

*TOWN OF ULSTER
PLANNING BOARD
April 12, 2016*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday April 12, 2016 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan-Chairman
Anna Hayner
Andrew Stavropoulos
Troy Ashdown

Karl Allison

Alan Sorensen – Planner

A motion to approve the minutes from the March meeting was made by Mrs. Hayner with a second from Mr. Ashdown with all in favor.

Lands of Hudson River Heights & Michael Smith Public Hearing

A motion to open the Public Hearing was made by Mr. Stavropoulos with a second from Mr. Allison.

Bill Eggers appeared on behalf of the application for a minor subdivision. Mr. Eggers stated the applicant would like to transfer 2.93 acres from tax map 40.13-1-22.131 to 40.13-1-21. Mr. Sorensen stated the request was minor; he recommended the Board grant a Negative Declaration and grant approval of the subdivision. Mr. Sorensen read the resolution.

WHEREAS, the applicant – Michael T. Smith dba Hudson River Heights, LLC – submitted an application seeking approval for a Lot Line Revision involving the Lands of Michael Smith and Lot 3 in the Resubdivision of the Lands of Michael and Kathleen Smith Subdivision, which was approved by the Town of Ulster Planning Board in May of 2012 and filed with the Ulster County Clerks Office in July of 2012; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Lot Line Revision, 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* prepared by Michael T. Smith dated 2/18/16;
Application for Preliminary Subdivision Plat Approval by Michael T. Smith dated 1/15/16;
Short EAF prepared by William Eggers, LS, Agent for applicant dated February 19, 2016; and
Final Subdivision Map prepared by Medenbach & Eggers dated February 4, 2016, revised 4/1/16.

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide; 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

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WHEREAS, a *Map of Lot Line Adjustment (i.e. Final Plat)* was prepared by Medenbach & Eggers dated April 1, 2016 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the Final Plat subject to some minor technical revisions; and

WHEREAS, the proposed lots and improvements comply with the bulk requirements of the R-60 Residential Zoning District; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose any potentially significant adverse environmental impacts; and

WHEREAS, a public hearing was held on April 12, 2016; and

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 hereby issues a *SEQR Negative Declaration* for the Proposed Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Lot Line Revision approval as described above to Michael T. Smith dba Hudson River Heights, LLC subject to the conditions, limitations and restrictions set forth below.

1. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
2. Applicant submits a Final Plat with the title block reading "Map of Lot Line Revision;"
3. 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
4. All fees, including consultant fees, shall be paid.

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

Lands of Gavin Muller

Michael Vetere appeared on behalf of the application for a Lot Line Revision. Mr. Sorensen stated the applicant is requesting the transfer of .089 acres from one parcel to the adjoining parcel. Lot one has a single family dwelling, lot two is undeveloped. Mr. Sorensen requested some minor changes on the plat and recommended the Board waive the preliminary public hearing and schedule a Public Hearing for the May meeting.

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

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Lands of Burton & Darryl Deitz

Michael Vetere appeared on behalf of the application for a 4 lot subdivision. Lot #1 & 2 have existing structures the remaining lots are vacant. Mr. Sorensen stated details of the proposed culvert and driveway should be submitted along with a driveway easement. Mr. Sorensen also requested soil testing be conducted to ensure the site is clear of environmental concerns. Health Department approval for well and septic should also be submitted. Mr. Vetere stated that both parcels could always construct an above ground septic system; asking for approval of the Health Department will cost the applicant thousands of dollars. A short discussion followed; Mr. Kovacs stated that a note on the plat stated subject to Health Department Approval would be sufficient. Mr. Sorensen recommended the Board declare intent to be lead agency and schedule a public hearing for the May meeting.

Action: A motion to declare intent to be lead agency and schedule a public hearing was made by Mrs. Hayner with a second from Mr. Stavropoulos with all in favor.

Holiday Inn Façade

Amit Shah appeared on behalf of the request to revise the façade of the Holiday Inn Express. Mr. Shah stated the stone arch on the facade that was approved is not guaranteed when installed above 30 feet. Mr. Shah requested the stone on the arch be replaced with a faux brick arch replace the stone. After a short discussion it was decided the Board would make a decision via email after the applicant submits design drawings and letter from an engineer stating why the stone veneer façade cannot be used.

River of Life International

Michael Dalbo appeared on behalf of the application for a resubdivision. The applicant is requesting a 2 lot subdivision lot#1 will be 8.327 acres lot # 2 will be 4.01 acres. A road maintenance agreement should be submitted. Both lots have structures with well and septic systems. This is an unlisted action as per SEQRA. Mr. Sorensen recommended the Board waive the preliminary public hearing and schedule a public hearing or the May meeting.

