

## Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday April 20, 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  
Scott Ricketson  
Alan Sorensen – Planner

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

### **Ulster Manor**

A motion to adjourn the Public Hearing to the next regular scheduled meeting due to changes that may be forthcoming to the site plan was made by Mr. Decker with a second from Mr. Ricketson. All were in favor.

### **White Castle – Site Plan Revision**

Eric Meyn appeared on behalf of the application for a 2,586 sq ft White Castle with drive thru. The second access that was requested by the Fire Chief was taken off the plan as requested by the Town Highway Superintendent and Town Engineer as there are issues with sight distance. The grading has been adjusted and additional curbing has been added. The island by Staples has been opened for truck traffic as requested. There were a number of comments from the County Planning Board; one comment was the widening of the entrance at Rt. 9W the applicant feels that adding a left turn land and stop sign would impact the traffic on the rest of the site. The request for new signage is problematic for the applicant as it is a lease issue. The applicant is willing to clean up the sign as far as cleaning the poles on the existing sign and refacing some signage. Mr. Meyn reviewed the traffic flow with the Board. Mr. Sorenson states the building colors should have more contrast; Mr. Meyn states the new proto-type is White Castle White, the sign will be lit internally the applicant will not be able to use the gooseneck lights. Another comment from the County is a sidewalk plan within the site; a short discussion on the merits of a sidewalk plan. The Board requested a letter from the applicant on why the County comments cannot be addressed. Stormwater will be reviewed by Brinnier & Larios. No action was taken.

### **Hess Route 28**

Tom Harvey behalf of the application for a shed on the site to store paper products. The shed will be on the left of the existing building Mr. Sorensen states the plan is straight

forward; the County Planning Board has stated there is no county impact. Mr. Sorensen states the project is a Type II action and will have no adverse effect on the environment; the Board should approve the project.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Amerada Hess Corporation* for Site Plan Amendment approval to allow them to place a 10 ft x 20 ft wood frame storage shed in the *northwest corner* of a commercial site with an existing Hess Gas Station Convenience Store; and

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

- *Town of Ulster Site Plan Application and Project Narrative* prepared by David Raber of Northeast Petroleum Technologies dated February 3, 2009;
- *Short Environmental Assessment Form* prepared by David Raber agent dated February 3, 2009;
- *Proposed Site Plan Amendment* map prepared by Morris Associates Engineering Consultants-PLLC dated March 2, 2010.
- *Project Narrative* prepared by Thomas Harvey, Project Engineer, Morris Associates, 3/26/10; and
- *Proposed Site Plan Amendment* map prepared by Morris Associates Engineering Consultants-PLLC dated March 2, 2010; revised 3/25/10.

**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, New York State Department of Transportation, Town Sewer Department 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 that the Proposed Action constituted a TYPE II Action 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 - *Amerada Hess Corporation* for Site Plan Amendment approval to allow them to place a 10 ft x 20 ft wood frame storage shed on their commercial property located at 416 NYS Route 28 is granted, subject to the conditions, limitations and restrictions set forth below.

1. Construction to be in compliance with all applicable building codes; and
2. Escrow account paid in full.

**Action:** A motion to accept the Planner's recommendation was made by Mr. Ricketson with a second from Mr. Decker. All were in favor.

## **Trustco Bank – Site Plan Revision/ Change of Use**

Nick Sadler appeared on behalf of the application for a Site Plan Amendment & Change of Use. The applicant is proposing to renovate 1,645 sq ft of vacant retail space and establish a bank with a drive thru window. Mr. Sadler reviewed the Planner's memo with the Board stating information of peak demand of the drive thru has been submitted and cross access has been added to the plan. Two Dogwood trees have been replaced with low growing shrubs as recommended. Mr. Sorensen states the County has requested the curbs be modified; NYS DOT has approved the plans and has the final say on access; therefore the recommendation the board will need to override. The Board will also need to override the County's recommendation on lighting as per NYS Law Banks are required to have a specific level of lighting. Mr. Sorensen recommends the Board make a determination of Non-significance and issue a negative declaration and grant conditional final approval.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Trustco Bank for approval of a *Site Plan Amendment* and *Change in Use* to establish a 1,645 square foot (SF) bank within an existing commercial building located at 1220 Ulster Avenue; and

