

The Town of Ulster Planning Board

The regular monthly meeting of the Town of Ulster Planning Board was held on Tuesday October 19, 2010 at 7:00 p.m. at the Town of Ulster Town Hall, Lake Katrine New York. The following members were present:

Renno Budziak – Chairman
Ozzie Beichert
Larry Decker
Gary Mulligan
Scott Ricketson

A motion to approve the minutes from the September meeting was made by Mr. with a second from Mr. All were in favor

NBC Realty – Public Hearing Subdivision

Nan Potter appeared on behalf of the application for a 2 lot subdivision. Mr. Sorensen reviewed the application with the board. The applicant would like to divide a 3.5 acre parcel into 2 lots; the parcel straddles the Town & city line. The city of Kingston has approved the water and sewer connections. The applicant has added the 20' buffer area as requested by the Board. The UCPB has reviewed the subdivision and has a required recommendation to make a connection between Scudder and Dunneman Avenue's. The Town Highway Superintendent has reviewed the recommendation and has written a letter to the Board stating his objection. A motion to open the Public Hearing was mad by Mr. Decker with a second from Mr. Mulligan; all were in favor. There were no comments; a motion to close the Public Hearing was made by Mr. Ricketson with a second from Mr. Beichert.

Action: A motion to issue a Negative Declaration as per SEQRA was made by Mr. Mulligan with a second from Mr. Beichert with all in favor.

A motion to override the UCPB recommendation to connect Scudder and Dunneman was made by Mr. Beichert with a second from Mr. Mulligan with all in favor.

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

WHEREAS, the Planning Board and its consultant planner have reviewed an application by NBC Realty, LLC to subdivide a 3.581-acre parcel into two (2) single-family lots; and

WHEREAS, the subject site straddles the Town of Ulster and City of Kingston municipal boundary, but the home sites are in the Town of Ulster; and

WHEREAS, The Town of Ulster Planning Board and City of Kingston Planning Board have classified the Proposed Action as a SEQRA Unlisted Action and elected to undertake an Unlisted Action - Uncoordinated review; and

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WHEREAS, The City of Kingston Involved Agencies, including the Planning Board, Water Department, Sewer Department and Department of Public Works have approved water & sewer connections and access from Dunneman Avenue; and

WHEREAS, The City of Kingston Planning Board granted Conditional Final Approval of the Minor Subdivision subject to the condition of compliance with City of Kingston Water Department and City Engineer requirements and submission of a Final Plat (with stormwater, erosion and sediment control); and

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

- *Application for Preliminary Subdivision Plat Approval* by Nan Potter NBC Realty dated 8/19/10;
- *Project Narrative Form* prepared by Michael F. Vetere, Jr., P.L.S dated August 19, 2010;
- *Short EAF* prepared by Michael F. Vetere, Jr., P.L.S dated August 19, 2010;
- *Description of Lot No. 2 A* prepared by Michael F. Vetere, Jr., P.L.S dated August 19, 2010;
- *Description of Lot No. 2B* prepared by Michael F. Vetere, Jr., P.L.S dated August 19, 2010;
- *Ulster County Department Certification of Taxes Paid* by Paul J. Hewitt dated August 20, 2010;
- *Copy of Right-of-Way Agreement* between IPE Asset Management to Ronald L. Lu 5/16/10; and
- *Preliminary Subdivision Map* prepared by Michael F. Vetere, Jr. dated August 12, 2010.
- *Final Plat* prepared by Michael F. Vetere, Jr. dated August 12, 2010, revised October 5, 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, the Proposed Action meets the Town Code definition of a Minor Subdivision, which requires one (1) public hearing; and

WHEREAS, the Town of Ulster Planning Board scheduled a public hearing for October 19, 2010; and

WHEREAS, the Town of Ulster Planning Board held the public hearing on this minor subdivision at the October 19, 2010 meeting and no controversy was raised with the proposal; and

WHEREAS, the Planning Board referred the Proposed Action to the Ulster County Planning Board; and

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WHEREAS, the Ulster County Planning Board issued a Required Modification to provide an interconnecting street through the subject property; and.

