its opinion such extension is warranted by the particular circumstances thereof, for not to exceed two (2) additional periods of ninety (90) days each; and

BE IT FURTHER RESOLVED, that this Approval shall expire if the *signed* Final Subdivision Plat is not filed or recorded in the office of the Ulster County Clerk, Division of Land Records within sixty (60) days of the date of signing.

ADOPTION OF RESOLUTION

WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Ulster as follows:

The motion was moved by Lucente.

The motion was seconded by Budziak.

The vote was as follows:

FRANK ALMQUIST	<u>AYE</u>
GEORGE LUCENTE	<u>AYE</u>
LARRY DECKER	<u>AYE</u>
RENNO BUDZIAK	<u>AYE</u>
OZZIE BEICHERT	<u>AYE</u>



Frank Almquist, Vice Chair

1/19/2007

Date