

Town of Ulster Planning Board

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

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

A motion to approve the minutes from the November meeting was made by Mr. Decker with a second from Mr. Beichert; all were in favor.

Johnson Ford – Lot Line Adjustment- Public Hearing

Chris Zell & Wayne Graff appeared on behalf of the application for a Lot Line Revision; this revision will consist of adjusting existing lines. Currently there are 5 lots with the revision there will be 4; all Right of Ways will remain on the site. Nothing on the site will change other than the lot lines. One lot will not have road frontage therefore an Open Development Area will need to be approved by the Town Board. The maps have been revised as requested and a parking table has been added. Many of the parking spaces on the site are worn and were not counted there is far in excess of what is required by town code. Mr. Sorensen requested a note be placed on the map stating the number of parking spaces meet the town standards.

A motion to open the public hearing was made by Mr. Decker with a second from Mr. Beichert with all in favor. No one appeared for or against the project. A short discussion on how the Board should proceed followed.

Action:

A motion to issue a Negative Declaration as per SEQRA was made by Mr. Beichert with a second from Mr. Ricketson.

A motion to grant approval of the lot line adjustment conditional upon the approval of an Open Development Area was made by Mr. Beichert with a second from Mr. Decker with all in favor.

Kingston Buick GMC – Site Plan

Richard Praetorius and Bruce Utter appeared on behalf of the application for Kingston Buick. Mr. Sorensen states the Wastewater Superintendent had requested no trees be placed in the sanitary sewer easement or within close proximity. Mr. Sorensen had requested street trees. A discussion on landscaping followed; Mr. Praetorius stated the

applicant is willing to work with the Board but does want to have trees on the site due to the issue of birds and leaves. The applicant will revise the landscaping plan. Mr. Praetorius stated the design of the monument sign has not been determined; if this item is not complete by at the end of the process a new application for a sign will be submitted to the Planning Board. Mr. Praetorius goes on to say the lighting levels have been reduced and the applicant is aware of the request to lower the lighting levels in the front of the site at night when the business is closed. A sidewalk will be placed on the Grant Avenue side of the site; this sidewalk will not go to the end of the property line but will start approximately 50' in and go to 9W. Discussion on saving the trees in the area where the sidewalk will be followed: the consensus was that the sidewalk was more important. Any trees that need to be removed should be replaced with some type of landscaping. Mr. Sorensen reviewed the County Planning Boards required modifications: Lighting levels meet the Town Code, Signage will be submitted separately, Cross Access will need to be overridden as there are practical difficulties. Mr. Praetorius stated the new plans also show the left turn lane has been added to the plans and has been approved by NYS DOT. The applicant will revise the landscaping plan and resubmit next month.

Action: A motion to recommend to the Town Board overriding the Ulster County required modification on cross access due to practical difficulties was made by Mr. Decker with a second from Mr. Beichert with all in favor.

Benderson Development/ Moe's Southwestern Grill

James Boglioli appeared on behalf of the application for a change of use at Ulster Crossings/ Benderson Plaza. Mr. Boglioli stated the applicant is proposing changing a 2,933 sq ft retail space to a 300 seat restaurant. Nothing on the site would change other than the use. Mr. Budziak questioned if the applicant was aware of the application from Panara Bread and that as part of that application the restaurant may have to accept deliveries from the front of the building. Mr. Boglioli stated the only real issue is the parking. Jason Kovacs the Town Attorney stated based on the review the plan and chapter 190 of Town Code a variance for parking is not needed. The parking requirements on the original site plan was based on gross square footage, the code is now based on net square footage. A long discussion on how the parking should be calculated and how it was calculated for this change followed. Mr. Beichert stated he does not agree with the number before the Board and requested Mr. Sorensen and the applicant refigure and resubmit the parking table. Mr. Sorensen will review the original site plan and Mr. Boglioli will resubmit his numbers. No action was taken.

New Global Marketing

Kevin Conklin of Wright Architects appeared on behalf of the application for a change of use at 2121 Ulster Avenue. The building was used for manufacturing it will now be office/warehouse for a mail order cigar business. Mr. Conklin stated the applicant does not propose any changes to the site. The applicant will keep the existing lighting that is on the building and will clean up the site. The parking is adequate for the use. Mr. Sorensen stated the application is straight forward; it does not need to be referred to the County as the parking requirements are reduced. A short discussion on signage followed;

Mr. Conklin stated any new freestanding signs would be reapplied for; at this time the applicant was not interested in a freestanding sign. Mr. Sorensen requested the addition of 4 trees along the eastern and southern end of the parking lot. Mr. Conklin stated he would add the trees to the plan.

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

Mr. Beichert motioned to grant conditional approval subject to the addition of 4 trees to the site plan and that the signage will meet section 190.33 of town code. Mr. Ricketson seconded the motion with all in favor.

WHEREAS, the Planning Board and its consultant planner have reviewed an application by New Global Marketing for Site Plan Approval involving a "*Change in Use*" to establish a office/warehouse use within a former 26,000 square foot (SF) manufacturing building; and

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

- *Site Plan Application* prepared by Wright Architects, PLLC dated December 3, 2010;
- *SEQRA Short EAF* prepared by Wright Architects, PLLC dated December 3, 2010;
- *Existing Conditions Site Plan* prepared by Wright Architects dated December 3, 2010;
- *Proposed Partition Floor Plan* prepared by Wright Architects dated December 3, 2010;
- *Narrative Description of Proposed Action* by Wright Architects dated December 16, 2010; and
- *Existing Conditions Site Plan* prepared by Wright Architects dated December 16, 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 Planning Board determined the Proposed Action did not require referral to the Ulster County Planning Board; and

WHEREAS, the Planning Board was the only involved agency for the purpose of conducting the SEQRA review; and

WHEREAS, the Planning Board, as Lead Agency, upon review of the entire record (including SEQRA Short EAF) found that the Change in Use will not have an adverse impact on the environment; 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 Conditional Approval of the Change in Use by *New Global Marketing* subject to the conditions, limitations and restrictions set forth below.

1. Applicant submits a revised Site Plan showing the planting of four (4) trees to the south of the existing off-street parking lot.
2. Signage to comply with Section 190-33 of the Town Code
3. Compliance with zoning and building laws, rules and regulations.
4. Escrow account paid in full.

Discussion on Changes to the Zoning Code

Mr. Sorenson stated he has been working on revisions of Article VII of Chapter 190. Mr. Sorensen is working on technical revisions; some of the language needs to be reviewed by the Town Attorney. The Board will discuss the revisions at next months meeting.

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

Respectfully Submitted

Mary Secreto
Planning Secretary