

*TOWN OF ULSTER
PLANNING BOARD
AUGUST 19, 2013*

The monthly meeting of the Town of Ulster Planning Board was held on Monday August 19, 2013 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Alan DeForest-Chairman–
Anna Hayner
Alan Sorensen - Planner

Larry Decker
Tim O'Brien

The minutes from the July meeting were approved.

Mr. DeForest appointed Mr. O'Brien an alternate for Mr. Mulligan.

Hudson Landing LLC

Michael Moriello and Dan Simone reviewed the proposed Promenade with the Board. No action was taken.

Cedar Kingston LLC- Reapproval of Site Plan Revision

A motion to reapprove the site plan was made by Mr. O'Brien with a second from Mrs. Hayner. All were in favor

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by John Joseph dba Cedar Kingston 4 LLC for a *Site Plan Amendment* approval to allow the construction of a *NYS DOT-approved* curb-cut modification to the existing site entrance from NYS Route 9W (Ulster Avenue); and

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

- Project Narrative for Cedar Kingston* prepared by Edward Sprague, PE dated 9/7/2010;
- Application for Site Plan Review* prepared by Edward Sprague, PE dated 9/7/10;
- SEQRA Short EAF* prepared by Edward Sprague, Project Manager dated 9/7/10;
- NYS DOT Entrance Modification Approval* signed by David Corrigan, Permit Engineer date 5/6/2010;
- Site Plan for Revised Entrance for Cedar Kingston 4 LLC*, prepared by Medenbach & Eggers Civil

Engineering and Land Surveying, P.C. dated January 21, 2010; -*Site Plan for Revised Entrance for Cedar Kingston 4 LLC*, prepared by Medenbach & Eggers Civil

Engineering and Land Surveying, P.C. dated January 21, 2010; -*Traffic Assessment for CVS Entrance* by Crieghton Manning Engineering, dated 12/7/10; -*Ulster County Planning Board recommendation* by Robert A. Leibowitz, AICP dated 10/6/10; and -*Site Plan for Revised Entrance for Cedar Kingston 4 LLC*, prepared by Medenbach & Egger Civil

Engineering and Land Surveying, P.C. dated September 9, 2011.

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

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WHEREAS, the UCPB issued Required Modifications, which were carefully considered by the Town of Ulster Planning Board, and

WHEREAS, the Town of Ulster Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants and the Town departments made via memoranda (which memoranda are incorporated herein by reference); and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF)) finds the Proposed Action will not have an adverse impact on the environment; as Lead Agency makes a determination of non-significance and issues a Negative Declaration pursuant to Part 617 of SEQRA.

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board determines 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 overrides the Ulster County Planning Board required modifications; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to -John Joseph dba Cedar Kingston, LLC -to construct a *NYS DOT-approved* curb-cut modification to the existing site entrance from NYS Route 9W (Ulster Avenue); subject to the conditions, limitations and restrictions set forth below.

1. 1. Compliance with applicable zoning and building laws, rules and regulations;
2. 2. Compliance with all representations made by the applicant;
3. 3. Compliance with NYS DOT Highway Work Permit; and
4. 4. All fees, including consultant fees, shall be paid.

U-Haul-Site Plan Revision

No action was taken by the Board; the applicant will submit new drawings.

Lands of Kevin Hinchey – Resubdivision

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

WHEREAS, the Town of Ulster Planning Board and its consultant planner, have

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reviewed an application by Kevin Hinchey for the Resubdivision and Lot Line Revision of the Lands of Hinchey Subdivision (i.e. Town of Ulster Tax Parcels SBL 39.011-3-33.3 & 34); and

WHEREAS, the Town of Ulster Planning Board is the only agency with the authority to approve the Proposed Action; and

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

- *Application for Preliminary Subdivision Plat* by J. Charles Bookukos, PLS
- *Short EAF* by J. Charles Bookukos, PLS, Agent for Applicant dated August 14, 2012;
- *Agricultural Data Statement* prepared by J. Charles Bookukos, PLS dated 8/21/12;
- *UCH Permit for Waste Disposal System* by La Mar Hasbrouck, M.D., MPH; and
- *Proposed Subdivision Map* prepared by Richard J. Rothe, PE revised April 20, 2013.

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF) found the Proposed Action was an *Unlisted Action* pursuant to Part 617 of SEQRA and further determined there were no significant impacts associated with the Lot Line Adjustment.

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues a SEQR Negative Declaration; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Resubdivision and Lot Line Revision Approval to the *Kevin Hinchey* – *subject to the conditions, limitations and restrictions set forth below.*

1. Plat may be filed with Office of County Clerk after signed by the Planning Board Chairman;
 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;
 3. Lot 3b shall only be used for a primary residence and no commercial storage or repair shall be permitted on the subject site;
 4. A lawn should be established on the site when the residence is constructed on Lot 3B; and
- All fees, including consultant fees, shall be paid.

