

Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday February 15, 2011 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

Benderson Plaza/ Moe's Southwest Grill

James Boglioli appeared on behalf of the application for a change of use. The applicant is proposing a 2,933 sq ft restaurant in a former retail space. There are no changes on the site and signage will be by code. Mr. Sorensen reviewed the project with the Board stating the request was straight forward and no changes on the site; the only issue was the parking. The applicant has submitted a revised plan showing the parking calculations. The Ulster County Planning Board reviewed the plan and stated there was "No County Impact". The Wastewater Superintendent requested the condition be placed that no Building Permit be issued without his approval. Mr. Sorensen recommended the Board grant a Negative Declaration and grant approval with the condition of the Wastewater Superintendent's request, escrow paid in full and compliance with the Building Codes.

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

A motion to grant site plan approval with the conditions cited by Mr. Sorensen was made by Mr. Mulligan with a second from Mr. Decker; a roll call vote was taken;

Mr. Budziak: yes

Mr. Decker: yes

Mr. Mulligan: yes

Mr. Ricketson: no

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Benderson Development Company, LLC, for Site Plan Approval for a "*Change in Use*" to establish a 2,933 square foot (SF) Moe's Southwestern Grill Restaurant in the tenant space formerly occupied by Chico's within the Ulster Crossings Mall; and

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

- *Site Plan Application* prepared by James Boglioli, Esq. dated November 29, 2010;
- *SEQRA Short EAF* prepared by prepared by James Boglioli, Esq. dated December 2, 2010;
- *Application Cover Letter* prepared by James Boglioli, Esq. dated December 3, 2010;

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- *Leasing Plan* prepared by Benderson Development Company, LLC dated 11/19/10;
- *Sign Details* prepared by Saxton Sign Corporation dated November 30, 2010;
- *ZBA June 4, 2003 decision granting variance to allow 2 SF sign area per 1 LF wall area*;
- *Parking Analysis for Ulster Crossing Mall* by T.Y.LININTERNATIONAL dated 12/2/10;
- *Correspondence and Parking Analysis* by James Boglioli, Esq. of Benderson Development dated December 20, 2010; and
- *Proposed Site Plan* by Benderson Development Company, LLC dated December 20, 2010.

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 1 and m of NYS General Municipal Law and the County determined the proposed change-in-use would have No County Impact; 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 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)) 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, the application by - Benderson Development Company, LLC - for Site Plan approval to establish a 2,933 SF Moe's Southwestern Grill Restaurant within the Ulster Crossing Mall is granted, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable Building Codes requirements; and
2. Compliance with Town of Ulster Sewer Department requirements for the installation of a grease trap interceptor outside of the building before Building Permit is issued; and
3. Escrow account paid in full.

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Prestige Toyota – Site Plan Amendment

Rob Dupont appeared on behalf of the application for site plan amendment; a 4,785 sq ft addition to the service area. Mr. Dupont stated the area will be used for light services and oil changes. The traffic pattern around the building will not change, there will be lighting added to the building but not on the site. The only signage will be moving the wall sign from one wall to another. Mr. Sorensen reviewed his memo with the Board stating there is sufficient parking on site; the applicant will continue to use the existing entrances onto the site. There are some parking spaces that are short and need to be revised. In the rear of the site there is a gravel area that is used for snow pile up and at times overflow parking of vehicles; this area should be shown on the revised plan. The traffic circulation should be 24 ft around the building; there are some areas on the site that will need to be revised. Mr. Sorensen requested a Photometric Plan of the entire site be submitted but after a short discussion it was agreed that only the new area needs a Photometric Plan. Mr. Sorensen also requested additional landscaping be placed on the site. Mr. Dupont stated that there is really no space for any additional landscaping as it will interfere with the traffic circulation; the applicant does however use seasonal planters and they will be added to the plan. The Board agreed with Mr. Dupont. A short discussion on sidewalks followed; the issue will be discussed in more detail at the next meeting. The applicant has been working with the Wastewater Superintendent in regards to the Oil/ Water Separator. Mr. Dupont will revise & resubmit plans. No action was taken.

Maggiore Tesmentary Trust – Minor Subdivision

Marie Walsh appeared on behalf of the application for a sketch plan review. Ms. Walsh states she submitted an application for a sketch plan and received a review for a preliminary review. Ms. Walsh goes on to state that she is doing the subdivision portion of this project the engineer will be submitting plans to the Board for the Site Plan issues. Ms. Walsh submitted to Mr. Sorensen a preliminary site plan (no plan was submitted to the file). Ms. Walsh questioned the need to show property that is located on the other side of Sawkill Road on the plat; after a short discussion it was decided it would not need to be shown as it does not affect the site. Ms. Walsh stated Barbarosa Lane is a Town road not a private road as stated in the review from Mr. Sorensen. She continued, stating the parcel is in the 100 to 500 year flood plain not the 100 year flood plain, it is also over 5,000 feet away from an Agricultural District. The site is not within the Sewer District so the applicant will need Board of Health approval for the septic system. The applicant will revise the plans showing the buildings on the site. An escrow account in the amount of \$2500 was requested by the Board. The process will continue with an application for Site Plan a Public Hearing for the subdivision will be held after the initial review is completed. The Town Board will need to hold a Public Hearing for the site plan as they will grant final approval. The applicant will resubmit plans.

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