

*TOWN OF ULSTER
PLANNING BOARD
AUGUST 19, 2014*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday August 19, 2014 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan, Chairman
Anna Hayner –
Karl Allison
Larry Decker
Frank Almquist
Alan Sorensen - Planner

A motion to approve the minutes from the July meeting was made by Mr. Allison with a second from Mr. Almquist. All were in favor with Mr. Decker abstaining.

Komm Corp – 12 Van Kuren Highway

Mr. Koskie appeared on behalf of the application for used car sales. Mr. Koskie stated his son would like use the parcel to sell used cars on occasion. They will not be a dealer. A short discussion followed on what a dealership is defined as per NYS Motor Vehicles Law. Mr. Sorensen stated the applicant should revise the map to show the existing driveway and traffic flow on site; an additional space will be required for customer parking. Mr. Kovacs stated that you may not have unregistered vehicles on a site. Mr. Koskie stated he attended a workshop and was told the use was allowed. He will decide at a later date how he will proceed.

Burger King 1195 Ulster Avenue

Ozzie Beichert appeared on behalf of the applicant for a facade change. Mr. Beichert responded to the Project Review Notes stating there is no change to this site plan. The traffic flow and parking does not change the only change is a cooler that will be 48” wider. The existing cooler is on a slab that is 77” and there will still be 29” between the cooler and the drive thru curb. The applicant will revise the landscaping in the rear. There is no change in lighting on the site. This is a facade change; the green house windows are being removed and replaced with a wall. The billboard is not on the Burger King site and is a licensed billboard (licensed by NYS DOT). All wall signage complies with Town Code. There are no plans to change the freestanding sign; a monument sign will hinder line of site and will affect the parking. Mr. Sorensen stated a site plan showing the new cooler should be submitted and stated the 9W enhancement plan recommends monument signs. Mr. Beichert stated he would be withdrawing the application at this time. No action was taken.

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H&V Collision – 1051 Ulster Avenue

Chris Smailer appeared on behalf of a site plan amendment. Mr. Smailer stated the original approval was for a 7,509 sq ft addition; the applicant has reduced the addition to 3,800 sq ft with an open air drive under canopy (for customer drop off). A short discussion on emergency vehicle access followed. Mr. Smailer stated the building has a sprinkler system and emergency vehicle access to 3 sides of the building; the plan does meet the NYS Fire Code. Mr. Smailer will appear at a planning workshop to review the plan with Mr. Sorensen. No action was taken.

Bread Alone – 2015 Ulster Avenue

Allan Dumas appeared on behalf of the application for site plan revisions. Mr. Dumas stated the applicant is ready to move forward with the opening of a cafe on site. The parking has been revised to meet the needs of the customers, employees and trucks. The dumpsters have been moved and landscaping has been added. New lighting is being proposed; 6 post lights what will be LED. The guide rails will be wood and will match the base of the sign. Mr. Sorensen recommended the Board grant site plan amendment. **Action:** A motion to accept the Planner's recommendation was made by Mrs. Hayner with a second from Mr. Decker with all in favor.

WHEREAS, a Special Permit and Site Plan Approval was granted for Bread Alone by the Town of Ulster Town Board in 2012, which included the allowance for a restaurant – café; and

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Bread Alone* seeking site plan amendment approval to allow the reconfiguration of the off-street parking and loading bays, addition of exterior site lighting, removal of dead trees and replanting of new trees, planned reduction in the number of seats in the café and other site modifications; and

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

- *Site Plan Application* prepared by Bread Alone's Sharon Burns-Leader dated April 18, 2012;
- *SEQRA Short EAF* prepared by Bread Alone's Sharon Burns-Leader dated April 18, 2012;
- *Modified Site Improvement Plan* prepared by Brinnier & Larios, PC dated 8/13/2014;
- *Lighting Plan for Bread Alone* prepared by Brinnier & Larios, PC dated August 5, 2014;
- *Sign Detail for Monument Sign* prepared by Timely Signs dated August 13, 2014;
- *Dumpster Detail* prepared by Brinnier & Larios, PC dated August 19, 2014; and
- *Guiderail Detail* prepared by Brinnier & Larios, PC dated August 19, 2014; and
- *Landscaping Detail* prepared by Brinnier & Larios, PC dated August 19, 2014.

