

Town of Ulster Planning Board
April 17, 2012

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday April 17, 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 March meeting with correction was made by Mrs. Hayner with a second from Mr. Mulligan; all were in favor.

A roll call was taken; all members were in attendance.

Panera Bread – Site Plan Amendment

Michael Moriello and Tony DiSanzi appeared on behalf of the application for site plan amendment (drive thru window). Mr. Sorensen stated the applicant has submitted the requested sign details and will be upgrading the rear facade of the building. The Ulster County Planning Board disapproved the plan stating they had concerns regarding the reconfiguration of the site and queuing onto John Clark Drive. Mr. Sorensen stated he recommended the Board override the County as several studies have been completed by Creighton Manning and the concerns have been addressed. Mr. Sorensen recommended the Board approve the site plan amendment with the condition of compliance with zoning and building laws, compliance with all representations made by the applicant, and if any outside sanitary sewer services are altered they must be submitted and approved by the Town of Ulster Sewer Superintendent. A short discussion on the traffic flow followed. Mr. DeForest read the resolution:

WHEREAS, on the 23rd day of March, 2010, Panera LLC, Café No. 801, hereinafter referred to as the “Applicant” and/or “Panera Bread” made Application to the Town of Ulster Planning Board for Site Development Plan Approval of a drive-thru expansion of the existing Panera Bread premises; and

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Panera Bread for their premises at the Ulster Crossings Mall; and

WHEREAS, during the duration of project review, the Applicant submitted documentation in address of the Planning Boards detailed questions concerning traffic, vehicular patterns, parking, site circulation, access to and from John Clark Drive,

delivery/loading of trucks, landlord consent, signage, queuing of vehicles, trip generation, lighting, aesthetics, landscaping, elevations, pedestrian safety and other Site Development Plan issues; and,

Town of Ulster Planning Board
April 17, 2012

WHEREAS, the documentation aforesaid includes, but is not limited to the following submittals:

- *Site Plan Consent Letter* signed by Benderson Development Company, LLC authorizing Panera to submit application dated March 31, 2010;
- *Narrative Description of Proposed Action* submitted by Benderson Development Company, LLC;
- *Site Plan Application* prepared Leslie Rice for Panera Bread dated March 23, 2010;
- *SEQRA Short EAF* prepared by Glenn Phillips, PE Core States Engineering dated April 9, 2010;
- *Site Plan* prepared by Glenn Phillips, PE Core States Engineering dated March 29, 2010.

- *Existing Conditions Plan* prepared by Glenn Phillips, PE Core States Engineering dated March 29, 2010; revised May 4, 2010; revised May 11, 2010; and
- *Site Plan* prepared by Glenn Phillips, PE Core States Engineering dated March 29, 2010; revised May 4, 2010 and revised May 11, 2010.

- *Project Narrative* prepared by Patrick T. Bennett, PE Core States Engineering dated July 6, 2010;
- *Traffic Analysis Review* by Creighton Manning Engineering, LLP dated 6/14/2010 and 8/10/2010;
- *Sign Plans* (Set of 12 Drawings) prepared by Mandeville Sign dated March 17, 2010;
- *Existing Conditions Plan* prepared by Glenn Phillips, PE Core States Engineering dated 6/24/10;
- *Site Plan* prepared by Glenn Phillips, PE Core States Engineering dated March 29, 2010; revised May 4, 2010, revised May 11, 2010 and revised June 24, 2010; and
- *Photometric Plan* prepared by Glenn Phillips, PE Core States Engineering dated June 24, 2010.

WHEREAS, the Planning Board studied the documentation aforesaid and thereafter required additional documentation and submittals, including but not limited to an August 26, 2010 *Traffic Report* prepared by Creighton Manning Engineering, as reflected within subsequently revised Site Plans being collectively dated the 3rd of September, 2010; and

- *Project Narrative* prepared by Patrick T. Bennett, PE Core States Engineering dated April 18, 2011;
- *Existing Conditions Plan* prepared by Glenn Phillips, PE Core States Engineering dated 9/03/10;
- *Site Plan* prepared by Glenn Phillips, PE Core States Engineering dated September 03, 2010;
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- *Photometric Plan* prepared by Glenn Phillips, PE Core States Engineering dated 9/03/2010;
- *Detail Sheet* prepared by Glenn Phillips, PE Core States Engineering dated 9/03/2010; and
- *Set of Wall & Freestanding Sign Plans* prepared by Mandeville Sign dated 11/09/2011; and
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Town of Ulster Planning Board
April 17, 2012

- *Traffic Analysis Review* by Creighton Manning Engineering, LLP dated 11/23/11; revised 12/8/11.

WHEREAS, the following supporting documentation was submitted to the Planning Board during the months of January through April of 2012 for review:

- *Cover Letter* from Riseley & Moriello Attorneys at Law dated January 5, 2012;
- *Wayfinding Signage Plans and Menu Board Details* by Mandeville Sign dated 1/31/2012;
- *Rear Facade Elevations* by Arc Vision dated 2/17/12; revised 3/15/2012; and revised 3/25/2012;
- *Existing Conditions Plan* by Glenn Phillips, PE Core States Engineering revised 3/16/12;
- *Site Plan prepared* by Glenn Phillips, PE Core States Engineering dated 3/16/12;
- *Photometric Plan* by Glenn Phillips, PE Core States Engineering dated 3/16/12;
- *Detail Sheet* prepared by Glenn Phillips, PE Core States Engineering dated 3/16/12.

