

Town of Ulster Planning Board

The regular meeting of the Town of Ulster Planning Board was held on Tuesday September 21, 2010 at 7:00 p.m. at the Town Hall Lake Katrine New York. The following members were present:

Renno Budziak -Chairman
Gary Mulligan
Larry Decker
Scott Ricketson

A motion to approve the minutes of the August 17, 2010 meeting was made by Mr. Decker with a second from Mr. Ricketson; all were in favor.

A motion to approve the minutes of the special meeting held on September 1, 2010 was made by Mr. Mulligan with a second from Mr. Decker; all were in favor.

Ulster Federal Credit Union – Site Plan

William Querbes appeared on behalf of the application for renovations of the credit union. Mr. Querbes stated the ZBA approved the variances for the front and rear porticos. A no left turn sign will be placed on the site exit and a revised plan has been submitted showing the wedge curbing 10ft from the exit. Mr. Sorensen reviewed the project status with the Board. All outstanding issues have been addressed, a new site plan has been submitted showing the wedge curbing on the site reduced to 10 ft.: the County Planning had 2 Required Modification one being a reduction in lighting and the second no left hand turns out of the site. Mr. Sorensen goes on to say when the applicant submitted its application the lighting met the Town's Lighting Standards (the standards have since been changed). The second required modification of no left hand turns has been resolved. He recommended the Board grant a negative declaration as per SEQRA, override the lighting modification and approve the project with the conditions listed on the resolution.

Action: A motion to grant a negative declaration as per SEQRA was made by Mr. Decker with a second from Mr. Mulligan with all in favor.

A motion to override the Ulster County Planning Boards required modification to reduce the lighting levels was made by Mr. Decker with a second from Mr. Ricketson.

A motion to approve the project with the conditions listed on the resolution was made by Mr. Ricketson with a second from Mr. Mulligan with all in favor.

A motion to establish a \$2,500 escrow account was made by Mr. Decker with a second from Mr. Mulligan with all in favor.

WHEREAS, the applicant - *Ulster Federal Credit Union* - submitted an application for Site Plan Amendment approval to construct a 92 square-foot vestibule; 338 square-foot drive-up canopy; and 260 square feet of awnings at their branch located

at 807 Ulster Avenue. They also are proposing exterior alterations to the building, which involves the construction of a hip roof, gable roof over drive-up teller aisles and other site related improvements; and

WHEREAS, materials submitted in support of the Proposed Action include:

- *Written Narrative* of Proposed Action by Bub Caliendo, Project Engineer dated 8/6/10;
- *Application for Site Plan Review* prepared by Bub Caliendo dated August 6, 2010;
- *SEORA Short EAF* prepared by Bub Caliendo , Project Engineer dated August 6, 2010;
- *Preliminary Map of Lands* prepared by Brinnier & Larios, PC date February 9, 2010;
- *Demolition Plan* prepared by PW Campbell, Planning Design/Build dated 2/16/10;
- *Site Plan* prepared by PW Campbell, Planning Design/Build revised 8/5/10;
- *Lighting & Photometric Plan* prepared by PW Campbell dated 2/16/10; and
- *Site Plan* prepared by PW Campbell, Planning Design/Build revised 8/25/10;
- *Lighting & Photometric Plan* prepared by PW Campbell dated 2/16/10, revised 8/12/10; *Landscaping Plan* prepared by PW Campbell, Planning Design/Build Construction Management dated 8/26/10;
- *Site Plan* prepared by PW Campbell, Planning Design/Build Construction revised 8/31/10;
- *Lighting & Photometric Plan* prepared by PW Campbell dated 2/16/10, revised 8/31/10;
- *Landscaping Plan* prepared by PW Campbell, Planning Design/Build Construction Management dated 8/31/10; and
- *Site Plan* prepared by PW Campbell, Planning Design/Build Construction revised 9/20/10.

