

*TOWN OF ULSTER
PLANNING BOARD
JANUARY 14, 2014*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday January 14, 2014 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Alan DeForest-Chairman–
Frank Almquist - Alternate
Anna Hayner -
Alan Sorensen - Planner

Karl Allison
Gary Mulligan

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

A motion to appoint Gary Mulligan Vice Chairman was made by Mr. Allison with a second from Mrs. Hayner. All were in favor.

A motion to appoint Mary Secreto Planning Secretary was made by Mr. O'Brien with a second from Mr. Allison. All were in favor.

Lands of Ferraro- Public Hearing

A motion to open the Public Hearing was made by Mrs. Hayner with a second from Mr. Allison with all in favor. Allan Dumas appeared for the application for a resubdivision. Mr. Dumas stated the applicants are revising lot lines to make the parcels more marketable in the future. There are 4 existing houses that now have road frontage. The applicants are finalizing the water and sewer line locations. A shared driveway agreement will be submitted for review. No one appeared for or against the subdivision. A motion to close the Public Hearing was made by Mr. Almquist with a second from Mr. Allison with all in favor. Mr. Sorensen recommended the Board grant a Negative Declaration and approve the resubdivision with the conditions listed on the resolution. **Action:** a motion to accept the Planner's recommendation was made by Mr. Allison with a second from Mr. Mulligan with all in favor.

WHEREAS, the applicants – David & Stephen Ferraro – submitted an application seeking approval to re-subdivide the Subdivision of the Lands of John Ferraro dated July 1976; and

WHEREAS, the re-subdivision would result in four (4) lots as follows: *Proposed Lot 1* would consist of 1.017 acres with a 25.01' feet of road frontage and contain the house on Tax Lot 48.58-7-21.120. *Proposed Lot 2* would have 57.82 feet of road frontage and contain the existing house on Tax Lot 48.58-7-19. *Proposed Lot 3* would have 81.13 feet of frontage on the ECB and contain the existing house on Tax Lot 48.58-7-18. *Proposed Lot 4* would have 192.58 feet of frontage on the ECB and contain the existing house on Tax Lot 48.58-7-23.; and

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WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Resubdivision subject to the *Minor Subdivision* approval process, which is subject to the approval of the Town of Ulster Planning Board; and

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

- *Written Narrative for Ferraro Lot-Line Revision* by Christopher J. Zell. P.L.S dated 10/31/13;
- *Application for Preliminary Subdivision Plat Approval* by Dave Ferraro dated 10/31/12;
- *Short EAF* prepared by David Ferraro, Agent for Applicants dated November 11, 2013; and
- *Proposed Lot Line Revisions Map* prepared by Christopher J. Zell, L.L.S dated October 25, 2013.

WHEREAS, the proposed lots comply with the minimum lot size and dimensional requirements of the OM-Office Manufacturing and R-10 Residential Zoning Districts; and

WHEREAS, the *subject lots have access to public water and sewer*; and

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since there are fewer than 5 lots and no lots are in the 100-year floodplain; 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 *Lot Line Revisions Map* was prepared by Christopher J. Zell, L.L.S dated October 25, 2013 and submitted for review to the Planning Board with a recommendation to accept the Plat by its consulting planner subject to minor technical revisions; and

WHEREAS, the Planning Board at its November 19, 2013 meeting waived the requirement for a preliminary public hearing and scheduled this matter for a final public hearing at its December 17, 2013 meeting; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF) 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 SEQR; and

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WHEREAS, the Planning Board opened the public hearing on December 17, 2013 during which no controversy was raised concerning the Proposed Action and subsequently closed the public hearing.

NOW THEREFORE BE IT RESOLVED the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Resubdivision and Minor Subdivision approval as described above to **David Ferraro & Stephen Ferraro** subject to the conditions, limitations and restrictions set forth below.

1. Town Attorney approval of *shared driveway agreement and utility easements in connection to the Proposed Action*.
2. Submission of Final Plat with minor technical revisions requested by the Planning Board.
3. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
4. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and
5. All fees, including consultant fees, shall be paid.

