

*TOWN OF ULSTER PLANNING BOARD
AUGUST 21, 2012*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday August 21, 2012 at 7:00 p.m. at the Town Hall Lake Katrine New York. The following members were present:

Alan DeForest –Chairman
Karl Allison
Anna Hayner

Alan Sorensen – Planner
Larry Decker
Gary Mulligan

A motion to approve the minutes from the July was made by Mr. Mulligan with a second from Mr. Allison.

A roll call was taken with all in attendance.

Kingston Kingdom of Jehovah’s Witness – Public Hearing

A motion to open the public hearing was made by Mr. Allison with a second from Mrs. Hayner with all in favor.

Scott Lucas appeared on behalf of the application for subdivision Mr. Lucas stated the stormwater plan has been updated and the traffic analysis is being revised and will be submitted next month. Color samples and the building elevation were shown to the Board. Mr. Sorensen stated the Planning Board had two actions to consider the site plan and the subdivision. The site plan requires more information but the subdivision could be approved. Mr. Sorensen recommended the Board grant a Negative Declaration and grant approval of the minor subdivision. A motion to close the Public Hearing was made by Mr. Mulligan with a second by Mr. Decker with all in favor. Mr. DeForest read the resolution.

WHEREAS, the applicant – Scott R. Lucas on behalf of Kingston Kingdom Hall of Jehovah’s Witnesses and the Maggiore Testamentary Trust – is seeking minor subdivision approval to subdivide a 5.9-acre parcel into two (2) building lots, which will be served with central water and an on-site septic system; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a *Minor Subdivision*, 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:

- *Narrative Description* by Scott R. Lucas representing Kingdom Hall of Jehovah’s Witnesses;
- *Application for Preliminary Plat Approval* by Scott R. Lucas dated May 1, 2012;
- *Short EAF* prepared by Scott R. Lucas – Applicant - dated April 21, 2012;
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- *Site Plan Consent Form* by Gilda Bach – Trustee Maggiore Testamentary Trust dated March 22, 2012;
- *Site Plan for Kingston Kingdom Hall* by David Rider, P.E., PLLC dated February 22, 2011, and
- *Preliminary Plat for Minor Subdivision* prepared by Marie T. Welch, L.S. dated April 25, 2012.

- *Preliminary Plat for Minor Subdivision* prepared by Marie T. Welch, L.S. revised June 1, 2012;
- *Site Plan for Kingdom Hall of Jehovah’s Witnesses* by David Rider, P.E., PLLC dated 5/24/2012;
- *Septic Plan for Kingdom Hall of Jehovah’s Witnesses* by David Rider, P.E., PLLC dated 5/24/2012;
- *Stormwater and Erosion & Sediment Control Plan* by David Rider, P.E., PLLC dated 5/24/2012;
- *Site Plan for Kingdom Hall of Jehovah’s Witnesses* by David Rider, P.E., PLLC 5/24/2012; and
- *Landscaping Plan and Details* prepared by David Rider, P.E., PLLC dated 5/24/2012; and
- *Building Elevations* for West Kingston Cong. Of Jehovah’s Witnesses dated 6/1/2012.

- *Narrative Description* by Kingston Congregation of Jehovah’s Witnesses dated 7/2/12;
- *Cover Letter* by Scott R. Lucas representing Kingston Congregation of Jehovah’s Witnesses 7/2/12;
- *Preliminary Plat for Minor Subdivision* prepared by Marie T. Welch, L.S. revised June 22, 2012;
- *Site Plan for Kingdom Hall of Jehovah’s Witnesses* by David Rider, P.E., PLLC revised 6/20/2012;
- *Septic Plan for Kingdom Hall Jehovah’s Witnesses* by David Rider, P.E., PLLC revised 6/20/2012;
- *Landscaping Plan and Details* prepared by David Rider, P.E., PLLC revised 6/20/2012;
- *Lighting Photometric Plan* prepared by Ruud Lighting Direct dated June 19, 2012; and
- *Building Elevations* for West Kingston Cong. Of Jehovah’s Witnesses dated 6/1/2012; and
- *Main Floor Plan* prepared by Jason T. Anderson, RA dated May 2, 2012.