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WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan amendment for this Proposed Action since the proposed modifications to the approved Site Plan involves less than 2,500 SF of new gross floor area; and

WHEREAS, the applicant provided a Modified Site Improvement Plan for the Proposed Action, which was reviewed by the Town’s planner with a recommendation to the Town of Ulster Planning Board to accept the revised plans subject to clarification of a few items; and

WHEREAS, The Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and an increase in parking spaces on the site was not required to accommodate the amended Site Plan; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is an *Type II Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required; and

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 Amendment Approval to Bread Alone on 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. Compliance with site plan, design plans and all details as cited herein;
4. The Town’s consulting planner 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
5. All fees, including consultant fees, shall be paid.

Hardee’s – 1601 Ulster Avenue

Jeff Kane and Larry Boudreau appeared on behalf of the application for a 3,007 sq ft Hardee’s Restaurant. Mr. Boudreau stated the applicant is working with the Town Engineer on Stormwater and utility plans. Additional crosswalks have been added to the plan. The applicant is working with NYS DOT on access issues. A discussion on the facade and colors of the restaurant followed. The applicant will schedule a workshop to discuss the facade with Mr. Sorensen. No action was taken

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Lang Media 1146 Ulster Avenue

Michael Lang appeared on behalf of an application for a billboard. Mr. Lang stated he submitted photos with the billboard superimposed. Mr. Allison asked if other sites were looked at before choosing this site; Mr. Lange responded yes and described how this site was chosen. Mr. Mulligan questioned how the Board should proceed. Mr. Kovacs stated Board could vote to adopt the Scoping Document that would require the applicant to submit more information; the Board could adjourn the matter to a later date or vote on the matter. Mr. Lang stated he would like to get something approved and would work with the Board. Mr. Sorensen explained Scoping Document and the procedure. Mr. Lang requested the Board adjourn to a later date.

Action: A motion to adjourn with consent of the applicant was made by Mr. Almquist with a second from Mr. Decker. All were in favor.

Stage One – 1789 Ulster Avenue

Edward Fetzer appeared on behalf of an amendment to site plan. Mr. Fetzer stated he received conditional approval to expand a parking area for car sales in May. He would now like to receive approval for a chiropractic office in the existing Excel Glass building. The office was previously occupied by NYS DOT. Mr. Fetzer stated they would like to build a storefront to help guide patients to the correct entrance. The driveway will be paved in the future. Mr. Sorensen stated he did not need more time to review; he recommended conditional final approval with the following condition; the Building Inspector and Planner are authorized to conduct a visit and require changes to the site plan.

Action: A motion to accept the Planners recommendation was made by Mr. Decker with a second from Mrs. Hayner. All were in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Stage One Automotive* to establish a new outdoor display area for auto sales on the subject site, which is located at 1789 U.S. Route 9W; and

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

- *Site Plan Application* by Edward Fetzer dated March 25, 2014;
 - *Site Plan Consent Form* by Edward Fetzer – Property Owner – dated March 25, 2014;
 - *SEQR Short EAF* prepared by Edward Fetzer dated March 25, 2014; and
 - *Site Plan for Stage One Automotive* by David Rider, P.E. dated February 12, 2012.
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- *Site Plan Application* by Edward Fetzer dated March 25, 2014;
 - *SEQR Short EAF* prepared by Edward Fetzer dated March 25, 2014;
 - *Correspondence* by David Corrigan, Permit Engineer for the NYSDOT;

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- *Site Plan for Stage One Automotive* by David Rider, P.E. revised April 21, 2014; and
- *Site Plan for Stage One Automotive* by David Rider, P.E. revised August 12, 2014.

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan amendment for this Proposed Action since the proposed modifications to the approved Site Plan involves less than 2,500 SF of new gross floor area; and

WHEREAS, the applicant provided revised plans for the Proposed Action, which were reviewed by the Town's planner with a recommendation to the Town of Ulster Planning Board to accept the revised plans; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is an *Type II Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required; and

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 Amendment Approval to Stage One Automotive (*Site Plan Revision Date 8-12-14*) on 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. Compliance with site plan, design plans and all details as cited herein;
4. Prior to Chairman signing the Site Plan, the applicant shall provide a revised Site Plan and supporting documentation, which addresses all required technical revisions cited in the Town Engineer's letter dated May 16, 2014;
5. Prior to Chairman signing the Site Plan, the applicant shall provide a revised Site Plan and supporting documentation, which addresses all required technical revisions cited by the Planning Board at its August 19, 2014 meeting;
6. The applicant shall submit a cross access easement for review and approval by the Town Attorney;
7. The Town's consulting planner and Building Inspector are hereby authorized to conduct site visit and require and approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
8. All fees, including consultant fees, shall be paid.

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Action: A motion to adjourn was made by Mr. Decker with a second from Mrs. Hayner with all in favor.

Respectfully Submitted,
Mary Secreto
Planning Secretary