- *Existing Conditions Plan* by Glenn Phillips, PE Core States Engineering revised 4/10/12;
- *Site Plan prepared* by Glenn Phillips, PE Core States Engineering dated 4/10/12;
- *Photometric Plan* by Glenn Phillips, PE Core States Engineering dated 4/10/12;
- *Detail Sheet* prepared by Glenn Phillips, PE Core States Engineering dated 4/10/12; and
- *Rear Facade Elevations* by Arc Vision dated 2/17/12; revised 3/15/2012; and revised 3/25/2012.

WHEREAS, on the 8th day of March, 2012 the Ulster County Planning Board issued its Recommendation and determined to Disapprove the drive-thru for the following reasons, as are further addressed within this Resolution/Decision:

- a) Failure to provide adequate queuing which effectively deals with overflows on site.
- b) Queuing which blocks or is disruptive of loading and delivery areas.
- c) Creating conflict between two-way and one-way traffic in a highly active parking area and creation of additional turning movement.
- d) Altering the traffic pattern within the mall in a manner that reduces the ability of traffic to reach the signalized intersection at John Clark Drive; and,

WHEREAS, at the Planning Board's Meeting held on the 20th day of March, 2012, the Applicants forwarded their final revised Site Development Plans, accordance with the Planning Board request for certain embellishments at the drive-thru façade and the Applicants further provided testimony by their traffic engineer, attorney and project manager in address of the Ulster County Planning Board Recommendation.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board hereby determines that the site plan issues relating to traffic and all other site plan issues as identified by the Planning Board during the project review, have been satisfactorily addressed by the Applicant for the purposes of granting Final Site Development Plan Approval; and,

Town of Ulster Planning Board
April 17, 2012

BE IT FURTHER RESOLVED, that in reaching the above determination, the Planning Board has carefully considered the Recommendation of the Ulster County Planning Board in determining to overrule the Ulster County Planning Board's Disapproval of the drive-thru based upon testimony from CME together with a review of the December 8, 2011, November 23, 2011 Traffic Report prepared by Creighton Manning, together with the August 10, 2010 and June 14, 2010 Traffic Evaluation Letters submitted by the Applicant's consulting engineers, which demonstrates that 10 vehicles can be accommodated in the drive-thru lane before any disruption to traffic on John Clark Drive would occur; and

BE IT FURTHER RESOLVED, 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 NYCRR Part 617 of State Environmental Quality Review regulations for which no further evaluation or SEQR Determination of Significance (i.e., Positive or Negative Declaration) is required; and

BE IT FURTHER RESOLVED, the Town of Ulster 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, the Town of Ulster Planning Board does hereby grant Panera Bread *Site Plan Amendment* approval Site Development Plan Approval of a drive-thru expansion of the existing Panera Bread premises at Ulster Crossings Mall 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. Submission of sign details addressing "Incomplete" items as listed in the Town Consulting Planners, April 16, 2012 Project Review Notes;
4. If any existing sanitary sewer services are to be altered, outside of existing building, the applicant will be required to submit revised engineering plans to the Town of Ulster Sewer Superintendent for review and approval; and
5. All fees, including consultant fees, shall be paid.

A motion to accept the planner recommendation and grant approval and override the Ulster County Planning Board was made by Mrs. Hayner with a second from Mr. Mulligan. A roll call vote was taken with all in favor.

Rhinebeck Brewing Company – Site Plan

John McGovern appeared on behalf of the application for a change of use. Mr. Sorensen reviewed the project with the Board stating the Town of Hurley approved the project and the Ulster County Planning Board came back with no decision on the project. Mr. Sorensen recommended the Board grant approval. Mr. DeForest read the resolution.

***Town of Ulster Planning Board
April 17, 2012***

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *John McGovern dba Rhinebeck Brewing Company, Inc.* seeking *site plan approval* for a change in use to establish a microbrewery within an existing building at 283 Station Hill Road; and

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

- *Site Plan Application* prepared by John McGovern, dated February 7, 2012;
- *SEQR Short EAF* prepared by John McGovern, dated February 7, 2012;
- *Project Narrative prepared* by John McGovern dated February 8, 2012; and
- *Preliminary Site Plan* by John J. Post, Jr. dated February 14, 2012.

- *Project Narrative prepared* by John McGovern dated March 21, 2012; and
- *Preliminary Site Plan* by John J. Post, Jr. dated February 14, 2012 and *revised* March 5, 2012.

WHEREAS, the subject site straddles the Town of Ulster and Town of Hurley municipal boundary with approximately $\frac{3}{4}$ of the existing building lying within the Town of Ulster (R-60 District) and $\frac{1}{4}$ of the building within the Town of Hurley (A-4 District); and

WHEREAS, the proposed micro-brewery would be situated within the R-60 Residential District in the Town of Ulster, where the existing building and use is grandfathered in as non-conforming mixed use, which formerly housed a restaurant supply company and most-recently a triathlon shop; and

WHEREAS, Pursuant to §190-48 (E) of the Town of Ulster Town Code the non-conforming use may be changed to any another non-conforming use, on petition to the Town Board, provided such use is deemed to be less non-conforming;

WHEREAS, The Town of Ulster Planning Board referred this matter to the Town Board of the Town of Ulster, which subsequently approved the change in use to a micro-brewery; and