Action: A motion to schedule a public hearing for the May meeting was made by Mrs. Hayner with a second from Mr. Stavropoulos with all in favor.

Bridgeview Storage

Chris Zell appeared on behalf of the application for 1100 Flatbush Road. Mr. Zell stated the site plan was approved in 2000 but only one building was constructed. The applicant would now like to construct the second building. Mr. Sorensen stated the UCPB required modifications included the submittal of lighting plans and elevations; both items have

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been submitted. The County also required additional landscaping to the frontage; Mr. Zell stated they would add shrubs to the plan. Mr. Sorensen read the resolution.

WHEREAS, the applicant – *Samuel DeCicco dba Bridgeview Storage* – is seeking *Site Plan Amendment approval* for the construction of an 8,000 square foot (sf) storage building, along with the construction of associated access drives, etc.; and

WHEREAS, Self-storage facilities and warehouses are permitted-by-right subject to Site Plan review within the OM-Office Manufacturing Zoning District; and

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

- *Project Narrative for Bridgeview Storage* by Samuel Decicco, Owner dated 2/18/16;
- *Site Plan Application* prepared by Samuel Decicco, Owner dated 2/18/16;
- *Site Plan Consent Form* prepared by Samuel & Bonnie Decicco, Owners dated 2/18/16;
- *SEQR Short Form EAF* prepared by Samuel Decicco, Owner dated 2/18/16;
- *Copy of 1999 Approved Plan Set* prepared by Brinnier & Larios, PC, dated 11/30/1999; and
- *Site Plan for Bridgeview Storage* prepared by Brinnier & Larios, PC, dated March 11, 2016.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Proposed Action since more than 2,500 SF of new gross floor area is proposed with this Site Plan application, upon a favorable recommendation from the Town of Ulster Planning Board; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board (UCPB) by the Town of Ulster Town Board pursuant to Section 239 1 and m of NYS General Municipal Law *and written were received on April 6, 2016, which included the following required modifications: 1) Lighting levels should be calculated for the plan and levels should not exceed the Illuminating Engineering Society (IES) Outdoor Site/Area Recommended Illuminance Levels (see attached) and meet the standards specified by the Town of Ulster; 2) the applicant will need to indicate that they have sufficient parking to meet the needs of the facility; 3) architectural elevations will need to be provided and details should include a look at rooflines and materials and colors to be utilized; 4) a line of alternating street trees and shrubberies should be continued along the entire length of the site's frontage as long as they do not obstruct sight distance; and*

WHEREAS, the Planning Board considered the UCPB required modifications and found that conditions No. 1 and 2 as cited above met the Town's standards; and the applicant's Site Plan should be amended to incorporate the required modification No. 3 and No. 4, which are set forth as conditions herein; 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).

NOW THEREFORE BE IT RESOLVED, the Planning Board – upon receipt of the additional application materials as requested by the Town of Ulster Planning Board finds the Site Plan application complete; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends that the Town of Ulster Town Board grants Conditional Site Plan approval for the Proposed Action 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. A revised Site Plan showing *a continuation of alternating street trees and shrubberies along the site's frontage on NYS Route 32 should be provided where they do not obstruct sight distance*;
5. 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
6. All fees, including consultant fees, shall be paid.

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

Comfort Inn

Jeff Martell appeared on behalf of the application for Comfort Inn. Mr. Martell reviewed with the Board the steps that will be required to prepare the site before the structure can be built. Mr. Sorensen explained lawful segmentation with the Board noting the studies that have been submitted. Mr. Sorensen recommended the Board forward the request to the Town Board to grant negative declaration with lawful segmentation. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by SAI Capital Group, LLC with the Consent of Bipin Patel (Signatory for Huguenot Development, LLC (Owner) seeking Site Plan approval for construction of a 94-room, 4-story Comfort Inn hotel along with associated parking, access, landscaped areas and utility infrastructure; and

WHEREAS, the applicant is proposing to develop the project in 2 phases with Phase 1 consisting of the initial clearing, grading and fill of the subject site and Phase 2 the Comfort Inn Hotel construction and site development; and