- *Preliminary Plat for Minor Subdivision* prepared by Marie T. Welch, L.S. revised June 22, 2012;
- *Cover Letter* by Scott R. Lucas of Kingston Congregation of Jehovah’s Witnesses 7/31/12;
- *Site Plan for Kingdom Hall of Jehovah’s Witnesses* by David Rider, P.E., PLLC revised 7/24/2012;
- *Septic Plan for Kingdom Hall Jehovah’s Witnesses* by David Rider, P.E., PLLC revised 7/24/2012;
- *Stormwater, Erosion and Sediment Control Plan* by David Rider, P.E., PLLC revised 7/24/2012;
- *Landscaping Plan and Details* prepared by David Rider, P.E., PLLC revised 7/24/2012;
- *Lighting Photometric Plan* prepared by Ruud Lighting Direct dated June 19, 2012;
- *Main Floor Plan* prepared by Jason T. Anderson, RA dated May 2, 2012; and
- *Exterior Elevations* for West Kingston Cong. Of Jehovah’s Witnesses dated 6/1/2012.

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

WHEREAS, Lot No. 1 will thereafter be sold by the Maggiore Testamentary Trust to the Kingston Kingdom Hall of Jehovah's Witnesses, for the purposes of constructing a 4,900 square-foot "*house of worship*" with off-street parking for 50 vehicles and access from Barbarosa Lane; and

WHEREAS, the *Ulster County Health Department* has approved the septic design on proposed Lot No. 1; 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 *Map of Subdivision* was prepared by Marie T. Welch, L.S. revised June 22, 2012 and submitted for review to the Planning Board with a recommendation to accept the Map by its consulting planner; and

WHEREAS, the Planning Board at its July 17th meeting waived the requirement for a preliminary public hearing and scheduled this matter for a public hearing at its August 21, 2012 meeting; and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Long Form EAF Part 1 & 2, which covered the Subdivision and Site Plan requests) 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 SEQRA; and

WHEREAS, the Planning Board opened the public hearing on August 21, 2012 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 Act (SEQRA); and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Minor Subdivision Approval to subdivide the subject 5.9-acre site as follows: Proposed Lot No. 1 having 2.0-acres (1.936 acres less Parcel A and B, which will be dedicated for high purposes to the Town) and the Remaining Lands of Vincenzo and Marina Maggiore having 3.94 acres subject to the conditions, limitations and restrictions set forth below.

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1. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
2. 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
3. All fees, including consultant fees, shall be paid.

Action: A motion to grant a negative declaration and approve the minor subdivision was made by Mrs. Hayner with a second from Mr. Allison all were in favor.

Hoffstatter Landscape

Bill Brinnier appeared on behalf of the application for a landscaping supply business; Mr. Brinner stated the plan has been revised as per the Ulster County Planning Board referral and the memo received from the Town. Mr. Sorensen stated he has reviewed the plans and recommends the Board grant a negative declaration and approve the site plan. Mr. DeForest read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Ryan Hoffstatter* seeking *site plan approval* to establish a landscaping supply business with retail and wholesale sales of landscaping materials and plants on a property situated at the southeast corner of NYS Route 28 and NYS Route 28A; and

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

- *SEQR Short EAF* prepared by Ryan Hoffstatter dated June 13, 2012;
- *Site Plan Application* prepared by Ryan Hoffstatter dated June 13, 2012;
- *Site Plan* prepared by John Kolar and stamped by William P. Brinnier, RA dated 6/1/2012;
- *Site Plan* by John Kolar and stamped by William P. Brinnier, RA revised 6/21/2012;
- *Ulster County Planning Board required modifications* received July 10, 2012;
- RAB Lighting Lighting Detail Sheets submitted by William P. Brinnier, RA 8/20/12; and
- *Site Plan* by John Kolar and stamped by William P. Brinnier, RA revised 8/17/2012

WHEREAS, the subject site lies within the HC-Highway Commercial Zoning District where such use is permitted-by-right subject to Site Plan review; and

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

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WHEREAS, the Planning Board initiated SEQR Unlisted Action-Coordinated review by circulating its Notice of Intent to be Lead Agency at its June 19th Board Meeting; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, has determined the Proposed Action is an *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR); and

WHEREAS, the applicant provided detailed plans for the Proposed Action, which were reviewed by the Town's planner and New York State Department of Transportation; and

WHEREAS, the NYSDOT has approved access to the subject site and the Site Plan revised to address Town of Ulster Planning Board required revisions and modifications; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and written comments from the UCPB were received in July of 2012; and

WHEREAS, upon review the Ulster County Planning Board issued a Recommendation Letter with Required Modifications as follows: 1) The applicant will require approval of NYSDOT for a commercial driveway from Route 28 (Approved by NYSDOT); and 2) A restroom facility, portable or permanent depending on intensity of use of the site, is to be provided (A Port-A-John is provided on the Site Plan); and

WHEREAS, the Proposed Action - as revised - complies with UCPB's Required Modifications.