WHEREAS, the Town of Ulster Planning Board also referred the Proposed Action to the Ulster County Planning Board for review pursuant to NYS GML Section of No Decision – Comments, wherein they recommended the applicant check with the Ulster County Health Department with respect to water and sewer usage; and

WHEREAS, the Gallis Hill water & septic systems, which serve the subject site are rated for 10,000 gpd and presently utilize about 3,000 gpd and the flows from the Brewing Operation are anticipated to be less than 100 gallons per day; and

Town of Ulster Planning Board
April 17, 2012

WHEREAS, the Proposed Action requires approval Site Plan approval by both the Town of Ulster and Town of Hurley Planning Board since the site straddles the municipal line; and

WHEREAS, upon review of the applicant's initial Site Plan, the Planning Board required modifications, which were subsequently incorporated into the revised Site Plan dated March 5, 2012; and

WHEREAS, the Town of Ulster Planning Board referred this matter to the Town of Hurley Planning Board, who reviewed the recommended conditions of approval cited by the Town of Ulster Planning Board and concurred with these recommendations and subsequently granted Site Plan Amendment approval at its April 2, 2012 meeting, and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF)) found the Proposed Action is a Type II Action pursuant to SEQR 6 NYCRR Part 617, for which no further evaluation or SEQR Determination of Significance is required; 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 verbal commentary during the Planning Board's meetings; and

NOW THEREFORE BE IT RESOLVED, upon full consideration of the above, the Town of Ulster Planning Board hereby finds the Site Plan Amendment application by John McGovern for a change in use to establish the Rhinebeck Brewing Company 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 Amendment approval subject to the conditions, limitations and restrictions set forth below.

- a. Compliance with applicable zoning and building laws, rules and regulations;
- b. The micro-brewery shall only be permitted to operate with a valid NYSLA License
- c. Only the activities described in the Written Narrative and 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.

A motion to accept the planner's recommendation and grant approval was made by Mr. Decker with a second from Mrs. Hayner. A roll call vote was taken with all in favor

Town of Ulster Planning Board
April 17, 2012

Peacebomb/ Honest Foods & Stuff – Site Plan

Nadine Carney appeared on behalf of the application for site plan approval. Mr. Sorensen reviewed the status of the project with the Board stating the project will need Town Board approval; the applicant has a few minor technical issues to work out. The Ulster County Planning Board had 5 required modifications; the two are outstanding they are the easement and Health Department approval. Mr. Sorensen recommended the Board refer the project to the Town Board with the normal conditions of compliance with building and zoning laws along with Health Department approval and submission of the easement. Ms. Carney reviewed the changes that will be made on the stormwater plan; the easement is being reviewed by the owners of the neighboring property and the Health Department is reviewing the plans. Praetorius & Conrad suggested the applicant add wheel stops in the parking area; the applicant feels the stops would be dangerous as the parking area is gravel. The walkways will be paved therefore there is a clear distinction between the parking lot and walkways. If the easement is not granted the applicant will have to move the entrance to the site and return to the Planning Board to amend the plan. A motion to accept the Planner's recommendation and forward the project to the Town Board with the conditions mentioned was made by Mr. Mulligan with a second from Mr. Allison. A roll call vote was taken with all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Joseph Stote dba Peacebomb Honest Foods & Stuff* seeking site plan approval for the development of an 0.845-acre site to be served by on-site water supply and septic system; and

WHEREAS, the proposed project would consist of the construction of a 1,590 square foot (SF) geodesic dome greenhouse, a 1,590 square foot (sf) geodesic dome retail store, utility area and construction of a new access drive from Forest Hill Drive; and

WHEREAS, the subject site is situated within the HC-Highway Commercial District in the Town of Ulster where retail nurseries are permitted upon approval of a *Site Plan Approval*; and

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

- *Site Plan Application* prepared by Joseph Stote, dated February 7, 2012;
- *SEQR Short EAF* prepared by Joseph Stote, dated February 7, 2012;
- *Site Plan Consent Form* prepared by Joseph Stote, dated February 7, 2012;
- *Project Narrative* by Nadine Carnie of Brinnier & Larios, P.C, dated February 8, 2012;
- *Existing Conditions Plan* by Brinnier & Larios, Engineers and LS, P.C, dated 2/2012;
- *Site Plan* prepared by Brinnier & Larios, Engineers and LS, P.C, dated February 2012;
- *Grading, Drainage and Soil Erosion & Sediment Control Plan* by B&L, PC dated 2/2012;
- *Site Plan Details* by Brinnier & Larios, Engineers and LS, P.C, dated February 2012;
- *Proposed Sewage Disposal System* prepared by Brinnier & Larios, P.C, dated 2/2012.
- *Existing Conditions Plan* by Brinnier & Larios, Engineers and LS, P.C, revised 2/21/2012;
- *Site Plan* prepared by Brinnier & Larios, Engineers and LS, P.C, revised 2/21/2012;

Town of Ulster Planning Board
April 17, 2012

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- *Grading, Drainage and Soil Erosion & Sediment Control Plan* by B&L, PC revised 2/21/2012;
- *Site Plan Details* by Brinnier & Larios, Engineers and LS, P.C, revised 2/21/2012; and
- *Proposed Sewage Disposal System* prepared by Brinnier & Larios, P.C, revised 2/21/2012;
- *Lighting Specification* by MAXSA Innovations for Motion Activated LED Floodlight;
- *Solar Tech Panel Specifications for STR220 Module* by Solartech Renewables; and
- *Photo Illustrations of Timber Dome and Greenhouse Dome*