WHEREAS, the Planning Board considered the UCPB recommendation, but concluded the recommendation was not desirable due to the presence of existing homes in the vicinity of recommended interconnection and the loss of an existing snow storage area utilized by the Town Highway Department if the interconnection were made; and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short EAF) and comments from the Town of Ulster Superintendent of Highways found that the minor subdivision 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 hereby overrides the Ulster County Planning Board required modification to provide an interconnection through the proposed subdivision; and

FURTHER BE IT RESOLVED, that upon full consideration of the above, the application by NBC Realty, LLC for a Minor Subdivision is granted, to the conditions, limitations and restrictions set forth below.

1. Compliance with the zoning and building laws, rules, and regulations.
2. Escrow account paid in full.

J.P. Morgan Chase Bank – Subdivision Public Hearing/ Site Plan

Jennifer Porter and Dan Dougherty appeared on behalf of the application for minor subdivision and site plan. Mr. Dougherty reviewed the project with the Board noting changes that have been made since the last meeting. Mr. Dougherty stated the applicant had received reviews from Mr. Sorenson as well as Creighton Manning (consulting traffic engineer) some changes have been made to the site in response to those reviews. Shoulder stripping has been added to the plan to give a better sight line to customers exiting the drive-thru. This has been reviewed and approved by Creighton Manning. The other comment made by Creighton Manning was changing the raised sidewalk to a stripped sidewalk. A long discussion on the choice of saving a tree near the dumpster or replacing it with other plantings followed. The Board was polled; it was decided to replace the tree with other plantings.

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A Motion to open the Public Hearing was made by Mr. Decker with a second from Mr. Beichert. Nick Sadler of Mendenbach & Eggers and Jay Moy owner of the Hampton Inn appeared to request the Board mandate an addition cross access from Hannaford to the Cedar Kingston site. A lengthy discussion the cross access issue followed; Mr. Budziak requested a traffic study on the two sites involved be completed, a proposal from Creighton Manning states the fee would be \$3,600. Mr. Beichert requested a copy of the traffic study that was originally completed on the Cedar Kingston site be reviewed before sending a new request to Creighton Manning. Ms. Porter stated the applicant was aware of the adjoining property owner concerns and has had discussions on the issue. The applicant will be appearing before the Town Board on the 21st to discuss if the Town Board will mandate the cross access. If a cross access is mandated the project may not move forward. Ms. Porter stated the purpose of the Public Hearing is for subdivision only and if the subdivision is approved and the cross access is mandated the subdivision will not be filed. A motion to close the Public Hearing was made by Mr. Decker and seconded by Mr. Mulligan with all in favor. The discussion on the cross easement continued; Mr. Beichert and Mr. Decker stated concerns with approving the subdivision before the ZBA granted variances for the building in the rear setback and the existing Hannaford sign within the side setback. Mr. Sorensen stated the approval should have the conditions set forth in his review.

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 grant conditional approval with the conditions listed in Mr. Sorensen's review was made by Mr. Mulligan with a second from Mr. Beichert a roll call vote was taken:

Mr. Beichert, no
Mr. Ricketson, yes
Mr. Decker, no
Mr. Mulligan, yes
Mr. Budziak, yes

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *JP Morgan Chase Bank* for Minor Subdivision, which will subdivide an 11.2-acre parcel shown on the Town of Ulster Tax Maps as S-B-L 48.7-1-22 into two (2) tax lots as follows: 1) The remaining lands of S-B-L 48.7-1-22 to be described as S-B-L 48.7-1-22.1 comprised of 10.6-acres and containing the existing Hannaford Supermarket, and 2) proposed Tax Map S-B-L 48.7-1-22.2 comprised of 0.56 acres, which will contain the proposed Chase Bank and related site improvements; and

