

Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday February 16, 2010 at 7:00 p.m. at the Town Hall Lake Katrine New York. The following members were present:

Renno Budziak -Chairman
Larry Decker
Scott Ricketson
Ozzie Beichert
Alan Sorensen – Planner

A motion to accept the minutes from the January meeting was made by Mr. Beichert with a second from Mr. Decker. All were in favor.

Ulster Manor – Public Hearing Part II

(Dan Shuster, special planning consultant, also in attendance)

Joseph Diamond (Archaeological consultant for the Town) appeared. Mr. Diamond stated there are some misconceptions on the work that he completed on the project; Mr. Diamond stated he did not work on this project, he wrote a letter reviewing Phase 1A, 1B and the proposed Phase 2 in 2006. Another letter was written about 1 1/2 weeks ago responding to submissions made at last months Planning Board meeting. At last months meeting it was suggested that a Phase 3 report prepared by Mr. Diamond was missing Mr. Diamond stated no such report was ever written. Mr. Diamond stated he studied the Kingston Site materials at the NYS museum in the 80's. Mr. Diamond goes on to summarize his latest letter with the Board. Mr. Diamond has reviewed the documents submitted to the Planning Board; some were relevant other were not. Hartgen Associates has gone completed all necessary steps; they have followed the standards of 1994 and followed the 2005 guidelines, everything they have produced meet Parks & Rec. approval. Mr. Diamond feels there is no need to critique the archeology finding anymore; some people at the last meeting have stated more archeology work need to be done but that is not the way it works. Hartgen proposed the samples to be excavated for the approval by the NYSOPR & HP. Mr. Ricketson asks if it is Mr. Diamond's opinion that the Archeology report is completed; Mr. Diamond states it meets all requirements.

Adam Luscier (Archaeological consultant for the applicant) states the archeological investigations he preformed were in compliance with SEQRA and Section 14.09 of the State Historic Preservation Act. The Phase I investigation of the entire site included background research of the site; that is when it was discovered that the Kingston Site was in the vicinity of the project area. Additional research for field notes and other records was conducted in hopes of finding where the Kingston Site might be. It is not unusual for the records to be obscure for older sites. That is where some the confusion on site location may have arisen. Mr. Luscier goes to state that an archeological site was identified on the Ulster Manor project area and subsequently his firm did Phase II and

Phase III excavations on the site. The Phase III is the final report. Mr. Luscier explains the process stating first you identify the site that has valuable information then data retrieval is completed and you collect as much information as possible and put it in a Phase III report. The artifacts that were found at the Manor site do not match the artifacts that were recovered from the Kingston site that are at the NYS museum. The artifacts found at the Manor site were from a culture that was 3,000 years earlier than the Kingston site. The Kingston Site was a large site with many artifacts; with the amount of excavations that were done on the Manor site some artifacts matching the Kingston Site should have been found if it was the same site. Mr. Luscier states Phase III report was not withheld. It took years to catalog and analyze the 20,000 artifacts that were collected. The excavations took place in 2004 & 2005; it took 4 years to finish the report. Mr. Budziak questioned if the site was in need of future research or preservation. Mr. Luscier states that very few sites make it through Phase I-III, this is a significant cultural resource, and the applicant has followed the protocol and is in compliance. The applicant has made some design changes and there are no longer building lots on the identified site only a road going through it. Mr. Luscier states he feels there is no need for any further archeological study on the site. Mr. Shuster questioned if there is value in preserving any unexcavated areas of the site. Mr. Luscier explains the way an archeological study is done; it is a step by step process that homes in, it starts out on a broad scope and defines the area of study. With each step the interval of testing is closer and closer until you hone in on areas of the site that offer the most valuable information. That is where the Phase III mitigation focus was on. The report is a full catalog of what was collected, exactly where it came from. The site is preserved for eternity for others to study. By mitigating the site anyone can research the site by visiting the collection; and make their own interpretation without the benefit of the site.

Betsy Stang read a letter submitted as exhibit #1.

Tobias Lake attorney for the applicant requests the comments be limited to the subdivision application such as road layout and lot lines. Mr. Budziak replied he could not limit what the comments are.

Susan Higgins speaks of the rights of Native Americans.

Rev. James David Audlin speaks of how the Native Americans feel about the land.

Rev. Judith Boggess read a letter submitted as exhibit #2.

Deborah Sanchez speaks of the rights of Native Americans.

Barbara Sturtecky feels the site should be saved as it is a burial ground.

Elga Antonsen reads a poem.

Herb Sawtell reads and presents a petition opposing the connection between Quail Drive and the Manor Site. Exhibit #3.

Robert Barton voices concerns on special districts, construction vehicles and blasting. Mr. Budziak states is Mr. Barton puts his concerns in writing the Board will respond to his letter.