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

- *Application for Site Plan Review* by *SAI Capital Group, LLC*, dated 12/1/2015;
- *Site Plan Consent Form* signed by Bipin Patel, property owner dated 12/1/15;
- *SEQR FULL Environmental Assessment Form Part 1* prepared by SAI CG dated 12/4/15;
- *Stormwater Management Report* prepared by Stonefield Engineering & Design, dated 12/4/15;
- *Cover Sheet for Plan Set* prepared by Stonefield Engineering & Design, dated 12/4/2015;
- *Existing Conditions Plan* prepared by Stonefield Engineering & Design, dated 12/4/2015;
- *Demolition Plan* prepared by Stonefield Engineering & Design, dated 12/4/2015;
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- *Site Plan* prepared by Stonefield Engineering & Design, dated 12/4/2015;
- *Grading & Drainage Plan* prepared by Stonefield Engineering & Design, dated 12/4/2015;
- *Utility Plan* prepared by Stonefield Engineering & Design, dated 12/4/2015;
- *Lighting Plan* prepared by Stonefield Engineering & Design, dated 12/4/2015;
- *Phase I Soil Erosion & Sediment Control Plan* by Stonefield Engineering & Design, dated 12/4/2015;
- *Phase II Soil Erosion & Sediment Control Plan* by Stonefield Eng. & Design, dated 12/4/2015;
- *Soil Erosion & Sediment Control Details* by Stonefield Engineering & Design, dated 12/4/2015;
- *Landscaping Plan* prepared by Stonefield Engineering & Design, dated 12/4/2015;
- *Landscaping Details* prepared by Stonefield Engineering & Design, dated 12/4/2015;
- *Construction Details* prepared by Stonefield Engineering & Design, dated 12/4/2015;
- *SEQR FULL EAF Part 1 & 2 w/ Neg. Dec.* by Riseley & Moriello, Attorneys dated 3/22/16; and
- *Phase I SWPPP-Phase 1 Fill Plan* by Stonefield Eng. & Design, dated 10/15/15, revised 4/1/16.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Proposed Action since more than 2,500 SF of new gross floor area is proposed with this Site Plan application, upon a favorable recommendation from the Town of Ulster Planning Board; and

WHEREAS, the Town of Ulster Planning Board, at its January 12, 2016 meeting, referred this matter to the Town Board for the sole purpose of initiating a *SEQR Unlisted Action-Coordinated Review* with the Town Board so named as Lead Agency; and

WHEREAS, the Town of Ulster Town Board, was designated the Lead Agency for this *SEQR Unlisted Action-Coordinated Review*; and

WHEREAS, the applicant requested *Unlisted Action with Lawful Segmentation Review* to allow work on Phase 1 to commence in a timely manner and during the pendency of the environmental review the applicant completed various studies including an archeological/historic assessment by Joseph Diamond, PhD., and Ecological Assessment by North Country Ecological Services, Inc., and Flood Impact Statement by Stonefield Engineering and Design; and

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WHEREAS, the upon review of the Full EAF Part 1 and Part 2 and review of the above referenced studies and plans, the Planning Board finds that lawful segmentation of this

project is warranted since Phase 1 and Phase 2 do not result in cumulative impacts, which are environmentally significant since Phase 1 is in no way a precursor to Phase 2 completion; and

WHEREAS, the Town of Ulster Planning Board finds that Phase 2 of the project would still be required to go through its own separate, independent and comprehensive review under SEQRA.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board, refers this matter to the Town of Ulster Town Board with a recommendation the Town Board adopt the Negative Declaration Notice of Determination of Non-Significance to allow for the Lawful Segmentation Review of the above referenced project.

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

Kingston Commons

Jeff Martel appeared on behalf of the application for the development of 631-669 & 625 Washington Avenue. Mr. Martell stated the applicant is requesting the Board refer the project to the Town Board with the recommendation of conditional site plan approval. Mr. Martel stated the caboose that is on site will be relocated by the County but the applicant is willing to place a welcome kiosk on site. The County has a 60 foot right of way that will remain. The discussion with the County on the view shed in the rear of the site and the retaining wall are continuing. A short discussion retaining wall vs. scouring followed. The applicant and DOT are still discussing the site entrances; the DOT will have final say on the Sycamore tree. Building elevations were reviewed with the Board; Mr. Martell stated the colors could change when tenants are selected. Mr. Mulligan requested a color rendering be sent to the Board. Two members of the audience spoke in favor of saving the Sycamore tree. Mr. Sorensen stated a resolution for conditional resolution was sent to the Board.

Action: A motion to forward the project to the Town Board for conditional site plan approval was made by Mrs. Hayner with a second from Mr. Allison with all in favor.

Mr. Mulligan requested a motion to send a letter to NYS DOT stating the Board is in favor of saving the Sycamore tree. A motion was made by Mr. Stavropoulos with a second from Mr. Allison with all in favor.

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

Respectfully Submitted,
Mary Secreto, Planning Secretary