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

- *Project Narrative* prepared by Gibbons P.C - Jennifer M Porter, Esq. dated 7/6/2010;
- *Project Description* prepared by Gibbons P.C - Jennifer M Porter, Esq. dated 7/6/2010;
- *Town of Ulster Site Plan Application* by Jennifer M. Porter, Esq. dated 7/6/2010;
- *Site Plan Consent Form* by Martin's Foods of South Burlington, Inc. dated 7/6/2010;
- *SEQRA Short EAF* prepared by JP Morgan Chase representative dated 7/2/2010;

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- *Traffic Impact Analysis* prepared by Joseph Staigar Engineering, LLC, dated 6/30/2010;
- *Stormwater Management Statement* prepared by Dynamic Engineering, dated June 2010;
- *Sign Details* prepared by NW Sign Industries undated;
- *Building Elevations for Chase Bank* prepared by NW Sign Industries undated;
- *Wayfinding Signage Plans* prepared by NW Sign Industries undated; and
- *Handicap Accessible Sign Specifications* prepared by NW Sign Industries undated;
- *Site Plan Review Plans for Shop-N-Save Plaza Phase II Expansion* and supporting archival information pertaining to original site approval for the Hannaford Plaza;
- *Title Survey of Hannaford Plaza* site prepared by DPK Consulting, LLC dated 2/5/10;
- *JP Morgan Chase Bank set of Plans Sheets 1-10* prepared by Dynamic Engineering dated 7/1/10.

- *Project Narrative* prepared by Gibbons P.C - Jennifer M Porter, Esq. dated 9/7/2010;
- *Project Description* prepared by Gibbons P.C - Jennifer M Porter, Esq. dated 9/7/2010;
- *Preliminary Subdivision Plat Application* prepared by Jennifer M Porter, Esq. dated 9/7/2010;
- *Subdivision Consent Form* by Martin's Foods of South Burlington, Inc. dated 9/7/210;
- *Sign Details for New Build Program Chase* prepared by NW Sign Industries dated 9/3/10;
- *Building Elevations for Chase Bank* prepared by NW Sign Industries dated 9/3/10;
- *Wayfinding Sign Plans* prepared by NW Sign Industries dated 9/3/10; and
- *Handicap Accessible Sign Specifications* prepared by NW Sign Industries dated 9/3/10;
- *JP Morgan Chase Bank set of Plans Sheets 1-10* prepared by Dynamic Engineering dated 9/3/10.

- *Demolition Plan* prepared by Dynamic Engineering dated 7/1/10; and revised 9/14/10;
- *Overall Site Plan* prepared by Dynamic Engineering dated 7/1/10; and revised 9/14/10;
- *Site Plan with Subdivision Plan* prepared by Dynamic Engineering dated 9/14/10;
- *Grading Plan* prepared by Dynamic Engineering dated 7/1/10; and revised 9/14/10;
- *Drainage and Utility Plan* prepared by Dynamic Engineering dated 7/1/10; and revised 9/14/10;
- *Landscape Plan* prepared by Dynamic Engineering dated 7/1/10; and revised 9/14/10;
- *Lighting Plan* prepared by Dynamic Engineering dated 7/1/10; and revised 9/14/10;
- *Subdivision Plan* prepared by Dynamic Engineering dated 7/1/10; and revised 9/14/10; and
- *Inventory & Evaluation of Existing Trees by Paul Cowie & Associates* dated September 20, 2010.

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Full Environmental Assessment Form Part I & II) found 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 at its October 19, 2010 public meeting.

