

Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday May 17, 2011 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
Alan Sorensen – Planner

A motion to approve the minutes from the April 19th meeting was made by Mr. Beichert with a second from Mr. Decker; all were in favor.

Panera Bread Drive Thru – Site Plan Amendment

Tony Disanza appeared on behalf of the application for a drive thru window at Panera Bread. Mr. Sorensen reviewed the project notes with the Board and applicant. Mr. Sorensen stated the applicant will need to show how the trees in the landscape island will be protected during snow removal along with how the alleyway in the rear of the site will be maintained. The Board has requested delivery schedules for the tenants affected by the drive thru; this item has yet to be received. A building elevation showing the rear of the building is also pending. The main concern is with the traffic circulation and how the one way flow will affect the entire site as many people go to the rear of Panera to exit the site. Mr. Sorensen suggested the applicant have another traffic study completed after Moe's Southwestern Grill is open. Mr. Disanza submitted the sign details that were requested and went on to state the landlord would be maintaining the landscape island and the alleyway; he would get letter from them. He will return to the Planning Board with all the requested items. Mr. Beichert stated that he has concerns with this project; he does not feel a drive thru will be safe as this site is already congested and the rear of the site is not large enough. Mr. Ricketson stated he agreed with Mr. Beichert the South end of the site is congested now. Mr. Mulligan stated he is concerned with the delivery trucks at the rear of the site. Mr. Budziak requested a copy of the letter that was sent to the tenants' regarding the approval of the drive thru. Mr. Decker stated he is agreement with the other Board members; he feels the site is congested now and a drive thru will have a negative impact. Mr. Disanzi stated that at other sites they have worked out delivery issues with other tenants. No action was taken.

No one appeared for the application of a freestanding sign for the Church of Latter Day Saints.

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Edgewater Development – Lot Line Revision

Chris Zell appeared on behalf of the application for a lot line revision on property located at the corner of Boices Lane and Mt View the applicant is proposing to move a lot line as the line is currently going through a building. The revised line will go between the 2 existing buildings. This revision will require a variance form the Zoning Board of Appeals as the existing building will be within the side setback. The applicant will come back to the Planning Board after the ZBA makes a decision.

Cicoria – Lot Line Revision

Michael Vetere appeared on behalf of the application for a lot line revision. This revision consists of land that is in the Town of Kingston and Ulster. This revision will add .097 acres to a parcel that is in the Town of Kingston; it will not move the municipal boundaries. There is an existing house on the lot and the property line goes through the house at this time. All parcels are owned by the same person. Mr. Sorensen stated this is a straight forward adjustment and recommended an Uncoordinated Review be granted and the lot line adjustment be approved.

Action: A motion to grant a Negative Declaration as per SEQRA was made by Mr. Decker with a Second from Mr. Beichert with all in favor. A motion to approve the lot line adjustment was made by Mr. Mulligan with a second from Mr. Decker with all in favor.

WHEREAS, the Planning Board and its consultant planner have reviewed an application by Cicoria-Cicoria/Touchey-Hamilton for a ‘Lot Line Adjustment’ which will transfer 0.97 acres from Lot No. 3 (i.e. S-B-L 39.018-1-19 in the Town of Ulster) to Lot No. 2 (i.e. remaining lands of S-B-L 39.018-1-10.2 in the Town of Kingston) resulting in 3.891-acre lot; and

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

- *Lot Line Adjustment Application* by Michael F. Vetere, Jr. LS. PLLC dated 5/10/11;
- *SEQRA Short EAF* prepared by Michael F. Vetere, Jr. LS. PLLC dated May 10, 2011; and
- *Map of Lot Line Adjustment* by Michael F. Vetere, Jr. LS. PLLC dated May 10, 2011.

WHEREAS, within the Town of Kingston, the applicant is simultaneously proposing a resubdivision of S-B-L 39.018-1-10.1 and 10.2, which will transfer 4.264 acres from Lot No. 2 (i.e. S-B-L 39.018-1-10.2) to Lot No. 1 (S-B-L 39.018-1-10.1; and

WHEREAS, the subject sites are located on Sawkill Road (CR 31) within the R-60 Residential District in the Town of Ulster where the minimum lot size is 60,000 square feet where central water and sewer are not provided; and

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WHEREAS, the Proposed Action meets the Town of Ulster Town Code definition of a Lot Line Adjustment and as such is not a "subdivision" or "resubdivision" as defined therein; and

WHEREAS, the proposed parcels will comply with the minimum lot size and bulk requirements of the R-60 Residential Zoning District; 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 made via memoranda (which memoranda are incorporated herein by reference); 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 *for this Unlisted Action-Uncoordinated Review* 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 Cicoria-Cicoria/Touchey-Hamilton subject to the conditions, limitations and restrictions set forth below.

1. Full compliance with applicable Building Codes requirements.
2. Provision of revised Map of Lot Line Adjustment, which addresses minor technical comments outlined in Town Planner’s Project Review Notes.
3. Escrow account paid in full.

Motioned by: Gary Mulligan

Seconded by: Larry Decker

All in Favor:

All Opposed:

Renno Budziak	yes
Ozzie Beichert	yes
Larry Decker	yes
Gary Mulligan	yes

Scott Ricketson

yes

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Ventures of JJJ Inc. – Site Plan

Mr. Juliano appeared on behalf of the application for a lot line adjustment; the lot line adjustment will transfer .038 acres from an adjoining lot. Mr. Sorensen stated the adjustment will add 30 ft to the lot and will reduce the non-complying bulk of the lot.

Action: A motion to grant a negative declaration as per SEQRA was made by Mr. Mulligan with a second from Mr. Ricketson; all were in favor. A motion to approve the lot line revision was made by Mr. Decker with a second from Mr. Beichert; all were in favor.

WHEREAS, the Planning Board and its consultant planner have reviewed an application by *Ventures of JJJ, Inc.* for a ‘Lot Line Adjustment’ to relocate the boundary line between the two adjoining parcels shown on the Town of Ulster Tax Maps as SBL 48.14-3-33 and SBL 48.14-3-34; and

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

- *Lot Line Adjustment Application* by Bruce A. LaMonda, L.L.S dated 5/5/2011;
- *SEQRA Short EAF* prepared by Joseph J. Juliano dated May 5, 2011;
- *Site Plan Consent Form* by John Walker Trustee for LMW Trust dated 5/9/2011; and
- *Map of Boundary Line Adjustment* by Bruce A. LaMonda, L.L.S dated 5/5/2011.

WHEREAS, tax parcel SBL 48.14-3-34 is owned by the JMW Trust and the applicant has provided a Consent Form signed by John Walker Trustee for the JMW Trust authorizing this application; and

WHEREAS, the subject sites are located on Powell’s Lane within the HC-Highway Commercial District, which does not require a minimum lot size; 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, the existing house on SBL 48.14-3-34 is a pre-existing non-conforming structure of non-complying bulk and the Proposed Action will reduce the degree of nonconformity by providing the minimum required side yard setback; and

WHEREAS, the Proposed Action will not impede the maintenance of existing or development of future access or utility services to the affected lots; and

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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, a public hearing is not required for a Lot Line Adjustment and the Planning Board did not require a public hearing; and

WHEREAS, pursuant to the Ulster County Planning Board (UCPB) Referral Agreement with the Town of Ulster, referral of the Proposed Action to the UCPB is not required; 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 Ventures of JJJ, Inc.

A motion to adjourn

Respectfully Submitted
Mary Secreto
Planning Secretary