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

WHEREAS, the Town Board initiated SEQR Unlisted Action-Coordinated review by circulating its Notice of Intent to be Lead Agency at its March 1, 2012 Board Meeting; and

WHEREAS, the Town of Ulster Town 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, Town's alternative consulting engineer Praetorius & Conrad, and New York State Department of Transportation; 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 on March 19, 2012; and

WHEREAS, upon review the Ulster County Planning Board issued a Recommendation Letter with Required Modifications as follows: 1) Health Department approval is required, 2) architectural elevations or visual simulation of proposal should be provided, 3) an access easement will need to be noted on the plan, 4) detailed landscaping plan will be required and 5) full cut-off fixtures, to reduce glare are required; and

WHEREAS, UCPB Required Modifications No.'s 2, 4 and 5 were provided in the revised submission to the Planning Board; and

WHEREAS, the Planning Board recommends UCPB Required Modifications No. 1 and No. 3 are recommended as *conditions of approval*; and

WHEREAS, the Town of Ulster Planning Board determined the applicant submitted a complete application; and

NOW THEREFORE BE IT RESOLVED the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation of a SEQR Determination of Non-Significance (Negative Declaration); and

Town of Ulster Planning Board
April 17, 2012

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board recommends the Town Board grant a waiver to allow off-street parking within four (4) feet of the front yard Pursuant to §190-18 (I) of the Town Code; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends the Town Board grant Site Plan Approval to *Joseph Stote dba Peacebomb Honest Foods & Stuff* to a 1,590 square foot (SF) geodesic dome greenhouse, a 1,590 square foot (sf) geodesic dome retail store, utility area, onsite water and septic systems, and construction of a new access drive from Forest Hill Drive 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 and notes thereon;
4. Execution of all necessary access and utility easements shown on the site plan set in a form and manner acceptable to the Board's attorney and professional engineer;
5. Submission of revised plan set that responds to the Board's professional alternative engineering consultant Praetorius & Conrad's review letter dated April 12, 2012;
6. Compliance with NYSDOT required modifications to drainage;
7. Health department approvals for water and septic systems; and
8. All fees, including consultant fees, shall be paid.

Landing Woods – Site Plan

Kyle Ahearn appeared on behalf of the application for an 84 unit townhouse project. Mr. Ahearn stated a lighting plan has been submitted along with a Stormwater Pollution Plan and letter from Aqua stating there is adequate to serve the site. The stormwater plan is currently being reviewed by the town engineer. The applicant has also agreed to place windows in the garage doors as requested. Mr. Sorensen stated the applicant has submitted a complete application and has addressed most of the issues. Final DOT approval and approval of the stormwater will need to be in place before final approval of the project. Another outstanding issue is the upgrade of the sewer treatment plant. Mr. Sorensen recommended the Board refer the project to the Town Board for Conditional Negative Declaration, scheduling of a public hearing and referral to the Ulster County Planning Board. He also recommended the Planning Board schedule a public hearing on the subdivision and cluster development. Mr. Mulligan questioned if the fire company had submitted any comments; part of a letter dated December 9, 2011 was read stating the Fire Chief had no problems with the access; an additional letter will be sent to the Planning Board in the near future. Mr. DeForest read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner, Town Engineer (Brinnier & Larios, PC), Highway, Water & Sewer Departments have reviewed an application by Landing Woods at Ulster, LLC seeking approval to develop

Town of Ulster Planning Board
April 17, 2012

an 84-unit townhouse development (attached dwellings) on a 31.43-acre site served by private central water and municipal sewer.

WHEREAS, this application will require approval of a *subdivision plat* and *cluster development* by the Planning Board and approval of a *site plan and special permit* by the Town Board following a public hearing; and

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

- *Conceptual Layout* prepared by Chazen Engineering & Surveying, P.C, dated 6/14/11;
- *Wetlands Map* prepared by Chazen Engineering & Surveying, P.C, dated 6/14/11;
- *Traffic Impact Study* by John Collins Engineers, P.C. date April 8, 2004; and
- *School Analysis* prepared by The Chazen Companies dated 4/1/2004.

- *Site Plan and Special Use Permit Application* by Chazen Companies, dated September 6, 2011;
- *Written Narrative* prepared by Chazen Companies, dated September 6, 2011;
- *SEQRA Full EAF Part 1* prepared by Chazen Companies, dated September 6, 2011
- *Conceptual Layout* by Chazen Engineering & Surveying, P.C, dated 6/4, revised 9/6/11; and
- *Grading & Erosion Control Plan with Overlay of April 2011 Wetlands Delineation Map* prepared by Chazen Engineering & Surveying, P.C, dated 6/14/11.
- *Written Narrative* prepared by Chazen Companies, dated December 7, 2011;
- *School Impact Analysis for Landing Woods* by Chazen Companies dated December 7, 2011;
- *Phase 1 Bog Turtle Assessment for Landing Woods* by Aspen Environmental dated 10/31/11;
- *Traffic Impact Study for Landing Woods* by John Collins Engineers, P.C. revised 12/7/2011;
- *Phase IA& IB Archeological Assessment* - Hartgen Archeological Associates dated July 2004;
- *Existing Conditions Plan* by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Site Plan* by Chazen Engineering & Land Surveying, P.C. dated December 7, 2011;
- *Grading & Drainage Plan* by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C., dated 12/7/11;
- *Utility Plan* prepared by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Landscaping Plan* prepared by Chazen Engineering & Land Surveying dated 12/7/2011;
- *Road Profiles* prepared by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Site Details* prepared by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Storm Sewer Details* prepared by Chazen Engineering & Land Surveying dated 12/7/2011;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C., dated 12/7/11;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C., dated 12/7/11;

