

Town of Ulster Planning Board

The meeting of the Town of Ulster Planning Board was held on Tuesday August 17, 2010 at 7:00 p.m. at the Town Hall Lake Katrine New York. The following members were present:

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

Mr. Budziak requested an amendment to the July minutes; requesting more information on the letter written by the Town Attorney to the applicant for the Ulster Manor project. (The letter from Town Attorney Jason Kovacs has been attached to the minutes for the July 20 meeting as Exhibit A.) A motion to approve the minutes with this information was made by Mr. Beichert with a second from Mr. Decker; all were in favor.

Ulster Manor –Mr. Budziak reads the letter the Town Attorney wrote a letter to the applicant on July 22, 2010. (Exhibit A). Mr. Budziak goes on to read the letter written by Larry Wolinsky dated July 22, 2010 (Exhibit B). Mr. Budziak reads the resolution written in response to the letter written by Mr. Wolinsky dated July 22, 2010.

Action: Mr. Budziak requests a motion to accept the resolution. A motion to accept the resolution was made by Mr. Decker with a second from Mr. Beichert all were in favor.

WHEREAS, Ulster Land Partners Holding LLC is the applicant for a proposed residential development known as “Ulster Manor”, to be located at Ulster County SBL 48.58-7-21.1; and

WHEREAS, a public hearing for the preliminary subdivision plat was opened on January 19, 2010, was continued on consent of the applicant at each regularly scheduled Planning Board meeting through August 17, 2010; and

WHEREAS, the Town of Ulster Planning Board was notified by Larry Wolinsky, Esq., Attorney for the applicant, by letter dated July 22, 2010, that the application of Ulster Land Partners Holding LLC was being terminated; and

WHEREAS, the owners of Ulster County SBL 48.58-7-21.1, David Ferraro and Steven Ferraro, have retained Michael A. Murielle, Esq. as their attorney, and Murielle drafted and submitted a letter to the Town of Ulster Planning Board dated August 10, 2010, in which, *interlaid*, the Ferraris advised the Town of Ulster Planning Board that they do not intend to proceed with the Subdivision and Site Development Plan public hearings at this time; now therefore

BE IT RESOLVED that the letter of Michael A. Moriello, Esq. dated August 10, 2010, be entered into the official record of the Town of Ulster Planning Board concerning the Ulster Manor file; and

BE IT FURTHER RESOLVED that the Town of Ulster Planning Board hereby strike the application of Ulster Land Partners Holding LLC for preliminary subdivision approval from the Town of Ulster Planning Board agenda.

Always There – Sign Site Plan

Mr. Sorensen reviewed the application with the Board stating the applicant would like to replace the existing sign on site with a monument sign that meets the Town Code. Mr. Sorensen recommends the Board grant a Negative Declaration and approve the project. **Action:** A motion to grant a negative declaration as per SEQRA was made by Mr. Ricketson with a second from Mr. Decker; all were in favor with Mr. Beichert abstaining. A motion to approve the request for a new monument sign was made by Mr. Decker with a second from Mr. Ricketson; all were in favor with Mr. Beichert abstaining.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Always There* for Site Plan Approval to construct a eighteen (18) square-foot (SF) freestanding monument sign.

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

- *Owners Consent* authorizing Timely Signs of Kingston, Inc. to submit application signed by the property owner - Joe Deegan - dated July 27, 2010;
- *Written Narrative* of proposed action prepared by Ozzie Beichert dated July 27, 2010;
- *Application for Site Plan Review* prepared by Ozzie Beichert dated July 27, 2010;
- *SEQRA Short EAF* prepared by Ozzie Beichert dated July 27, 2010;
- *Site Plan Sketch* on map by Brinnier & Larios showing proposed sign relocation; and
- *Sign Detail for Monument Sign* prepared by Timely Signs of Kingston, Inc., dated 6/30/10.

WHEREAS, the freestanding monument sign complies with Section 190-33 of the Town of Ulster Zoning Law with respect to sign area, height and placement on the subject site; and

WHEREAS, the Planning Board, upon review of the entire record (including SEQRA Short Environmental Assessment Form), found that the Proposed Action involving the erection of an eighteen (18) square foot monument sign 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 at its August 10, 2010 public meeting.

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 - Always There - for Site Plan approval to erect an eighteen (18) square foot monument sign is granted, subject to the conditions, limitations and restrictions set forth below.