Donna Coane reads a letter submitted as exhibit #4.

Judy Abbott reads a letter submitted as exhibit #5.

Vincent Guido reads a letter submitted as exhibit #6.

Valeria Gheorghiu reads a letter submitted as exhibit #7.

Glenn Kreisberg the Vice President of the New England states there have been sites where mitigation has preserved and protected what has been found on the site.

Tobias Lake attorney for the applicant addressed the Board stating he did not have anything more to say about the archeology issues Mr. Diamond and Luscier have addressed those factual issues. The issues have been addressed in the Finding Statement and the Office of Parks, Recreation and Historic Preservation the agency with authority over these matters. Mr. Lake request the Public Haring be closed as he is not sure of the reasoning for keeping it open any further into the future, people have been given the opportunity to speak. Some people that made comments last month were given another opportunity to speak this month. Many of the issues have been rehashing of previously addressed environmental issues. The out standing engineering issues are of technical detail that can be addressed after the preliminary approval; the issues that are in Mr. Schuster's letter are issues that are generally dealt with after preliminary approval prior to final approval. Mr. Budziak states that that request will not be granted. Mr. Budziak goes on to state he has spoken to Mr. Schuster and the Town's Engineer and the Engineer stated the outstanding engineering issues should have been address before having a Public Hearing. Those issues should be reviewed before the next meeting so the Public Hearing will remain open. Mr. Lake asks if the applicant submits site details that meet the specification for final plat approval is the Planning Board going to be ready to issue a preliminary and final plat approval at that time. Mr. Budziak says no.

Ulster Crossings – Site Plan Revision

James Boglioli appeared on behalf of the application for a change of use. Mr. Boglioli stated that there are no site changes, the parking requirements are the same for retail and office space. The facade will not change other then the signage and awnings. Mr. Sorenson stated the application is straight forward the interior renovations are being reviewed by the Building Department; the application is an unlisted action in regards to SEQRA. Mr. Sorenson recommends the Board issue a Negative Declaration and approve the change of use.

Action: A motion to accept the Planners recommendation is made by Mr. Beichert with a second from Mr. Decker. All were in favor

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Benderson Development Company, LLC, for Site Plan Approval for a "*Change in Use*" to establish a 6,118 square foot (SF) Aspen Dental medical office in the tenant space formerly occupied by Ann Taylor *Loft* within the Ulster Crossings Mall; and

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

- *Site Plan Application* prepared by James Boglioli, Esq. dated February 1, 2010;
- *SEQRA Short EAF* prepared by prepared by James Boglioli, Esq. dated February 1, 2010;
- *Application Cover Letter* prepared by James Boglioli, Esq. dated February 1, 2010;
- *Narrative Description* prepared by Shawn Christopher of Aspen Dental dated 1/29/2010;
- *Zoning Compliance Table* prepared by Benderson Development Company, LLC dated 1/27/10;
- *Floor Plan/Elevation* prepared by Benderson Development Company, LLC dated 12/4/09;
- *Detailed Floor Plan* prepared by Excel Engineering, Inc. dated 12/16/2009;
- *Sign Details* prepared by Chandler Signs dated 12/31/09; revised February 9, 2010;
- *Awning Details* prepared by Chandler Signs dated 12/31/09; and
- *Ulster Crossings Leasing Plan* prepared by BDC, LLC dated 1/27/10.

WHEREAS, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants and the Town Water & Sewer Departments made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF) Part) found that the Proposed Action will not have an adverse impact on the environment; as Lead Agency made a determination of non-significance and issued a Negative Declaration pursuant to Part 617 of SEQRA.

NOW THEREFORE BE IT RESOLVED that the Planning Board has determined that they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act (SEQRA); and

FURTHER BE IT RESOLVED, the application by - Benderson Development Company, LLC - for Site Plan approval to establish a 6,118 SF Aspen Dental medical office within the Ulster Crossing Mall is granted, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable Building Codes requirements; and
2. Compliance with Town of Ulster Sewer Department requirements.

Aunt Jenn's Early Learning and Daycare Center – Site Plan, Special Use Permit

Richard Praetorius appeared on behalf of the application for site plan and special use permit. The applicant is proposing to convert the first floor of an apartment house to an early learning center/daycare. Four apartments will remain the second floor of the dwelling. There are also two mobile homes on the parcel. This parcel is in the 100 year Floodway. The daycare will have a fenced in play area; the dumpster will be in the rear of the site. A concrete sidewalk with a handicapped ramp will be installed for the daycare. The applicant will be meeting with the Sewer Department to discuss their concerns with the site. Mr. Sorensen request the applicant look at the existing fence on the site to see if it is need of repair. Mr. Praetorius stated he will submit the sign detail to be reviewed at the next meeting. Mr. Sorensen suggested a monument sign. Mr. Sorensen stated the applicant will need to submit an Emergency Evacuation Plan as per the requirements of the NYS Office of Child and Family Services. Mr. Praetorius stated the applicant will submit the plan to the Board once it is approved by the State. Mr. Sorensen stated the Planning Board forward the application to the Town Board as they will be the Lead Agency.