***Town of Ulster Planning Board
April 17, 2012***

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- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C., dated 12/7/11; and
- *Landscaping Details* prepared by Chazen Engineering & Surveying, P.C., dated 12/7/11.
- *Written Narrative* prepared by Chazen Companies, dated March 7, 2012;
- *Correspondence from NYS OPRHP concerning cultural resources dated 2/17/2012*;
- *Note Sheet* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Existing Conditions Plan* by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Site Plan* by Chazen Engineering & Land Surveying, P.C. dated March 7, 2012;
- *Grading & Drainage Plan* by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C., dated 3/7/2012;
- *Utility Plan* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Landscaping Plan* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Road Profiles* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Site Details* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Storm Sewer Details* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Erosion & Sediment Details* by Chazen Engineering & Surveying, P.C., dated 3/7/2012;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C., March 7, 2012;
- *Sanitary Sewer Details* by Chazen Engineering & Surveying, P.C., March 7, 2012; and
- *Landscaping Details* prepared by Chazen Engineering & Surveying, P.C., March 7, 2012.
- *Written Narrative* prepared by Chazen Companies, dated April 4, 2012;
- *Correspondence from AQUA concerning availability of water dated 3/27/2012*;
- *Title Sheet* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
- *Note Sheet* prepared by Chazen Engineering & Land Surveying revised April 4, 2012
- *Existing Conditions Plan* by Chazen Engineering & Land Surveying revised April 4, 2012;
- *Site Plan* by Chazen Engineering & Land Surveying, P.C. revised April 4, 2012;
- *Grading & Drainage Plan* by Chazen Engineering & Land Surveying revised April 4, 2012;
- *Erosion & Sediment Plan* by Chazen Engineering & Surveying, P.C., revised April 4, 2012;
- *Utility Plan* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
- *Landscaping Plan* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
- *Lighting Plan* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
- *Road Profiles* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
- *Site Details* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
- *Storm Sewer Details* prepared by Chazen Engineering & Land Surveying dated April 4, 2012;
- *Erosion & Sediment Details* by Chazen Engineering & Surveying, P.C., dated April 4, 2012;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C., dated 4/7/2012;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C., dated April 4, 2012;

Town of Ulster Planning Board
April 17, 2012

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- *Stormwater Management Details* by Chazen Engineering & Surveying, P.C., dated 4/7/2012; and
- *Landscaping Details* prepared by Chazen Engineering & Surveying, P.C., dated April 4, 2012.
- *Subdivision Plat SUB 1* by Chazen Engineering & Surveying, P.C., dated April 4, 2012;
- *Subdivision Plat SUB 2* by Chazen Engineering & Surveying, P.C., dated April 4, 2012;
- *Floor Plan for 2 –BR Units* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
- *Floor Plan for 3 –BR Units* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
- *Floor Plan for 2 –BR Units* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
- *Floor Plan for 3 –BR Units* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
- *Elevations for 4 & 6-Plex* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012; and
- *Perspective Drawing of 4-Plex* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012.

WHEREAS, the Town of Ulster Town Board was designated Lead Agency following Lead Agency Coordination commenced on September 20, 2011; and

WHEREAS, the Town Board as Lead Agency has determined the Proposed Action is an *Unlisted Action* pursuant to the SEQR regulations; and

WHEREAS, the applicant provided a Full EAF Part 1 which assessed the full build-out of the subject site; and

WHEREAS, the Town of Ulster Planning Board and Town Board completed a Full EAF Part 2, which was used to identify potentially significant adverse impacts and required studies; and

WHEREAS, the applicant provided detailed studies based upon the Proposed Action including a Traffic Impact Study for Landing Woods, Phase 1 Bog Turtle Assessment for Landing Woods, Phase 1A and Phase 1B Archeological Assessment, mapping of on-site wetlands, SWPPP, along with a detailed set of Plans as listed in detail above; and

WHEREAS, the Town of Ulster Planning Board has received its consulting planners draft *SEQR Conditioned Negative Declaration* statement along with comments of the Town Engineer, Highway, Water and Sewer Departments and finds the Proposed Action would not pose any potentially significant environmental impacts *based upon detailed studies provided and the mitigation measures being employed in the design of the proposed development*;

WHEREAS, the NYSDOT has conceptually accepted the proposed driveway entrance to the subject site from NYS Route 32 and has stated so in its October 11, 2011 letter; and

WHEREAS, the applicant secured NYSOPRHP approval for the construction of the walking trail on the site per approval letter dated February 17, 2012; and

Town of Ulster Planning Board
April 17, 2012

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board finds the subject application complete and hereby refers this matter to the UCPB for review pursuant to *Section 239 n* of NYS General Municipal Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby sets a public hearing on the subdivision plat and cluster development for its regularly scheduled meeting in May of 2012; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation of a SEQR Determination of Non-Significance (Conditioned Negative Declaration) subject to the following condition: *“Provision of Adequate Capacity for Sewage Disposal. A plan for improvements to the Whittier Sewer Treatment Plant and collection system must be approved and agreements to finance such improvements must be consummated prior to final approval of the subdivision plat and special permit”*; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends the Town Board concurrently refer this matter to the UCPB for review pursuant to *Section 239 l and m* of NYS General Municipal Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends the Town Board set a *public hearing* on the *special permit and site plan* for its regularly scheduled meeting in May of 2012.