WHEREAS, the complete application was referred to the Town of Ulster *Zoning Board of Appeals* for an Area Variance to allow a minor increase in non-complying bulk; and

WHEREAS, the Town of Ulster *Zoning Board of Appeals* - following the public hearing - approved the applicant's request to allow a minor increase in non-complying bulk; and

WHEREAS, the complete application was referred to the Ulster County Planning Board pursuant to New York State General Municipal Law Section 239 l and m; and

WHEREAS, the Ulster County Planning Board responded with required modifications as follows: 1) Canopy lighting fixtures were required to be flat panel or recessed fixtures; 2) Lighting levels for parking areas should be limited to an average of 1.5 to 2.5 foot-candles; and 3) left-hand egress movements from Ulster Avenue to be restricted with signage ("no left-hand turn") and/or curbing; and

WHEREAS, the Site Plan was revised to provide for recessed fixtures under the canopy and to provide for a "no left-hand turn" sign, and the lighting level in the parking

area was reduced from 5.37 foot-candles to 3.0 foot-candles (in compliance with the Town Code); and

WHEREAS, the Planning Board approved a motion at its September 21, 2010 meeting to override the Ulster County Planning Board recommendation to require a lighting level of 2.5 foot-candles since the applicant revised the lighting level to comply with the Town Code; and

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 EAF) found that the proposed Site Plan Amendment 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 - Ulster Federal Credit Union - for Site Plan Amendment approval as described above is granted, subject to the conditions, limitations and restrictions set forth below.

1. Removal of portion of installed Asphalt Wedge Curb to comply with revised Site Plan dated September 20, 2010.
2. Compliance with zoning and building laws, rules and regulations.
3. Escrow account paid in full.

Olive Garden – Site Plan Revision

Bruce Brontoli appeared on behalf of the application for minor site plan revision of the Kings Malls/ Olive Garden project. Handicap parking spaces need to be placed in the parking area at the Southern end of the site. Additional signage is also going to be required. Mr. Sorensen and Mr. Brontoli discussed what signage is required. Mr. Sorensen states the revised plans show all changes that have been made on site during construction.

Action: A motion to approve the minor revisions was made by Mr. Mulligan with a second from Mr. Ricketson, with all in favor.

WHEREAS, the Planning Board and its consultant planner have reviewed an application by - Lienbach Company - for Site Plan Amendment Approval to modify a

recently approved Site Plan, which allowed them to establish a 7,656.40 square foot (sf²) Olive Garden restaurant in the northwest corner of the Kings Mall; and

WHEREAS, the proposed Site Plan Amendments include the reassignment of "To-Go" parking spaces in the off-street parking lot; modifications to handicap accessible parking spaces and associated signs; and substitutions of the approved planting list on the Kings Mall site; and

WHEREAS, materials submitted in support of the Proposed Action include:

- *Kings Mall Site Plan* prepared by Robert Young Associates - Architect revised August 17, 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, made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Planning Board, upon review of the entire record, found the Proposed Action to be a Type II Action pursuant to NYCRR Part 617.5 of the State Environmental Quality Review (SEQRA); and

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).

BE IT RESOLVED, the application by - Lienbach Company - for Site Plan Amendment Approval is hereby approved, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with zoning and building laws, rules and regulations.
2. Completion of all site improvements as shown on the revised Site Plan prepared by Robert Young Associates, Architects dated August 17, 2010.
3. Escrow account paid in full.

J. P. Morgan Chase Bank

Jennifer Porter & Dan Dougherty appeared on behalf of the application for a 4,264 sq ft bank with a drive-thru window. Ms. Porter stated the applicant was still waiting for more direction on the issue of cross access; she stated she has had discussions with the Town Attorney, Town Planner and the Town Supervisor. The Town Supervisor stated the issue was a Planning Board issue. Ms. Porter goes on to say that Hannaford is not in favor of issuing a blanket cross access when they do not know what type of business will be going on the adjoining parcel. Dan Dougherty the engineer for the project reviewed the

Planner's comments with the Board. Due to the required subdivision the site will now require a variance of 4.9 feet for the structure that will be in the rear setback. The subdivision line will be the lease line. A Tree Preservation Plan has been submitted to the Board; the report states that some of the mature trees on site should not be saved; new trees will be placed on the plan when resubmitted. The lighting on the site will be LED the applicant is working on the lighting and will get it as close to Town Code as possible; the application was submitted when the old code was in affect. A short discussion on landscaping followed the board would like street trees, and a wall or berm. All of the landscaping details will need to be approved by DOT; the applicant will be following up on that issue. The wall signs will meet Town standards but the pylon sign will require a variance for its height. A short discussion on how the applicant could reduce the area of the pylon sign. It was also decided that that the Octagon Chase Symbol on the Eastern elevation is an architectural aspect of the building not a sign. The applicant has received a letter from the Fire Inspector and will address his comments when the plan is resubmitted. Ms. Porter stated she has spoken with the Town Supervisor on the issue of cross access; the Supervisor stated he would like to see the access on the property that now has a single family dwelling not the Hampton Inn, CVS site. Tyler Sterling a representative from Hannaford stated Hannaford feels they have been a good community neighbor. Hannaford feels strongly that their customers have safe pedestrian connectivity; placing another access to the property would affect the pedestrian safety. Mr. Sterling went on to state there are now four accesses out of the site two to John Clark Drive one to Ulster Avenue and one into the Hampton Inn site. Hannaford does not want another cross access at this time; Hannaford cannot give a blanket easement to the adjoining property with out knowing how the easement would impact their site. Hannaford feels the cross access issue should be addressed when the property with the single family dwelling is developed. Jay Modhwadiya the owner of the Hampton Inn submitted a cross access plan; he requested a new cross access as he feels the current easement is a deterrent to his customers. Mr. Modhwadiya wanted to formally submit a new cross access for the Board to review. He requested the Board review his plan before giving approval to the bank. Copies of the new cross access were given to the Board. The applicant will be submitting an application to the Zoning Board of Appeals to be heard at their October meeting. No action was taken.