Action: A motion to refer the application to the Town Board for declaration of Lead Agency was made by Mr. Decker with a second from Mr. Ricketson. A roll call vote was taken with all in favor.

Lula Nikgjonaj –Site Plan

Lula Nikgjonaj appeared on behalf of the application for a 3 family dwelling. Ms.Nikgjonaj stated she bought the house in 80's and it was a 3 family dwelling; it was recently discovered the 3rd apartment was put in illegally; she now needs site plan approval to make the 3 family dwelling legal. Mr. Sorensen reviews the plan with the Board stating the lot size is compliant as is the parking. The site plan shows 2 parking spaces for a home occupancy but there is no business being run out of the house at this time. No changes on the site will occur. Mr. Sorensen recommended approval with the condition of Building Code Compliance. The project is a Type II action and a Negative Declaration should be granted.

Action: A motion to accept the Planner's recommendation was made by Mr. Ricketson with a second from Mr. Decker. A roll call vote was taken with all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Lula Nikgjonaj seeking Site Plan approval to establish a three-family dwelling within an existing residential structure at 140 Yarmouth Street; and

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

- *Memorandum* prepared by Karl Schuerzinger, Town Building Department dated 2/1/10;
- *Site Plan Application* prepared by Lula Nikgjonaj dated February 1, 2010;

- *SEQRA Short EAF* prepared by Lula Nikgjonaj dated February 1, 2010; and
- *Site Plan for 3-Unit Residential Building* prepared by Edward C. Pine, P.E. dated 1/27/10.

WHEREAS, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants and the Town Building, Sewer & Water Departments made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Subject Site has sufficient lot area to meet the bulk requirements for the three-family residence in the R-10 Residential Zoning District; and

WHEREAS, the Site Plan submitted provides for sufficient off-street parking for the three-family residence; and

WHEREAS, the applicant appeared before the Planning Board at its February 16, 2010 meeting to discuss the Proposed Action and to clarify certain aspects of the application; and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF) Part) and information provided by the applicant at the Planning Board meeting found that the Proposed Action is a Type II Action in accordance with 6NYCRR Part 617.5 (c) (9) of the State Environmental Quality Review Act.

NOW THEREFORE BE IT RESOLVED that the Planning Board has determined that they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act (SEQRA); and

FURTHER BE IT RESOLVED, the application by - Lula Nikgjonaj - for Site Plan approval to establish a three-family residence at 140 Yarmouth Street is granted, subject to the conditions, limitations and restrictions set forth below.

1. Full compliance with applicable Building Codes requirements for each dwelling.

Motioned by: Mr. Ricketson	All in Favor:	All Opposed:
Seconded by: Mr. Decker		
Renno Budziak	yes	_____
Ozzie Beichert	yes	_____
Larry Decker	yes	_____
Gary Mulligan	absent	_____
Scott Ricketson	yes	

Smoker’s Choice –Site Plan – Change of use

Nadine Carney appeared on behalf of the application for a change of use. The applicant is proposing to change the gas station at 1146 Ulster Avenue to a Smoker’s Choice retail

outlet. Ms. Carney stated the applicant would like to renovate the existing structure and place a drive-thru window in the rear of the building. The entrance to the site is to remain the same some grading will occur in the rear of the building. Mr. Sorensen reviewed his memo stating the applicant should create a landscape island between the two curb cuts, the pole sign should be replaced with a monument sign and the canopy should be removed. Ms. Carney stated the applicant will be added landscaping to the parcel in areas other than the curb cut area, she states NYS DOT does not allow shrubs in their right of way. She goes on to state the applicant would like to keep the pole sign and canopy. A long discussion on landscaping and signage follow; it was decided Mr. Sorensen will visit the site and send a memo on the signage issue. The Board was polled and it was decided the canopy on site should be removed.

Action: A motion to refer to the County Planning Board was made by Mr. Beichert and seconded by Mr. Decker a roll call vote was taken with all in favor.

Hudson Valley Cycle/ Rompella

Mr. Sorensen reviewed his memo with the Board; the applicant has been asked to provide additional information; the applicant is in the process of revising the plans. The plans should be referred to the Ulster County Planning Board for review.

Action: A motion to refer the application to the Ulster County Planning Board was made by Mr. Decker with a second from Mr. Ricketson. A roll call vote was taken with all in favor.

A motion to adjourn was made by Mr. Decker with a second from Mr. Ricketson; all were in favor.

Respectfully Submitted,

Mary Secreto
Planning Secretary