

***Town of Ulster Planning Board  
December 18, 2012***

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday December 18, 2012 at 7:00 p.m. at the Town Hall Lake Katrine New York. The following members were present:

Alan DeForest - Chairman  
Larry Decker  
Anna Hayner

Alan Sorensen – Planner  
Gary Mulligan  
Frank Almquist

A motion to approve the minutes from the November was made by Mrs. Hayner with a second from Mr. Almquist.

A roll call was taken with Mr. Allison absent.

A motion to open the Public Hearing was made by Mrs. Hayner with a second from Mr. Almquist.

**Lands of Gill Farms – Public Hearing**

Chris Zell appeared on behalf of the application for a 2 lot subdivision; Mr. Zell stated the applicant is separating 4.449 acres from a 31 acre parcel. The NYS Trooper Barracks is currently on this parcel. Nothing will be changing. Mr. Sorensen recommended the Board grant a Negative Declaration and grant approval of the subdivision. No one appeared against the subdivision.

**Action:** A motion to grant a Negative Declaration was made by Mrs. Hayner with a second from Mr. Almquist with all in favor.

A motion to grant approval was made by Mr. Mulligan with a second from Mr. Almquist with all in favor.

**WHEREAS**, the Town of Ulster Planning Board has reviewed an application by Lands of Gill Farmland, LLC seeking Minor Subdivision approval to divide a 31.010-acre parcel (shown on Town of Ulster Tax Maps as S-B-L: 48.17-1-5) into two lots as follows: Lot 1 having 27.561-acres and Lot 2 with 4.449 acres; 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:

- *Application for Subdivision* prepared by Christopher J. Zell, P.L.S. dated 11/14/2012;
- *SEQRA Short EAF* prepared by John Gill dated November 14, 2012; and

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- *Map of Subdivision of Lands* prepared by Christopher J. Zell, LS dated 11/13/12.

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

**WHEREAS**, Proposed Lot 1 consists of farmlands, which would continue to be utilized by Gill Farmland, LLC for agricultural purposes; and

**WHEREAS**, Proposed Lot 2 encompass the existing NYS Trooper's Barracks, which has an UCHD approved septic system and no changes are planned for this site; and

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board who deemed the Minor Subdivision would have "No County Impact"; 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 Christopher J. Zell, LS and reviewed by the Planning Board's consulting planner who has recommended the Planning Board accept the Map for approval; and

**WHEREAS**, the Planning Board at its November 20th meeting waived the requirement for a preliminary public hearing and scheduled this matter for a public hearing at its December 18, 2012 meeting; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF) 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 SEQR; and

**WHEREAS**, the Planning Board opened the public hearing on December 18, 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 Lands of Gill Farms, LLC to subdivide to divide a 31.010-acre parcel (shown on Town of Ulster Tax Maps as S-B-L: 48.17-1-5) into two

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lots as follows: Lot 1 having 27.561-acres and Lot 2 with 4.449 acres 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.

A motion to open the Public Hearing was made by Mr. Almquist with a second from Mr. Decker with all in favor.

**Lands of Maggiore – Public Hearing**

Michael Vetere appeared on behalf of the application for a 2 lot resubdivision. Mr. Vetere stated the applicant would like to subdivide the existing house off of a 3.91 acre parcel. The house and land across Sawkill Road will be on .825 acres the remaining 3.007 acres will remain vacant at this time. No one appeared against the subdivision. Mr. Sorensen recommended the Board grant a Negative Declaration and approve the subdivision.

**Action:** A motion to grant a Negative Declaration was made by Mr. Decker with a second from Mrs. Hayner with all in favor. A motion to approve the subdivision was made by Mrs. Hayner with a second from Mr. Almquist with all in favor.

**WHEREAS**, the applicant – James Bracco on behalf of Ulster Hose No. 5 and with the consent of the Maggiore Testamentary Trust – submitted an application seeking resubdivision approval to divide a 3.912-acre parcel (shown on Town of Ulster Tax Maps as S-B-L: 48.14-3-29.2) into two lots as follows: Lot 2 having 3.077-acres and Lot 2 with 0.835 acres, 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 Resubdivision subject to the *Minor Subdivision approval process*, 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:

- *Application for Subdivision* prepared by Michael F. Vetere, JR. L.S., dated 11/13/2012;
- *SEQRA Short EAF* prepared by Michael F. Vetere, JR., L.S. dated 11/13/2012; and
- *Map of Subdivision* by Michael F. Vetere, JR., L.S. dated 10/30/12, and revised 11/21/12.

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**WHEREAS**, the applicant – James Bracco on behalf of Ulster Hose No. 5 and with the consent of the Maggiore Testamentary Trust – submitted an application seeking resubdivision approval to divide a 3.912-acre parcel (shown on Town of Ulster Tax Maps as S-B-L: 48.14-3-29.2) into two lots as follows: Lot 2 having 3.077-acres and Lot 2 with 0.835 acres, 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 Resubdivision subject to the *Minor Subdivision approval process*, 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:

- *Application for Subdivision* prepared by Michael F. Vetere, JR. L.S., dated 11/13/2012;
- *SEQRA Short EAF* prepared by Michael F. Vetere, JR., L.S. dated 11/13/2012; and
- *Map of Subdivision* by Michael F. Vetere, JR., L.S. dated 10/30/12, and revised 11/21/12.