Fully Loaded Auto Sales

Bruce Utter appeared on behalf of the application for a used car dealership. Mr. Utter reviewed the project with the Board stating there is no new lighting as the billboard next door illuminates the property; NYS DOT has requested a pole sign due to sight distance issues. A note has been added to the map stating the mobile home will not be used. Mr. Sorensen stated the project is a SEQRA Type II action therefore no further environmental review is required. Mr. Sorensen recommended the Board grant approval with conditions noted on the draft resolution. A short discussion on the draft resolution followed; a note stating the mobile home will not be occupied will be added to the resolution as well as changing item #3 by removing the condition of no unregistered vehicles on site.

Action: A motion to grant site plan approval with the changes on the resolution as discussed was made by Mr. Almquist with a second from Mr. Mulligan. All were in favor.

WHEREAS, the applicant – *Marc McMurray dba Fully Loaded Auto Sales* – submitted an application seeking *Site Plan* approval to establish a *automotive sales business* on the subject site, which is located at 709 Ulster Avenue; and

WHEREAS, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Planning Board; and

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

- *Application for Site Plan Review* prepared by Marc McMurray dated October 10, 2013;
- *Site Plan Consent Form* signed by Michael Altomari, owner dated October 20, 2013;
- *SEQR Short EAF* prepared by Bruce D. Utter, P.E. dated November 6, 2013;
- *Proposed Site Plan* by Praetorius & Conrad, P.C. Engineering and LS, 11/6/13;
- *Ulster County Planning Board Required Modifications* dated December 4, 2013; and
- *Proposed Site Plan* by Praetorius & Conrad, P.C. Engineering and LS, 11/20/13.

WHEREAS, the property owner – *Michael Altomari* – signed a Site Plan Consent Form to authorize Mr. McMurray to pursue the Site Plan Amendment approval; and

WHEREAS, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide, since an increase in parking spaces on the site was required to accommodate the proposed use; and

WHEREAS, the Ulster County Planning Board issued Required Modifications which were addressed through revisions to the Site Plan and the conditions, limitations and restrictions contained in this resolution; 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 *Proposed Site Plan* was prepared by Praetorius & Conrad, PC dated November 20, 2013 and submitted for review to the Planning Board; and

WHEREAS, the Planning Board has received a recommendation to accept the Proposed Site Plan by its consulting planner; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found the Proposed Action was a Type 2 Action pursuant to Part 617 of State Environmental Quality Review (SEQR) law.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Approval to – *Marc McMurray dba Fully Loaded Auto Sales* – to

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establish an *automotive sales business* at the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. No inoperable or damaged vehicles shall be stored outside;
4. Pursuant to Section 190-33 (8) Sign Illumination, the freestanding sign shall not contain intermittent, moving, or flashing illumination.
5. All exterior lighting fixtures on the building must meet the “fully shielded” definition adopted by the International Dark Sky Association (IDSA) or be an approved fixture of IDSA.
6. The Town’s consulting planner, engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development;
7. Mobile home on subject site shall not be utilized as a residence or any other purpose; and
8. All fees, including consultant fees, shall be paid.

Lang Media

Michael Lang and Brian Kremer appeared on behalf of the application for a billboard. Mr. Lang stated he would like approval to move 2 billboards. At the last meeting they attended they were told that the billboard could not be placed at 1146 Ulster Avenue as it was too close to an existing billboard (Home Depot Signage). Mr. Lang stated they would like to speak to the issue of that statement. Mr. Kremer submitted documentation to the Board showing tax parcels with signage similar to Home Depot. Mr. Kremer stated that the Home Depot sign is not your typical billboard; it is more of a monument sign in his opinion the Home Depot sign is a sign as described in Section 190-33 (9) “Signs for More Than One Business on a Site” he continued saying other sites have multiple tenant signs he questioned if they were billboards. Mr. Lang submitted documentation showing other parcels with similar signage. Mr. Lang noted New York State DOT requires permits for all billboards and the Home Depot sign does not require a permit. Mr. Kovacs and Mr. Sorensen stated they would need time to review the information received, the EAF form. The applicants will appear at the February meeting.