NOW THEREFORE BE IT RESOLVED, upon full consideration of the above, the Town of Ulster Planning Board hereby finds the Site Plan application by Ryan Hoffstatter to establish a landscaping supply business with retail and wholesale sales of landscaping materials and plants on the above cited property is consistent with the provisions and policies of Chapter 145 of the Town of Ulster Town Code and hereby approves the application for Site Plan approval subject to the conditions, limitations and restrictions set forth below.

- a. Compliance with applicable zoning and building laws, rules and regulations;
- b. Equipment storage on the subject site shall be limited to a small tractor or skid steer to load materials;
- c. Only the material storage as shown on the final signed Site Plan are authorized on the subject site;
- d. Any alterations or modifications to the approved Site Plan shall require the prior review and approval of the Planning Board; and
- e. All fees, including consultant fees, shall be paid.

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

Beer World/ Chipotle Grill

Barry Medenbach appeared on behalf of the application for site plan revision. Mr. Medenbach reviewed the proposal with the Board stating the restaurant will have 50 seats indoors and 12 outdoors. The applicant is waiting on permission to place the patio over the Central Hudson gas line. The Ulster County Planning Board has a number of required modifications: lighting, easements, sprinklers, cross-access, DOT approval and landscaping. All lighting on site will be full cut-off and meet the Town code. Mr. Medenbach stated there does not seem to be any formal agreement on the existing cross access; the applicant will contact the bank to discuss. Mr. Sorensen stated he received an e-mail from David Corrigan from the NYS Department of Transportation stating the entrance currently meets code, no modification will be required therefore the Board could override the County's recommendation. A discussion on landscaping followed; the applicant agreed to replace a parking space with a landscape island. Mr. Sorensen will find out what the New York State Fire Code requirements are for sprinkler systems. The applicant will return next month with updated plans. No action was taken.

Dollar General

Larry Marshall appeared on behalf of the application for site plan & lot line adjustment. The applicant is proposing a 9,100 sq ft Dollar General store with 34 parking spaces. Mr. Marshall stated the plan has been revised; the landscaping has been upgraded replacing the shrubs with grasses and trees. The shared entrance is on the VanKleeck's property; as per DOT the existing northern entrance will be a one way in entrance. The traffic circulation was reviewed. One of the County Planning Board required modifications was for the applicant to provide an alternate site plan with the building repositioned. Mr. Marshall explained that the first plan had the building rotated but there is bedrock on the site and the building was moved so the bedrock was avoided. The County also required the parking be placed in the ear of the building; Mr. Marshall stated the Dollar General needs to look open; having parking in the rear may deter patrons from visiting the store. Another comment was to add an internal sidewalk; the only place on the site to place an internal sidewalk would be on the Southern property line, to accomplish this landscaping would need to be removed. A short discussion on where the sidewalk could be placed followed. Mr. Sorensen stated new plans have been received since his August 8th memo; the new plans show snow removal storage. The applicant has conditional approval from the Health Department as well as approval from NYS DOT. A cross access agreement and elevations showing the side of the building need to be submitted. Mr. Sorensen recommended the Board grant a negative declaration as per SEQRA and approve the lot line adjustment. Mr. Marshall stated that the lot line adjustment may change if the applicant decides to hook up to the town sewer system. Mr. Sorensen recommended waiting on the approval of the lot line adjustment. A short discussion on the County's comments followed with Mr. Sorensen recommending the Board override the required

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modifications of need for a new site plan for Van Kleeck's Tire and the submittal of an alternate site plan.