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Mark Anderson/ Progeny LLC-Site Plan/ Lot Line Adjustment

A motion to approve the site plan was made by Mr. O'Brien with a second from Mr. Decker. All were in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner, have reviewed an application by *Mark Anderson dba Five Stones, LLC* seeking Site Plan Amendment approval pursuant Chapter 145 of the Town Code, for a change in use from "Pest Control Office" to a "Plumbing Office with Storage" on the subject site, which is located at 310 NYS Route 28; and

WHEREAS, the Town of Ulster Planning Board is the only agency with the authority to approve the Proposed Action; and

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

- Written Narrative by Mark Anderson dated August 7, 2013;*
- Consent to File Application by Susan Utter, Owner dated 6/27/13;*
- Site Plan Application by Christopher Zell, P.L.S. dated June 28, 2013;*

- SEQR Short EAF prepared by Mark Anderson dated June 28, 2013;*
- Sign Specification provided by Mark Anderson dated August 7, 2013; and*
- Map of Lands to be Conveyed by Christopher Zell, P.L.S. revised August 6 and ____ , 2013.*

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF) found the Proposed Action was an *Unlisted Action* pursuant to Part 617 of SEQRA and further determined there were no significant impacts associated with the Lot Line Adjustment and the concurrent Site Plan Amendment application.

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues a SEQR Negative Declaration; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to the *Mark Anderson dba Five Stones, LLC* 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. 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
4. All fees, including consultant fees, shall be paid.

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A motion to approve the lot line adjustment was made by Mr. O'Brien with a second from Mr. Decker. All were in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner, have reviewed an application by *Mark Anderson dba Five Stones, LLC* seeking Lot Line Adjustment (consolidation) approval pursuant Chapter 161 of the Town Code, consolidate Town of Ulster Tax Parcels SBL 48.9-1-26 & 27.12; and

WHEREAS, the Town of Ulster Planning Board is the only agency with the authority to approve the Proposed Action; and

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

- Written Narrative by Mark Anderson dated August 7, 2013;*
- Consent to File Application by Susan Utter, Owner dated 6/27/13;*
- Site Plan Application by Christopher Zell, P.L.S. dated June 28, 2013;*
- SEQR Short EAF prepared by Mark Anderson dated June 28, 2013;*
- Sign Specification provided by Mark Anderson dated August 7, 2013; and*
- Map of Lands to be Conveyed by Christopher Zell, P.L.S. revised August 6 and ____, 2013.*

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF) found the Proposed Action was an *Unlisted Action* pursuant to Part

617 of SEQRA and further determined there were no significant impacts associated with the Lot Line Adjustment and the concurrent Site Plan Amendment application.

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues a SEQR Negative Declaration; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Lot Line Adjustment Approval to the *Mark Anderson dba Five Stones, 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. 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.

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American Ford- Facade Change

A motion to approve the facade change was made by Mrs. Hayner with a second from Mr. Decker. All were in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner, have reviewed an application by *All American Ford of Kingston, LLC* seeking *site plan amendment approval* to implement a material deviation in the design of the building façade for the existing All American Ford automotive dealership along with new signs on the north, west and south elevations; and

WHEREAS, the Town of Ulster Planning Board is the only agency with the authority to approve the Proposed Action; and

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

- Written Narrative from All American Ford by Arthur M Lieberman, GM dated 7/16/13;
- Site Plan Application prepared by Paul H, Johnson, CEO dated June 26, 2013;
- SEQR Short Form EAF prepared by Arthur Lieberman dated June 26, 2013;
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- Site Plan Consent Form prepared by Paul H, Johnson, CEO dated June 26, 2013;
- Proposed Alteration Plans by Edward A. Easse, R.A. – P.P., dated January 16, 2013;
- First Floor Plan prepared by Edward A. Easse, R.A. – P.P., dated January 16, 2013;
- Second Floor Plan prepared by Edward A. Easse, R.A. – P.P., dated January 16, 2013;
- Mezzanine Floor Plan prepared by Edward A. Easse, R.A. – P.P., dated 1/16/2013; and
- Sign Plan for All American Ford prepared by Brinnier & Larios, P.C. dated 7/21/13.

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF) found the Proposed Action was a *Type II Action* pursuant to Part 617 of SEQRA and further determined there no further SEQR review was required.

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues a SEQR Negative Declaration; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to *All American Ford of Kingston, LLC* 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. 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;
4. Verification with the Town of Ulster Building Department that variances for signs were approved by the ZBA; and
5. All fees, including consultant fees, shall be paid.