Kingston Area Soccer League

Khattar Elmassalemah appeared on behalf of the application for site plan and special use permit for two soccer fields with concession stand and equipment shed. Mr. Elmassalemah stated the site consist of 13.3 acres on the corner of Rt.32 and Kukuk Lane. There will be 2 fields with a concession stand and an equipment shed, 95 parking spaces and no lighting on the fields. A small motion security light will be placed on the equipment shed. The fields would be used for 8 to 10 weeks on Saturday’s between the

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hours of 8-4, some Sunday's and in the evenings for practices. NYS DOT does not need to review as the entrance is off of Kukuk Lane. Ulster County Highway has been contacted and the applicant is working on a stormwater plan. A short discussion on access to the site followed; Mr. Elmadssalmah stated they are working with the County Highway Department on that issue. Mr. Sorensen stated the project will need Town Board approval of a Special Use Permit. The Planning Board will need to declare intent to be Lead Agency. The Plans should be forwarded to the Ulster County Planning Board for review and the Town Board to schedule a Public Hearing for the Special Use Permit. **Action:** A motion to declare intent to be Lead Agency was made by Mr. Almquist with a second from Mr. Mulligan with all in favor. A motion to refer the project to the Ulster County Planning Board and Town Board was made by Mr. Allison with a second from Mrs. Hayner with all in favor.

East Chester Street Auto Sales

Allan Dumas appeared on behalf of the application for site plan revision for a used car dealership with service area. The applicant is proposing a small bump out to the existing building as a large SUV would not fit into the space allocated for a service bay. The applicant has cleaned up the site and has painted the building a cream color with black trim. A fence will be placed along the rear of the site and around the trailer that is in the corner of the site. NYS DOT has reviewed the project; the traffic coming into the site will be controlled by signage and use of the display area. The old sign will be removed from the site. Mr. Sorensen recommended the project be approved with conditions that are on the draft resolution distributed to the Board. Mr. Sorensen read the conditions:

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. All work to be performed on vehicles shall be conducted *inside* the building;
4. All *waste fluids* shall be contained within the building and disposed of in accordance with state, county and federal requirements;
5. No inoperable or damaged vehicles shall be stored outside;
6. Removal of the existing pole sign from the subject site;
7. All state licenses required to operate the proposed service garage shall be current and the operation of the repair facility shall be in strict compliance with applicable state requirements;.
8. The Town's consulting planner, engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
9. All fees, including consultant fees, shall be paid.

Action: A motion to accept the Planner's recommendation was made by Mr. Mulligan with a second from Mr. Allison with all in favor.

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WHEREAS, the applicant – *Haider Aziz dba East Chester Street Auto Sales* – submitted an application seeking *Site Plan* approval to establish a *automotive sales and service business* on the subject site, which is located at 925 Ulster Avenue; and

WHEREAS, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Planning Board; and

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

- *Site Plan Application for Change in Use* prepared by Andrew Ball-owner dated 12/11/13;
- *Site Plan Consent Form* signed by Andrew Ball-owner dated 12/11/13;
- *E-mail Correspondence by Dave Corrigan of NYSDOT* dated 12/11/13;
- *SEQR Short EAF* prepared by Haider Aziz dated December 11, 2013;
- *Barrette Pressure Treated Stockade Fence Panel Detail* provided by applicant;
- *Existing Conditions Plan* prepared by Brinnier & Larios, P.C. dated November 2013;
- *Proposed Site Plan* prepared by Brinnier & Larios, P.C. dated 11/2013, received 1/14/14.

WHEREAS, the property owner – *Andrew Ball* – signed a Site Plan Consent Form to authorize Mr. Aziz to pursue the Site Plan Amendment approval; and

WHEREAS, referral to the Ulster County Planning Board is not required pursuant to the UCPB Land Use Referral Guide, since the site has channelized access and an increase in parking spaces on the site is not required to accommodate the proposed use; 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 *Proposed Site Plan* was prepared by Brinnier & Larios, PC dated November of 2013 and submitted for review to the Planning Board on December 11, 2013; and

WHEREAS, the Planning Board has received a recommendation to accept the revised Site Plan; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found the Proposed Action was a Type 2 Action pursuant to Part 617 of State Environmental Quality Review (SEQR) law.