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

Ulster Gardens – Site Plan

Peter Romano Appeared on behalf of the application for a Sr. and Multi Dwelling Community. Mr. Sorensen stated reviewed the project with the Board stating the subdivision will divide 51.6 acres into 2 parcels of 3.46 acres that will remain with the current owners and 46.25 acres on which the project will be built. 1.45 acres will be dedicated to the Town of Ulster to extend Quail Drive to Memorial Drive. The project has been reviewed and many studies have been completed. The SWPPP was reviewed and conditionally approved; a traffic study was completed as well as a review of the wetlands. The Ulster County Planning Board commented on subdivision plat with regards to portion of lot 1 located West of Quail Drive; the UCPB commented this area should be turned into another lot. The applicant will not be developing this area and has agreed to add it to the conservation easement. Other County comments include a required modification of raised crosswalks and designing the connector road as a complete street and adding a shelter for para-transit pickup. The County requested full cut-off lighting on the site; the applicant has provided specs of the lighting that will be used on the site. The Board requested the Highway Superintendent respond to the County’s comments on the connector road. Mr. Romano stated the applicant had the wetlands on the site flagged and the site was reviewed by a wetland specialist; It has been

Town of Ulster Planning Board
April 17, 2012

determined that the wetland delineation is accurate; a letter has been submitted to the Board. A discussion on the depressed area that borders Ledge Road; the Board requested the Town Engineer appear at the next meeting to discuss the history of this area. Mr. Sorensen stated the property was subject to a Draft and Final Statement of Findings; the Final Statement of Agency must decide if this Finding Statement is still valid. The applicant has submitted a revised traffic impact statement and SWPPP. An amended Statement of Findings was given to the Board March 20, 2012; an update due to minor technical issues due to an increase of impervious surface. It is Mr. Sorensen's opinion that nothing has risen to the level that would warrant a supplemental review he recommended the Board adopt the Amended Finding Statement; Mr. DeForest read the resolution.

WHEREAS, the Town of Ulster Planning Board – as Lead Agency – adopted a *SEQR Statement of Findings* on June 16, 2009 for the Ulster Land Partners Holding, LLC development known as Ulster Manor on the subject site, which consisted of 128 attached 2-bedroom townhouses to be situated on individual lots; and

WHEREAS, Ulster Land Partners Holding, LLC withdrew its application for the Ulster Manor development from the Planning Board in 2010, prior to final Planning Board approval; and

WHEREAS, on December 14, 2011, the Town of Ulster Planning Board received an application by Warwick Properties, Inc., for a mixed residential development on the same subject site, which consists of a proposed development of 112 senior citizen dwelling units and 52 multi-family dwelling units; and

WHEREAS, SEQR does not impose an affirmative obligation upon the Lead Agency to notify or solicit comments from other agencies when determining that an Supplemental Environmental Impact Statement (SEIS) is not required. See *Riverkeeper, Inc. v. Planning Board of the Town of Southeast*, 9 NY3d 219 (2007); and

WHEREAS, the Town of Ulster Planning Board circulated a Notice of Intent to Involved Agencies on December 22, 2011 Reaffirming Its Lead Agency role for the SEQR Review for the current proposed action; and

WHEREAS, none of the Involved Agencies objected to the Town of Ulster Planning Board's reaffirmation of Lead Agency; and

WHEREAS, as the Lead Agency under the State Environmental Quality Review (SEQR) Act, the Planning Board must determine if the *SEQR Statement of Findings* dated June 16, 2009 regarding the environmental effects and mitigation measures set forth in the original Environmental Impact Statement (EIS) for the subject site is still valid; and

Town of Ulster Planning Board
April 17, 2012

WHEREAS, if the Planning Board determines that some aspects of the original Findings are no longer appropriate, it must determine the extent of supplementary review and consideration required; and

WHEREAS, although the SEQR process for the original proposal was completed in

2009, the passage of time since completion of SEQR Findings does not, in itself, require a new review of the environmental affects of a project. See Stewart Park and Reserve Coalition v. New York State Department of Transportation, 157 AD2d 1 (3rd Dep't 1990); and

WHEREAS, a supplemental EIS may be required if significant adverse environmental effects arise due to the following [see 6 NYCRR Part 617.9 (a)(7)(i)]:

- a. Changes proposed for the project;
- b. Newly discovered information; or
- c. A change in circumstances related to the project; and

WHEREAS, the Lead Agency has re-examined the plans, documentation and submittals made of record in consideration of the SEQR Statement of Findings dated June 16, 2009, which was granted by the Town of Ulster Planning Board for the Ulster Manor Development on the subject site; and

WHEREAS, the Lead Agency has also reviewed the plans, documentation and submittals made of record in consideration of the current proposed action for the Ulster Gardens Development; and be it

