

## Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday April 6, 2010 at 7:00 p.m. at the Town Hall Lake Katrine New York. The following members were present:

Renno Budziak -Chairman  
Larry Decker  
Gary Mulligan  
Ozzie Beichert  
Scott Ricketson  
Alan Sorensen – Planner  
Dan Shuster – Consulting Planner

### **Sabino- Lot Line Adjustment**

Don Brewer appeared on behalf of the application for a Lot Line Adjustment. Mr. Kovacs states that he has reviewed the deed for this property and there are no restrictions on records. Mr. Sorensen states this is a straight forwarded application; the Board should issue a Negative Declaration and approve the Lot Line Adjustment.

**Action:** A motion to grant a Negative Declaration as per SEQRA was made by Mr. Beichert with a second from Mr. Decker. A motion to approve the Lot Line Adjustment was made by Mr. Decker with a second by Mr. Beichert. All were in favor.

### **Hudson Valley Cycle/Woodstock Powersport**

Judy Rompella appeared on behalf of the application for site plan revision; Ms. Rompella states the remaining issues on her site plan were the placement of handicap signage on the plans and lighting. There is no lighting on the front of the site. The site is lit by Central Hudson lighting. Mr. Sorensen states that all issues have been addressed and he recommends the board issue a Negative Declaration and approve the site plan.

**Action:** A motion to issue a Negative Declaration as per SEQRA was made by Mr. Ricketson with a second from Mr. Mulligan. A motion to grant site plan approval was made by Mr. Decker with a second by Mr. Mulligan. All were in favor.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Hudson Valley Cycle Center, Rompella Enterprises, LLC for Site Plan Amendment Approval to allow them to construct a roofed structure to cover an existing concrete walkway and create an enclosed entrance to the existing 18,000 SF retail building; and

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

- *Narrative Description* of proposed action prepared by David Rider, P.E. dated 12/01/09;
- *Application for Site Plan Review* prepared by David Rider, P.E. dated December 1, 2009;
- *SEQRA Short EAF* prepared by David Rider, P.E. dated December 1, 2009;

- *Copy of NYSDOT-approved curb cut design* for Project Site;
- *Awning & Entry Building Enclosure Plan* prepared by David Rider, P.E. dated 4/14/09; and
- *Site Plan* prepared by David Rider, P.E. dated 12/21/09; revised 1/21/10 and revised 3/2/10;

**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 consultant planner, and Ulster County Planning Board 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) 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 - Hudson Valley Cycle Center, Rompella Enterprises, LLC - for Site Plan Amendment Approval to allow them to construct a roofed structure to cover an existing concrete walkway, create an enclosed entrance to the existing 18,000 SF retail building and make other site improvements as required by the Planning Board is granted, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable Building Codes requirements;
2. Submission of a final Site Plan indicating the location of the handicap signs along with a detail for said signs; and
3. Provision of replacement lighting specifications for any existing exterior lighting fixtures without full cutoff lens or shields.

### **Smoker's Choice- Site Plan/Change of Use**

Nadine Carney appeared on behalf of the application for a change of use. Ms. Carney states the remaining issue before the Board is signage on the site. After a long discussion on the sign it was agreed the 1146 should be larger and the base does not need to be stone but can be an aluminum base in a natural color. Mr. Sorensen states the Ulster County Planning Board had 2 required modifications; the 1<sup>st</sup> being the curb cuts being angled further and the 2<sup>nd</sup> a landscaped median along the frontage of the site. The NYS DOT has approved the curb cut submitted without the angled curbing therefore Mr. Sorensen recommends overriding that recommendation. The Sewer Department has requested no landscaped medium be placed in the front of the site as that is where they park their truck when doing maintenance. Mr. Sorensen recommends the Board grant approval of the project overriding the UCPB required recommendations for angled curbing and landscaped median.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Choice Properties of NY, LLC dba Smoker's Choice, for Site Plan Approval for a "*Change in Use*" to establish a 1,380 square foot (SF) Smoker's Choice retail store with a new drive-thru window on a retail site that formerly houses a gas station with a mini mart; and