NBC Realty – Minor Sub Division

Nan Potter appeared on behalf of a minor subdivision of a 3.584 parcel. Parcel # 2A will be 1.807 acres, 2B will be 1.774. The property is within the Town of Ulster and the city of Kingston. The access will be from Dunneman Avenue via an existing 240 foot driveway. Water and Sewer will be provided by the city of Kingston. A short discussion on a buffer zone followed. It was decided that the applicant would provide a 20ft buffer on some of the property lines. Preliminary approval has been granted by the City of Kingston. The project will be an unlisted action pursuant to SEQRA.

Action: A motion to waive the Preliminary Plat Public Hearing was made by Mr. Mulligan with a second from Mr. Decker.

A motion to schedule a Public Hearing on the Final Plat was made by Mr. Decker with a second from Mr. Mulligan.

An escrow account for \$300 was set.

Cedar Kingston – Site Plan Revision

Nick Sadler and Jay Modhwadiya appeared on behalf of the application for a site plan revision. The applicant would like to make the existing right in entrance a right in, right out. DOT has already approved the plan. The site would lose one parking spot and the existing sign would be moving approximately 10 feet. Mr. Sorensen requested the Board forward the project to Creighton Manning for review; the Board agreed.

Action: A motion to establish a \$1500 escrow account was made by Mr. Decker with a second from Mr. Decker; all were in favor.

Town of Ulster – Lot Line Adjustment

Chris Zell appeared on behalf of the application for a Lot Line Revision. The applicant would like to transfer .340 acres out of a .649 acre lot to the Kingston City School District. Mr. Sorensen states that this is a straight forward application and recommends the board grant a Negative Declaration and grant approval.

Action: A motion to grant a Negative Declaration as per SEQRA was made by Mr. Decker with a second from Mr. Mulligan. A motion to approve the application was made by Mr. Decker with a second from Mr. Ricketson; all were in favor.

WHEREAS, the Planning Board and its consultant planner have reviewed an application by The Town of Ulster Town Board for a ‘Lot Line Adjustment," which will transfer 0.340-acres from the Town of Ulster parcel to the Kingston Consolidated School District by relocating the property line between the two parcels; and

WHEREAS, materials submitted in support of the Proposed Action include:

- *Application for Plat Approval* prepared by James E. Quigley 3rd, Supervisor dated 9/2/10;
- *SEQRA Short EAF* prepared James E. Quigley 3rd, Supervisor dated 9/2/10; and
- *Map of Subdivision of Lands* prepared by Christopher J. Zell, PE dated 8/25/2010.

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 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 Town of Ulster Town Board.

A short discussion followed on the pending changes in the Planning By-Laws. Mr. Ricketson comments that the trainings are sometimes in the day and he finds it hard to take time off from his job. Mr. Kovacs and Mr. Sorenson state that there is on line training. Mr. Sorensen stated he would send this information to Mr. Ricketson. Mr. Mulligan suggested the wording under Article VII Section 195-19 Attendance be changed from “Any member of the Planning Board who fails to attend three or more meetings of the board in any calendar year shall be subject to removal from the Planning Board to may be subject to approval. Mr. Kovacs stated the before any member is removed from the Board the Town Board would need to hold a hearing before removing the member.

A short discussion on the cross access issue on the Cedar Kingston site followed; it was decided the site should be reviewed by Creighton Manning Engineers. Mr. Kovacs and the Planning Secretary will follow up on the request.

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

Respectfully Submitted
Mary Secreto