RESOLVED, that based upon the Lead Agency's review of the current proposed action and applying the criteria set forth within SEQR, which governs when a Lead Agency is required to revisit previous environmental reviews in association with the preparation of a supplemental Environmental Impact Statement, the Lead Agency has determined herewith that a Supplemental Environmental Impact Statement is not required [See also 6 NYCRR Part 617.9(a)(7)(i)]; and be it further

RESOLVED, that the Lead Agency finds no specific significant adverse environmental impacts which were not addressed or inadequately addressed in the previous June 16, 2009 SEQR Statement of Findings which arise from:

- a. Changes proposed for the project;
- b. Newly discovered information; or
- c. A change in circumstances related to the project; and be it further

RESOLVED, that the Lead Agency takes note of the fact that the current proposed action involves physical changes in the proposed layout of buildings and roads on the subject site. However, the current proposed action and supporting documentation (including Stormwater Pollution Prevention Plan, Traffic Impact Analysis, Visual Assessment,

Town of Ulster Planning Board
April 17, 2012

Balloon Test and 19-set of Plans as revised, etc.) have been examined comprehensively by the Lead Agency; Town Highway, Water and Sewer Superintendents; Town's consulting planner; Town's consulting engineers; Ulster Hose No. 5 Fire Department and none of the associated physical changes to the proposed development are deemed to result in a significant adverse environmental impact. Nor has there been any newly discovered information or changes in circumstances which would give rise to the requirement for a Supplemental Environmental Impact Statement. Finally, there are no

change in circumstances related to the project or surrounding properties to result in a significant adverse environmental impact; and be it further

RESOLVED that the Lead Agency relied upon the review of the plans, documentation and submittals made of record in consideration of the current proposed action. The Lead Agency has also held a public information meeting on the current proposed action on January 12, 2012 and conducted a public hearing on January 17, 2012 in order to obtain public input on the Proposed Action. Based on public input, the subdivision layout was revised and changes made to the site plan; and be it further

RESOLVED that the Lead Agency has taken the additional step of formalizing its discovery through the preparation of an Amended Statement of Findings, which thoroughly describes the current proposed action in comparison to the DEIS Proposed Action and FEIS Proposed Action; and be it further

RESOLVED that the Town of Ulster Planning Board finds that by almost every measure, the impacts associated with the current proposed action are less than the DEIS or FEIS Proposed Actions; and be it further

RESOLVED that based upon the foregoing and the analysis contained herein, the Lead Agency hereby reaffirms and ratifies the SEQR Statement of Findings on June 16, 2009 within an Amended Findings Statement. Said Amended Statement of Findings is incorporated herein by reference and made part hereof, as if fully set forth at length.

A motion to approve the resolution was mad by Mr. Mulligan with a second from Mrs. Hayner with all in favor.

Mr. Romano reviewed the subdivision map with the Board. Mr. Sorensen stated the Board reviewed the cluster development early in the process and recommends the Board grant approval of the cluster development and preliminary plat approval; a public hearing on the final plat should be scheduled for next months meeting.

WHEREAS, Warwick Properties, Inc., has submitted to the Town of Ulster Planning Board a proposed site plan for a mixed residential development of certain real property located on East

Chester Street Bypass, Town of Ulster, County of Ulster, New York State, identified on the tax map as SBL: 48.058-7-21.100, with a total size of 51.16 acres; and

Town of Ulster Planning Board
April 17, 2012

WHEREAS, Warwick Properties, Inc. is proposing the subdivision of said 51.16 acre parcel into two (2) parcels of 46.25 acres (“Lot 1”) and 3.46 acres (“Lot 2”) while dedicating 1.45± acres to the Town of Ulster for a proposed Town Road; and

WHEREAS, said 2-lot subdivision is considered a “major subdivision” under the Town of Ulster Town Code, and the preliminary subdivision plat was presented to the Town of Ulster Planning Board on or about December 14, 2011; and

WHEREAS, it has been suggested that the said proposed mixed residential development be ultimately approved as a Cluster Subdivision under Town Law § 278 and Town Code § 190-16(A) so as to allow the Planning Board to vary the bulk zoning regulations as shown on the said site plan, such as minimum road frontage and maximum impervious coverage; and

WHEREAS, the subject site is located within three Town of Ulster zoning districts: the R-30, R-10, and OM [Office Manufacturing] districts; and

WHEREAS, to calculate the appropriate number of cluster development units, one must examine the amount of the site’s acreage in each of the three zoning districts, and the total number of units which could be built in each of these districts; and

WHEREAS, there are 28.67 acres within the R-30 District, and the applicant has demonstrated the ability to situate 24 single-family homes on that portion of the subject site; and

WHEREAS, the applicant proposes to transfer the entire permitted density of 24-units from the R-30 District to the R-10 portion of the site; and

WHEREAS, the applicant is proposing 52-multi-family dwelling units within the OM District portion of the site; and

WHEREAS, excluding wetlands, there are 7.98 acres within the OM District, which allows a maximum permitted density of eight (8) units per acre; and

WHEREAS, a maximum of 64 dwelling units are allowed within the OM District; and

WHEREAS, the applicant proposes to transfer the balance of the permitted density from the OM District to the R-10 District portion of the site; and

WHEREAS, there are 112 senior living units proposed within the R-10 District of which all will be one-bedroom units; and

WHEREAS, within the R-10 District, a maximum permitted density of eight (8) units per acre are allowed. The proposed subdivision will leave 10 acres in the R-10 District for the