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

Ulster Gardens

Peter Romano appeared on behalf of the application for a minor subdivision. Mr. Romano stated a subdivision was approved earlier this year; maps were file with the County. Now the Division of Housing has suggested that the lots should be re-subdivided to help with the financing of the project. Each of the new lots will contain one Sr. Housing building and one Special Needs Housing building. Lot 1B will not have road frontage therefore it will require an approval of Open Development from the Town Board. Mr. Sorensen recommended the Board make a formal recommendation of approval to the Town Board and schedule a Public Hearing for September 18th.

Action: A motion to accept t the planner's recommendation was made by Mr. Mulligan with a second from Mr. Allison with all in favor.

Hudson Valley Mall

Robert Dupont appeared on behalf of the application for a facade change at the Hudson Valley Mall. The applicant is proposing improvement to the north entrance to the mall; this will include new sliding doors and a new roof canopy along with a new sidewalk. Mr. Sorensen reviewed his memo with the Board and recommended approval of the project. Mr. DeForest read the resolution to the Board.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *PCK Development Co., LLC dba Hudson Valley Mall* seeking Site Plan Amendment approval to construct a roof canopy extension over the existing mall north entrance, which will include new sliding entry doors and decorative façade improvement; and

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

- *Site Plan Review Application* prepared by Robert J. Dupont, Architect, LLC dated 8/1/12;
- *SEQRA Short EAF* prepared by Dan Theisen, PCK Development dated July 30, 2012;
- *Escrow Agreement* executed by Gary Malfitano for PCK Development dated July 31, 2012;
- *Project Narrative* prepared by Robert J. Dupont, Architect, LLC dated July 30, 2012;
- *Existing Conditions Site Plan* prepared by Pyramid Companies dated 7/11/09;
- *Existing Conditions Site Plan* by Robert J. Dupont, Architect, LLC dated July 30, 2012;
- *Existing Elevation Plan* prepared by Robert J. Dupont, Architect, LLC dated July 30, 2012; and
- *Proposed Plans and Elevations* by Robert J. Dupont, Architect, LLC dated July 30, 2012.

WHEREAS, the subject site lies within the RC-Regional Commercial Zoning District where such use is permitted-by-right subject to Site Plan review; and

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

WHEREAS, the Planning Board considered 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 upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found that the Proposed Action was a *Type II Action* pursuant to 6NYCCR Part 617 of State Environmental Quality Review (SEQR).

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of 6NYCCR Part 617 of State Environmental Quality Review (SEQR); and

FURTHER BE IT RESOLVED, upon full consideration of the above, the Town of Ulster Planning Board hereby grants Site Plan approval to *PCK Development Co., LLC* to construct a roof canopy extension over the existing mall north entrance, which will include new sliding entry doors and decorative façade improvement subject to the conditions, limitations and restrictions set forth below.

- a. Compliance with applicable zoning and building laws, rules and regulations; and
- b. All fees, including consultant fees, shall be paid.

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

Prestige Toyota

Robert Dupont appeared on behalf of the application for a 2,480 sq ft addition to the front of the building. There will be no change to the stormwater, lighting or entrance. 6 parking spaces will need to be moved as well as the water service. Signage has not been decided upon. Mr. Sorensen stated the project would need to be reviewed by the Ulster County Planning Board and DOT. The applicant will return next month with more detailed plans.

Quick Chek – Washington Avenue

Jeff Albanese appeared on behalf of the application for site plan and lot line adjustment for 640-642 Washington Avenue. The applicant is proposing a 6,584 SF food store with 12 fuel pumps. The applicant submitted a sketch plan to the Board looking for comments and concerns before submitting a detailed plan. Quick Chek is working with the County Highway Department as well as New York State DOT. Access will be from Sawkill

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Road and Washington Avenue both with right turn only exits. Several Board members noted that no left hand turns onto Sawkill Road may be a problem. The applicant is requesting several variances from the ZBA including lighting, signage and a variance for a 4' fence that will be on an 8' retaining wall. The application also includes a lot line adjustment. Mr. Sorensen recommended the Planning Board declare intent to be Lead Agency. The applicant will return with detail plans at a later date.

Action: A motion to declare Lead Agency was made by Mr. Mulligan with a second from Mr. Allison with all in favor.

A motion to adjourn was made by Mr. Hayner with a second from Mr. Mulligan with all in favor.

Respectfully Submitted
Mary Secreto
Planning Secretary