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

- *Project Narrative for Smoker's Choice* prepared by Brinnier & Larios, PC dated 2/8/2010;
- *Application for Site Plan Review* prepared by Nadine Carney, P.E dated February 9, 2010;
- *SEQRA Short EAF* prepared by Nadine Carney, P.E dated February 4, 2010;
- *Affidavit of Ownership & Owner's Consent* by Louis DiDonna dated February 5, 2010;
- *Existing Conditions & Proposed Site Plan* prepared by B&L, PC February 2010;
- *Lighting, Grading and Soil, Erosion & Sediment Control Plan* prepared by B&L, PC dated February 2010;
- *Wall Sign Specification* prepared by Marshall Sign Corp. dated February 9, 2010; and
- *Pole Sign Specification* prepared by Marshall Sign Corp. dated February 9, 2010.
- *Cover Letter* prepared by Nadine Carney, Project Engineer for B&L dated March 2, 2010;
- *NYSDOT Highway Work Permit Application* by Smoker's Choice dated 3/2/2010;
- *Existing Site Conditions & Proposed Site Improvement Plan* prepared by B&L, PC February 2010; revised March 1, 2010;
- *Lighting, Grading and Soil, Erosion & Sediment Control Plan* prepared by B&L, PC dated February 2010; revised March 1, 2010; and
- *NYSDOT Highway Access Improvements* prepared by Brinnier & Larios, PC dated 3/1/2010; and
- *Cover Letter* prepared by Nadine Carney, Project Engineer for B&L dated March 22, 2010;
- *Existing Site Conditions & Proposed Site Improvement Plan* prepared by B&L, PC February 2010; revised March 1, 2010; revised March 22, 2010;
- *Lighting, Grading and Soil, Erosion & Sediment Control Plan* prepared by B&L, PC dated February 2010; revised March 1, 2010; revised March 22, 2010 and
- *Sign Specification for Monument Sign* prepared by Marshall Sign Corp dated 3/17/10.

**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 consultant planner, Town Sewer Department and Ulster County Planning Board made via memoranda (which memoranda are incorporated herein by reference); and

**WHEREAS**, upon consideration of the Ulster County Planning Board's required modifications the Town of Ulster Planning Board determined that two required modifications were impractical to implement due to site-specific limitations.

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF) 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**, that the Town of Ulster Planning Board does hereby override the Ulster County Planning Board's required modifications as follows:

1. The UCPB requires that the modified curbs be angled as a further means of restricting disallowed turning movements.
2. A landscape median is required along the frontage in coordination with NYSDOT standards.

**FURTHER BE IT RESOLVED**, the application by - Choice Properties of NY, LLC - for Site Plan approval to establish a 1,380 SF Smoker's Choice retail establishment with a drive-thru window is granted, subject to the conditions, limitations and restrictions set forth below.

1. Issuance of NYSDOT Highway Work Permit;
2. Filing of a Memorandum of Understanding (MOU) for Sidewalks with the Town of Ulster;
3. Submission of revised monument sign specification meeting Town Planning Board's required modifications, and
4. Escrow account paid in full.

**Action:** A motion to override the UCPB required recommendations for the landscape medium and angled curb cut was made by Mr. Mulligan and seconded by Mr. Beichert. All were in favor. A motion to grant approval of the project was mad by Mr. Decker with a second from Mr. Ricketson. All were in favor.

### **Design Manual for Hudson Landing**

Dan Shuster Consulting Planner for the Town reviewed the motion before the Board stating the Board referred the Design Manual to the Ulster County Planning Board in December; the UCPB came back with a 14 page comment letter. The Board has received the response to the comments; the resolution endorses the responses. Mr. Shuster states

as required by Zoning Law 2 documents were referred to the UCPB, the Design Manual and the Development Plan. The Development Plan is conceptual it establishes things like the road system, the development footprint and building by general use areas. The County commented on areas of the plan that were inconsistent with the guidelines these inconsistencies will change during Site Plan review more specific plans will be submitted. The city of Kingston and the Town have received the identical review; the City has approved an identical response.

**Action:** A motion to approve the response to the Ulster County Planning Board was made by Mr. Mulligan and seconded by Mr. Decker with all in favor.

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

Respectfully Submitted

Mary Secreto  
Planning Secretary