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

- *Project Narrative for Trustco Bank* prepared by Barry Medenbach, PE dated 2/11/2010;
- *Application for Site Plan Review* prepared by Barry Medenbach, PE dated 2/11/2010;
- *SEQRA Short EAF* prepared by Edward Sprague, P.E dated February 11, 2010;
- *NYS DOT Correspondence* from David Corrigan - Permit Engineer dated 2/23/10;
- *Existing Conditions Site Plan* prepared by Medenbach & Eggers, P.C. dated 11/19/09;
- *Detail Sheet* prepared by Medenbach & Eggers, P.C. dated 1/28/10.
- *Site Plan* for Proposed Trustco Bank prepared by Medenbach & Eggers, P.C. dated 1/28/10; revised 3/1/10; revised 3/18/10;
- *Landscaping Plan* prepared by Medenbach & Eggers, P.C. dated 3/18/10; revised 4/5/10;
- *Lighting Plan* prepared by Medenbach & Eggers, P.C. dated March 18, 2010;
- *Sign Specifications* prepared by Graphic Impact dated April 5, 2010;
- *Architectural Conceptual Drawings* submitted by applicant; and
- *Site Details* prepared by Medenbach & Eggers, P.C. dated March 18, 2010.

**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, New York State Department of Transportation, 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 Trustco Bank site should be limited to right-in/right-out movements with curbing to disallow any left-hand turn access; and
2. All luminaries are required to meet the "fully shielded" definition adopted by the International Dark Sky Association (IDSA) or be an approved fixture of IDSA.

**FURTHER BE IT RESOLVED**, the application by - Trustco Bank - for Site Plan approval to establish a 1,645 square foot (SF) bank within an existing commercial building located at 1220 Ulster Avenue 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 Site Plan with notation for cross easement between Trustco Bank Site in vicinity of existing commercial center directory sign.
4. Submission of building elevations that drawn to scale consistent with the conceptual elevations provided by the applicant.
5. Escrow account paid in full.

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

A motion to override the County Planning Board's recommendation on right in right out/ movements was made by Mr. Ricketson with a second from Mr. Mulligan

with all in favor.

A motion to grant Conditional Final approval was made by Mr. Mulligan with a second from Mr. Decker all were in favor.

### **Panera Bread – Site Plan Revision**

Matt Jacobi appeared on behalf of the application for site plan revision regarding a drive thru window at Panera Bread in the Benderson Plaza. Mr. Jacobi states he met with the Highway Superintendent before the meeting to discuss possible change in the plan. The applicant is looking into moving the guiderail that is on the site back towards the Town road this will widen the driveway. A long discussion on the site and the Boards concern with the stacking issues as well as the traffic circulation on the site followed. Mr. Jacobi states there will be a preview board on the site and this will help the stacking issue. The applicant submitted a drive thru service time report to the Board. Mr. Ricketson voiced concerns with the traffic issue that may occur on John Clark Drive. The applicant will resubmit plans for next month meetings. No action was taken.

### **Estate of Douglas Durling – Lot Line Deletion /Adjustment**

Michael Vetere III appeared on behalf of an application for a lot line deletion and adjustment. Mr. Vetere submitted copies of the deeds to the Board; the proposed adjustment will consist of removing a lot line to the South and adjusting the lot line to the North to form two undersized lots. One lot will be .06 acres the other .84 acres; the applicant received a variance to create two undersized lots in May of 2008. Mr. Sorensen states the application is straight forward; his recommendation is to render a determination of Non-Significance and grant approval of the application.

**WHEREAS**, the Planning Board and its consultant planner have reviewed an application by The Estate of Douglas Durling for a ‘Lot Line Adjustment’ to *combine* two existing parcels into one tax map parcel; while concurrently adjusting the lot line between two existing parcels that are located within the R-60 Residential Zoning District on Tuytenbridge Road; and

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

- *Lot Line Adjustment Application* prepared by Michael F. Vetere, Jr. L.S. dated 4/6/2010;
- *SEQRA Short EAF* prepared by Michael F. Vetere, Jr. L.S., PLLC dated 4/6/2010;
- *Map of Survey Showing Lot Line Deletion/Adjustment* prepared by Michael F. Vetere, Jr. L.S., PLLC dated March 31, 2010; and
- *Zoning Board Resolution* by Robert Porter, former ZBA Chairman dated May 7, 2008.

**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 made via memoranda (which memoranda are incorporated herein by reference); and

**WHEREAS**, proposed action meets the Town Code definition of a Lot Line Adjustment and as such is not a "subdivision" or "resubdivision" as defined therein; and

**WHEREAS**, a public hearing is not required for a Lot Line Adjustment; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Short EAF) found that the lot line adjustment 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 upon full consideration of the above, the Planning Board hereby grants approval of the Lot Line Adjustment by The Estate of Douglas Durling.