NOW THEREFORE BE IT RESOLVED that the Planning Board has determined 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 Minor Subdivision by *JP Morgan Chase* subject to the following conditions, limitations and restrictions:

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- a. *The satisfactory resolution of the Cross Access Easement issues between the applicant and Town Board.*
- b. *Submission of a Final Plat, which is in accordance with the recommendations, outlined in Section A (4) above.*
- c. *Submission of a sanitary sewer maintenance agreement, subject to the approval by the Town Sewer Superintendent and Planning Board Attorney.*

A motion to refer the plans to the Ulster County Planning Board for review was made by Mr. Mr. Decker with a second from Mr. Beichert with all in favor.

Augustine Landscaping – Sign Site Plan

Craig Artist appeared on behalf of the application for a monument sign that will be placed on the North side of the property. Mr. Artist states he will painting the now yellow wall beige and will be removing the temporary banner that is now on the wall. The portable sign that is on the site will also be removed. Mr. Sorensen reviewed the application with the Board stating the application is straight forward and the sign will comply with the Town Code. Mr. Sorensen recommends approving the application with the 6 conditions listed on the resolution that was presented to the Board.

Action: A motion to accept the Planner's recommendation was made by Mr. Secker with a second from Mr. Beichert; all were in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Augustine Landscaping & Nursery* for approval to construct a thirty (30) square-foot (SF) freestanding monument sign.

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

- *Workshop* with Craig Artist of Augustine Landscaping & Nursery to review Project Scope;
- *Application for Site Plan Review* prepared by Craig Artist dated October 6, 2010; and
- *Sign Detail for Monument Sign* and photos submitted by Craig Artist, dated 10/6/10.

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 (EAF)) found that the Proposed Action will not have an adverse impact on the environment; as Lead Agency made a

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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 – Augustine Landscaping & Nursery - for approval to erect a thirty (30) square-foot monument sign is granted, subject to the conditions, limitations and restrictions set forth below.

1. Full compliance with applicable Building Codes requirements.
2. Removal of the existing changeable copy sign from subject site;
3. Repainting the existing yellow block to beige color;
4. Removal of temporary banner signs from blocks;
5. Removal of the existing Lawn Doctor Sign from subject site; and
6. Construction of sign in accordance with design specifications submitted in support of the application.

Sherry Ralph – Site Plan

Richard Rothe appeared on behalf of the application for a Dog Kennel; Mr. Rothe stated the site consist of single family dwelling, shed, barn and pole barn that has 20 kennels. The applicant raises German Sheppard's to sell. At this time there are 18 dogs on site with the ability to house 20. The dogs are on runs during the day and are put in the kennel at night around 8P.M. The applicant has received some complaints and has tried to mitigate the noise by bring the dogs in earlier and removing some the offending dogs from the site. Mr. Beichert questioned if the Barn was built as a kennel. Mr. Rothe and the Planning Secretary stated a Building Permit and Certificate of Occupancy were issued for a residential storage garage. Mr. Sorensen reviewed the application stating Town Code does not have specific conditions for kennel uses; he has outlined standards in his review that the Board should consider when reviewing this application. Mr. Sorensen stated a narrative of the proposed operation should be submitted to the Board; noise levels would be an important element in reviewing the application. The process would require the issuance from the Town Board of a Special Use permit. A short discussion on the legality of the building followed. Mr. Kovacs stated his firm has worked for the applicant therefore he cannot comment of the application but he suggested the Board forward the application for a Public Hearing. Mr. Gary Feddes an adjourning neighbor spoke of the noise and the issue of no fencing to contain the dogs.

Action: A motion to forward the project to the Town Board for a Public Hearing was made by Mr. Beichert with a second from Mr. Mulligan; a roll call vote was taken:

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Mr. Beichert –no
Mr. Ricketson – no
Mr. Mulligan - no
Mr. Decker - no
Mr. Budziak – yes

Action: A motion to forward to the alternate Town Attorney for an opinion on the legality of the building was made by Mr. Beichert with a second from Mr. Decker. All were in favor.

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

Respectfully Submitted,

Mary O'Bryan-Secreto
Planning Secretary