1. Full compliance with applicable Building Codes requirements.

Kingston Buick GMC –Site Plan

Bruce Utter appeared on behalf of the application for site plan approval of a car dealership located at the corner of 9W and Grant Avenue. Mr. Utter stated the application is for 2 buildings; 24,037 sq ft sales and service and a separate 3,477 sq ft sales building. The site will have 2 entrances; one off 9W (right in, right out only) with the second from Grant Avenue. Mr. Sorensen reviewed his memo with the Board and Mr. Utter. A Lot Line Adjustment combining the 2 lots was requested by the Board. Mr. Utter stated an application would be submitted at the next meeting. Mr. Sorensen stated the Parking Standards have recently been revised by the Town and a new Parking Analysis Table will be required. A 5' sidewalk is proposed along Rt. 9W. A short discussion followed on how the sidewalk will be connected to the sidewalk in front of the Hudson Valley Federal Credit Union; the Town will need to contact NYS DOT and Creighton Manning on the issue. It is not the responsibility of the applicant. The property along Grant Avenue does not belong to the applicant therefore the Board cannot require a sidewalk. A discussion on the cross easement followed; there cannot be a cross easement in the rear of the property as the neighboring property is a storage business and it is enclosed by a fence. The front of the site is where new cars will be displayed; the applicant does not feel comfortable allowing a cross access where his new cars could be damaged by vehicles coming from the neighboring property. Mr. Utter stated there is no real benefit to a cross access for this site as there is not alot of traffic going to the neighboring property. The Board decided it would not be practical to place a cross access at this time. Mr. Sorensen goes on stating the lighting levels on the site will need to be reduced as per the new Zoning Law. Mr. Utter stated the front display area is not a parking area therefore the levels should be higher; the lighting fixtures will be new metal halide, they are energy efficient. The code states that levels of 2fc are required in parking areas, it goes to 8 in all other areas, there is no definition of what other areas are. Mr. Utter stated the applicant is will to compromise with the Board; the lighting level is something that is very important to the applicant. Mr. Budziak stated the Town will need to look at the standards. The site will have 1 freestanding sign and wall signs the applicant will work with the sign company in keeping within the Town's requirements. A short discussion on landscaping followed the applicant will embellish the plan; the use of street trees will need permission of the Wastewater Superintendent. The applicant still needs to submit Stormwater plans, color elevations and details on the signage. Mr. Sorensen also requested a long EAF and trip generation analyzes. Mr. Sorensen recommended the Board declare intent t be Lead Agency.

Action: A motion to declare Lead Agency was made by Mr. Ricketson with a second from Mr. Decker; all were in favor.

Ulster Federal Credit Union – Site Plan

William Querbes and John Lesko appeared on behalf of the application for site plan revision. Mr. Sorensen reviewed the project with the applicant and Board stating the project needed site plan approval because the renovations are over \$20,000. Mr. Sorensen goes to state the Planning Board is not concerned with the internal renovations just the exterior changes to the site. The exterior changes consist of changing a flat roof to a gable roof and replacing and reducing the size of the drive-thru canopy. A 92sq ft vestibule is also proposed. The applicant will be upgrading planters that are on site and removing the freestanding sign. There are 11 off street parking spaces 2 should be designated handicap accessible. Mr. Sorensen stated the applicant will need to go before the Zoning Board of Appeals as the portico-colonnades will encroach the front and rear setback. A discussion on why the variance followed; Mr. Kovacs stated the project is increasing the bulk of the building therefore a variance is needed. Lighting details were discussed and the applicant will submit a revised lighting plan. Mr. Sorensen recommended the Board declare intent to be Lead Agency.

Action: A motion to declare intent to be Lead Agency was made by Mr. Decker with a second from Mr. Ricketson. All were in favor.

Lowes Home Center – Temporary Storage

Kevin Bakalian appeared on behalf of the application for placing temporary storage pods. Mr. Sorensen stated the application is straight forward; the applicant would like to place storage pods in the parking lot of Lowes Home Center, the pods will be placed during the renovations of the store and will be there for about 3 month. Mr. Sorensen stated the Board should grant a negative declaration and approved the project.

Action : A motion to grant a negative declaration as per SEQRA was made by Mr. Ricketson with a second from Mr. Decker. A motion to approve temporary storage for 90 days was made by Mr. Decker with a second from Mr. Ricketson; all were in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Lowes Home Improvement Center* for Site Plan approval to allow them to temporarily store fourteen (14) eight foot wide by eight foot high by forty foot long storage pods on the north side of the existing retail store, which is situated at 901 Frank Sottile Boulevard; and

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

- *Written Narrative* of proposed action prepared by Kevin Bakalian dated August 6, 2010;
- *Application for Site Plan Review* prepared by Kevin Bakalian dated August 6, 2010;
- *SEQRA Short EAF* prepared by Kevin Bakalian dated August 6, 2010; and
- *Site Plan Sketch* on map by Atlantic Environmental showing proposed storage location.

WHEREAS, the applicant's Site Plan provides for the orderly temporary placement of the storage pod on the subject site, which will not interfere with traffic circulation or adversely affect the provision of required off-street parking spaces; and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form) found that the Proposed Action involving a change in use to provide temporary placement of storage pods on their property 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 at its August 10, 2010 public meeting.

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 - *Lowes Home Improvement Center* - for Site Plan approval for a change in use to allow temporary placement of storage pods on the subject site is granted, subject to the conditions, limitations and restrictions set forth below.

1. Full compliance with applicable Building Codes requirements.
2. Temporary storage is granted for a period not to exceed 90 days from the date a Building Permit is issued for the proposed interior alterations to the Lowes Store.

Respectfully Submitted
Mary Secreto