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H&V Collision –Site Plan

Scott Dutton appeared on behalf of the application for a site plan revision converting the Grossmans Bargain Outlet to a collision center. Mr. Sorensen reviewed the project with the Board stating the project is similar to what was approved for Grossman’s. The applicant is working with the Sewer Department. Lighting and signage are outstanding but will be submitted shortly. Mr. Sorensen recommended the Board forward the project to the Town Board for Conditional approval. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner, have reviewed an application by *H&V Collision with the consent of DHR Properties, LLC* (owners) for *Site Plan Amendment* approval to construct a 7,509 square foot (SF) addition to the former 13,137 SF *Grossmans Bargain Outlet* building (located at 1051 Ulster Avenue) and Site Plan Amendment approval for a *Change in Use* from “retail” to “automobile service & car rental” with ancillary office and meeting space; and

WHEREAS, the Town of Ulster Planning Board has the authority to make an advisory recommendation to the Town Board; and

WHEREAS, the Town of Ulster Town Board is the only agency with the authority to approve the Proposed Action; and

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

- *Written Narrative* prepared by Scott Dutton, R.A. dated 7/8/13;
- *Existing Conditions Plan* prepared by Scott Dutton, RA dated 7/8/13;
- *Site Plan with New Work* prepared by Scott Dutton, RA revised 8/7/13;
- *Existing Floor Plan* prepared by Scott Dutton, RA dated 7/8/13;
- *Existing Roof Framing Plan* prepared by Scott Dutton, RA dated 7/8/13;
- *Existing Elevations* prepared by Scott Dutton, RA dated 7/8/13;
- *New Work Floor Plan* prepared by Scott Dutton, RA revised 8/7/13; and
- *New Work Elevations Plan* prepared by Scott Dutton, RA revised 8/7/13.

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF) found the Proposed Action was an *Unlisted Action* pursuant to Part 617 of SEQRA and further determined the current proposed action did not pose any potentially significant adverse environmental impacts, which could not be mitigated through project design and recommended the Town Board issue a SEQR Negative Declaration.

NOW THEREFORE BE IT RESOLVED, the Planning Board hereby recommends the Town Board make a Determination of non-significance and issue a SEQR Negative Declaration on the Proposed Action; and

FURTHER BE IT RESOLVED, the Planning Board hereby recommends the

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Town Board grant Site Plan Amendment Approval to *H&V Collision 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. Provision of revised plans, which address all the required site improvements requested by the Town of Ulster Sewer Department;
4. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and .
5. All fees, including consultant fees, shall be paid.

A motion to accept the Planner's recommendation was made by Mr. Decker with a second from Mrs. Hayner. All were in favor.

Kyriacou/Carbone & Feller-Dykeman- Selective Timber Harvest

Anthony Del Vescovo and Peter Kyriacou appeared on behalf of the application for a selective timber harvest. The Town Board held a Public Hearing earlier this year on this application and some concerns arose on the trucks on Stickles Terrace. Now the Kyriacou's neighbor (Don Feller) has hired Mr. DelVescovo and has agreed a temporary right of way. With this right of way approximately 105 trucks will go down Stickles Terrace the rest will go through the Feller property and out his private road. Mr. Sorensen stated he would defer back to the Highway Superintendent and Town Engineer for comments on the roads for both the Kyriacou and Feller request. Mr. Kovacs stated the Board should refer the projects to the Town Board to schedule Public Hearings. A short discussion followed.

Action: A motion to refer the Kyrizcou/Carbone and Feller/Dykeman Selective Timber Harvest to the Town Board for a Public Hearing was made by Mr. O'Brien with a second from Mr. Decker with all in favor.

MHMG-KM KINGSTON LLC-Subdivision

Larry Boudreau and Kyle Kirchoff appeared on behalf of the application of a 6 lot subdivision. Site plan was approved last year and in April the Open Development Plan was approved. The applicant will be making changes as per Mr. Sorensen's review. Mr. Sorensen recommended the Board reaffirm the Negative Declaration and schedule a Public Hearing for October 15th. The plan will need to be forwarded to the County Planning Board for review.

Action: A motion to reaffirm the Negative Declaration as per SEQRA was made by Mrs. Hayner with a second from Mr. Decker with all in favor.

Ulster Hose #5- Lot Line Adjustment

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Michael Vetere' appeared on behalf of the application for a Lot Line Adjustment. The applicant will be combining two lots owned by Ulster Hose. Mr. Sorensen stated the request is straight forward and recommended approval of the Lot Line Adjustment.

Action: A motion to grant a Negative Declaration and approve the Lot Line Adjustment was made by Mr. O'Brien with a second from Mrs. Hayner with all in favor.

A motion to adjourn was made by Mr. O'Brien with a second from Mr. Decker with all in favor.

Respectfully Submitted,

Mary Secreto
Planning Secretary