***Town of Ulster Planning Board
April 17, 2012***

proposed development, resulting in a maximum permitted density of 77 units derived from the land area within the R-10 District. The density allowed in the R-30 District and the remaining density allowed in the OM District will be clustered in the R-10 District resulting in 112 units (i.e. $77 + 24 + 11 = 112$ units); and

WHEREAS, based on the foregoing, the proposed development calls for 112 senior citizen one bedroom units, and 52 multi-family units, for total number of 164 residential units (being 176 total bedrooms); and

WHEREAS, the applicant has submitted a site plan prepared by The Chazen Companies dated on or about December 14, 2011, upon which the proposed development is shown; and

WHEREAS, the Town of Ulster Planning Board circulated a Notice of Intent to Involved Agencies on December 22, 2011 Reaffirming Its Lead Agency role for the SEQR Review for the current proposed action; and

WHEREAS, two (2) public hearings on the proposed preliminary plat and cluster development were held before the Town of Ulster Planning Board on January 17, 2012 and March 20, 2012; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, reaffirmed and ratified the SEQR Statement of Findings dated June 16, 2009 with an Amended Statement of Findings dated April 17, 2012; and

WHEREAS, the Town of Ulster Planning Board finds that the flexibility of design permitted under Cluster Subdivision approval would, in this case, serve the best interests of the Town by enabling and encouraging the most appropriate use and development of the land,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town of Ulster Planning Board does hereby approve the use of cluster development in accordance with Town Law § 278 and Town Code § 190-16(A) in this application as per the aforesaid set of plans prepared by The Chazen Companies; and be it further

RESOLVED that the Town of Ulster Planning Board hereby grants preliminary plat approval of the said 51.16 acre parcel into two (2) parcels of 46.25 acres ("Lot 1") and 3.46 acres ("Lot 2") while dedicating 1.45 acres to the Town of Ulster for a proposed

RESOLVED that said Preliminary Plat Approval is valid for a period of 180 days from today and is subject to site plan approval of the proposed mixed residential development which has been submitted by applicant Warwick Properties, Inc.

A motion to approve the Preliminary Plat and Cluster Development was made by Mr. Mulligan with a second from Mr. Decker with all in favor.

Town of Ulster Planning Board
April 17, 2012

Lands of Kingston Landing – Subdivision

Chris Zell appeared on behalf of the application for a lot line adjustment and subdivision. The applicant would like to subdivide a parcel for the water tower that will serve the East Kingston Water District; the plat also deletes exiting lot line. A ROW description is being worked on at this time and should be ready for the next meeting. Mr. Sorensen recommended the Board grant a negative declaration as per SEQRA and schedule a public hearing for the May meeting. A motion to accept the planner's recommendation was made by Mrs. Hayner with a second from Mr. Mulligan with all in favor.

Walrus Properties – Timber Harvest

Rod Jones appeared on behalf of the application for a timber harvest on 539 acre property that is in the Town of Woodstock and Ulster. Most of the project is within the Town of Woodstock. No streams in Ulster will be crossed and the property will be accessed in the Town of Woodstock. The Town Board will need to grant a Special Use Permit. A motion to refer the project to the Town Board to schedule a public hearing was made by Mrs. Hayner with a second from Mr. Allison with all in favor.

Aunt Jenn's Early Learning Center

Jennifer Judware and Vincent Organtini appeared on behalf of the application for a 500 sq foot addition to an existing daycare. Mr. Sorensen stated the daycare was approved by the Planning Board a few years ago and the addition will no change anything on the site he recommended the Board approve the project with the normal conditions of compliance with building and zoning regulations and FEMA regulations. A motion to accept the planner's recommendation was made by Mrs. Hayner with a second from Mr. Mulligan with all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Vincent Organtini for Site Plan Amendment approval to add a 500 square-foot addition to an established a Nursery School at 927 Orlando Street.; and

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

- *Site Plan Application* prepared by Praetorius & Conrad, P.C. dated April 10, 2012;
- SEQRA Short EAF prepared by Praetorius & Conrad, P.C. dated April 10, 2012; and
- *Proposed Site Plan* prepared by Praetorius & Conrad, P.C. dated April 10, 2012.

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

Town of Ulster Planning Board
April 17, 2012

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF), Site Plan Amendment and supporting documentation finds that the Site Plan Amendment application is sufficiently complete; and

WHEREAS, the Town Board has already approved the Special Use Permit for the existing Nursery School at its April 15, 2010 public meeting following the close of the public hearing.

NOW THEREFORE BE IT RESOLVED, the application by - Vincent Organtini - for Site Plan Amendment approval to add a 500 square-foot addition to an established Nursery School at 927 Orlando Street is granted, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with NYS Office of Child & Family Services requirements;
3. Compliance with all FEMA regulations; and
4. All fees, including consultant fees, shall be paid.

L&V Hillside/ 44 Hinsdale Street

Mr. Sorensen stated the Board approved a site plan to convert a deli to an apartment last year; that plan had a condition to place a handicapped ramp; the ramp is not needed at this time and the applicant would like to remove it from the plan. A per the Building Inspector all other conditions of the site plan have been met. Mr. Sorensen and Mr. DeForest recommended approval of the request.

A motion to grant approval of the request to remove the handicapped ramp from the site was made by Mr. Allison with a second from Mr. Decker with all in favor.

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

Respectfully Submitted
Mary Secreto
Planning Secretary