**Action:** A motion to grant a negative declaration as per SEQRA is made by Mr. Decker with a second from Mr. Mulligan. A motion to grant approval was made by Mr. Ricketson with a second from Mulligan.

#### **Eats Village Farm – Site Plan**

The applicant spoke to Mr. Budziak and Mr. Sorensen before the meeting; she stated she has contacted the County Highway Department and is waiting on a response. Mr. Sorensen stated the applicant is proposing a farm stand on Sawkill Road. The applicant will be coming to a workshop meeting after the County Highway comments are reviewed.

No action was taken.

#### **EPO Excavating & Timber Co. – Timber Harvest**

Eric Orr appeared on behalf of the application for a timber harvest. Mr. Sorensen reviewed the application with the Board. The applicant has submitted an application with a timber harvest plan; the harvest will consist of approximately 300 trees on 200 acres, the operation hours will be 7:30 – 4:30 Monday – Friday and will take about 6 months to complete. Mr. Orr states that he has contacted NYS DOT and no permits will be required, he will be keeping a 100ft buffer from the wetlands in the area; these wetland are not protected wetlands but have been created from the runoff from the mining operation. Mr. Sorensen states a performance bond will need to be submitted along with an estimate to restore the logging trails to their original condition. Mr. Orr states he will be using the existing roads on the site. Mr. Sorensen states there have been complaints from neighboring property owners on the use of ATV's on the property. This issue will need to be addressed; Mr. Orr states he has forwarded the concern to the property owners.

Supervisor Quigley states that the entrances to the site will need to be barricaded so out of town people cannot access the site as it is being used for a shooting range and ATV riding. A short discussion followed on how the entrances should be block. Mr. Sorensen recommends the application be forwarded to the Town Board for a Public Hearing.

**Action:** A motion to forward the application to the Town Board is made by Mr. Decker with a second from Mr. Ricketson; all were in favor.

### **Christina's Restaurant – Site Plan Revision**

Peter Kyriacou appeared on behalf of the application for a site plan revision. Mr. Kyriacou states he would like to add a roof over the existing patio adding 25 more seats. Mr. Sorensen reviewed his memo with the Board stating this is small revision but it does require County Planning Board review as the site is on a state road.

**Action:** A motion to forward the project to the County Planning Board was made by Mr. Decker with a second from Mr. Ricketson with all in favor.

### **Aunt Jenn's Early Learning and Daycare Center- Site Plan**

Mr. Sorensen states the Town Board approved the Special Use Permit; the Planning Board now needs to approve the Site Plan. Mr. Sorensen recommends granting approval of the site plan with the conditions stated in the resolution.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Vincent Organtini for Special Permit and Site Plan Approval to establish a Nursery School at 927 Orlando Street.; and

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

- *Project Narrative* prepared by Richard Praetorius, P.E. dated January 29, 2010;
- *Site Plan Application* prepared by Richard Praetorius, P.E. dated February 1, 2010;
- *SEQRA Short EAF* prepared by Richard Praetorius, P.E. dated January 25, 2010;
- *Existing Conditions Site Plan* prepared by Richard Praetorius, P.E. dated 2/1/2010; revised 2/25/10;
- *Proposed Site Plan* prepared by Richard Praetorius, P.E. dated February 1, 2010; revised 2/25/10;
- *Proposed Photometric Plan* prepared by Richard Praetorius, P.E. dated 1/1/10; revised 2/25/10; and
- *Detail Sheet* prepared by Richard Praetorius, P.E. dated February 1, 2010; revised 2/25/10.

**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) and revisions made to the

proposed Site Plans and supporting documentation finds that the Special Permit/Site Plan application is sufficiently complete and the concerns raised by the Planning Board during the review of the proposed project are addressed; and

**WHEREAS**, the Town Board approved the Special Permit for the proposed use at its April 15, 2010 public meeting following the close of the public hearing.

**NOW THEREFORE BE IT RESOLVED**, the application by - Vincent Organtini - for Site Plan approval to establish a Nursery School at 927 Orlando Street is granted, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable Building Codes requirements; and
2. NYS Office of Child & Family Services Approval of an Emergency Evacuation Plan for the proposed Aunt Jenn's Early Learning & Daycare Center.

**Action:** A motion to grant Site Plan approval was made by Mr. Mulligan with a second from Mr. Ricketson with all in favor.

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

Respectfully Submitted

Mary Secreto  
Planning Secretary