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NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Approval to – *Haider Aziz dba East Chester Street Auto Sales* – to establish an *automotive sales and service business* at the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. All work to be performed on vehicles shall be conducted *inside* the building;
4. All *waste fluids* shall be contained within the building and disposed of in accordance with state, county and federal requirements;
5. No inoperable or damaged vehicles shall be stored outside;
6. Removal of the existing pole sign from the subject site;
7. All state licenses required to operate the proposed service garage shall be current and the operation of the repair facility shall be in strict compliance with applicable state requirements;
8. The Town's consulting planner, engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
9. All fees, including consultant fees, shall be paid.

Central Hudson Gas & Electric & Silver Hollow Group

Patricia Brooks appeared on behalf of the application for a Lot Line Adjustment. The applicants will be exchange .042 acre parcel and a .44 acre parcel to straighten out a property line. Mr. Sorensen recommended the Board grant a Negative Declaration and approve the Lot Line Adjustment. The maps can be signed after the technical revisions mentioned in his project notes are completed.

Action: A motion to accept the Planner's recommendation was made by Mr. Almquist with a second from Mr. Allison with all in favor.

Allspace Storage

Kelly Libolt appeared on behalf of the application for site plan revision of the Allspace Storage site. The applicant is proposing an 18,000 sq ft climate controlled building. Mr. Sorensen stated on the original site plan there was a 24' access driveway to the rear of the site that was put there for emergency access to the rear of the site (as per Mr. Sorensen's review of notes on project). Mr. Sorensen recommend it remain and an emergency gate be placed in the rear of the site so emergency vehicles have two ways to gain access to the site. Ms. Libolt stated the driveway was placed on the site plan for access to the rear of the site if there was a different use placed in the rear; as the use is staying the same she does not feel it is necessary. The entire site can be accessed through the gate that is in

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place now. Mr. Sorensen requested the Ulster Hose review the plan. Mr. Sorensen questioned a water feature on the site; Ms. Libolt stated there is a low lying area that was created when the original site was raised. This has been address in the Stormwater Plan. Mr. Soresen questioned the size of tucks that will be going to the new building; Ms. Libolt stated customers use buildings of this type to store furniture and other items they want to keep safe from mold. No tractor trailers will be accessing the building you cannot drive into the building. A turning plan will be submitted. There will be no water or sewer to the new building and all utilities will be underground. A short discussion on the need for additional screening followed; Ms. Libolt will look at the existing vegetation on site. Mr. Sorensen recommended the Board refer the project to the Town Board to declare intent to be Lead Agency. The project could also be referred to the Ulster County Planning Board.

Action: A motion to refer to the Town Board as per the Planner's recommendation was made by Mr. Almquist with a second from Mrs. Hayner with all in favor. A motion to refer to the Ulster County Planning Board was made by Mrs. Hayner with a second from Mr. Mulligan with all in favor.

Ulster Hose #5

Michael Vetere and James Bracco appeared on behalf of the application for a minor subdivision. The application is proposing a 2 lot subdivision with an area of road that will be conveyed to the Town. The lot with the existing firehouse will require an area variance as the building will be within the setback. After a short discussion Mr. Sorensen recommended the project to the Town Board for the dedication of the roadway. The Board should also grant a Grant a Negative Declaration.

Action: A motion to grant a Negative Declaration was made by Mr. Almquist with a second from Mr. Almquist all were in favor. A motion to forward to the Town Board was made by Mrs. Hayner with a second from Mr. Almquist all were in favor. A motion to forward to the Zoning Board of Appeals was made by Mr. Almquist with a second from Mr. Allison all were in favor.

Mr. Kovacs informed the Board that the Zoning Board of Appeals will be forwarding an area variance request for their review. The request for an area variance for a drive thru sign for Panera Bread will be sent to Mr. Sorensen to review and will be discussed at the next meeting.

Respectfully Submitted,
Mary Secreto
Planning Secretary