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

**WHEREAS**, Proposed Lot 1 is the 2.0-acre lot created for the Kingdom Hall of Jehovah’s Witnesses; Lot 2 consists of farmlands, which is being acquired by Ulster Hose No. 5 District for a future satellite firehouse; and Lot 3 would encompass the existing farmhouse and continue to be used as a single-family residence; and

**WHEREAS**, the *Ulster County Health Department* has approved the septic design on proposed Lot No. 1 and the existing farmhouse is served by an on-site septic system; and

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board who deemed the Minor Subdivision would have “No County Impact”; 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 Subdivision* was prepared by Michael F. Vetere, JR., L.S. revised November 21, 2012 and submitted for review to the Planning Board with a recommendation to accept the Map of Subdivision by its consulting planner; and

**WHEREAS**, the Planning Board at its November 20th meeting waived the requirement for a preliminary public hearing and scheduled this matter for a public hearing at its December 18, 2012 meeting; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF) 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 SEQR; and

**WHEREAS**, the Planning Board opened the public hearing on December 18, 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 Resubdivision and Minor Subdivision as described above to James Bracco on behalf of Ulster Hose No. 5 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.

**Quick Chek**

Eric Jordan appeared on behalf of the application for a lot line revision. Mr. Sorensen reviewed the project with the Board stating this is the last part of the Quick Chek site plan. The Board previously granted a Negative Declaration for the project. Now that the Town Board has vacated the Old Sawkill Road Right of Way the Lot Line Revision can be approved. Mr. Sorensen recommended the Board approve the Lot Line Revision and reaffirm site plan approval. Mr. Sorensen read the resolution to the Board.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner, have reviewed an application by *QuickChek Corporation* seeking *Lot Line Adjustment*

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approval, which combines S-B-L: 48.14-3-35 & 37.2 and apportions the 13,067 square foot *vacated* Old Sawkill Road right-of-way to adjoining S-B-L: 48.14-3-37.2 & 48.14-1-18; and

**WHEREAS**, pursuant to Chapter 161 of the Town Code, the *Lot Line Adjustment* is subject to the approval of the Town of Ulster Planning Board; and

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

- *Cover Letter* prepared by Tung-To-Lam of Bohler Engineering dated November 19, 2012;
- *Traffic Impact Study* by Stonefield Engineering & Design *revised* October 23, 2012;
- Stormwater Management Report prepared by Bohler Engineering *revised* November 19, 2012;
- *Cover Sheet* prepared by Bohler Engineering revised September 13, 2012; revised 11/19/12;
- *Demolition Plan* prepared by Bohler Engineering revised September 13, 2012 and 11/19/12;
- *Overall Site Plan* by Bohler Engineering revised 8/23/12, revised 9/13/12 & November 19, 2012;
- *Site Plan* prepared by Bohler Engineering revised 8/23/12, revised 9/13/12 & November 19, 2012;
- *Grading Plan* prepared by Bohler Engineering revised 8/23/12, revised 9/13/12 & 11/19/12;
- *Drainage & Utilities Plan* by Bohler Engineering 8/23/12, revised 9/13/12 & November 19, 2012;
- *Security Cameras Location Plan* prepared by Bohler Engineering dated November 19, 2012;
- *Landscape Plan* by Bohler Engineering revised 8/23/12, revised 9/13/12 & November 19, 2012;
- *Lighting Plan* prepared by Bohler Engineering revised 8/23/12, revised 9/13/12 & 11/19/12;
- *Soil Erosion & Sediment Control* by Bohler Engineering revised 8/23/12, 9/13/12 & 11/19/12;
- *Detail Sheets (A-I)* by Bohler Engineering revised 8/23/12, revised 9/13/12 & November 19, 2012;
- *Cut Fill Analysis Exhibit* prepared by Bohler Engineering dated November 19, 2012;
- *Sawkill Road 45 MPH Sight Line Profile Exhibit* by Bohler Engineering dated 11/19/12;
- *Sight Distance Profile Exhibit* prepared by Bohler Engineering; dated 11/19/12;
- *Truck Turning Exhibit* prepared by Bohler Engineering; dated 11/19/12;
- *Land Title Survey* prepared by Control Point Associates, Inc. dated 8/25/05, revised 9/12/2012;
- *Alta/ASCM Land Title Survey (By Others)* dated 11/19/12; and
- *Lot Line Adjustment Plan* by Control Point Associates, Inc. dated 8/25/05, *revised* 11/20/2012.
  
- *Site Plan Application* prepared by Chazen Engineering & Surveying, P.C, dated 9/12/11;

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- *Cover Sheet* prepared by Bohler Engineering dated August 17, 2012;
- *Application for Sketch Plan Review* prepared by Bohler Engineering dated August 17, 2012;
- *Site Plan Consent Forms for lots 35 and 37.5* prepared by Bohler Engineering dated 8/17/12;
- *Full EAF Part 1 and Supplemental (Floodplain)* prepared by Bohler Engineering dated 8/16/12;
- *Aerial Exhibit* showing proximity to municipal boundaries by Bohler Engineering dated 8/16/12;
- *Metes and Bounds Description* prepared by Control Point Associates, Inc. dated April 16, 2007;
- *Land Title Survey* prepared by Control Point Associates, Inc. dated 8/25/05, revised 7-3-12;
- *Site Plan (Color)* prepared by Bohler Engineering dated August 16, 2012;
- *Site Plan (B&W)* prepared by Bohler Engineering dated August 16, 2012;
- *Proposed Floor Plan* prepared by gk+a Architects, PC, dated August 16, 2012;
- *Proposed Building Elevations* prepared by gk+a Architects, PC, dated August 16, 2012;
- *Rendered Elevations* prepared by gk+a Architects, PC, dated August 16, 2012; and
- *Tax, Aerial, Road, USGS, NYSDEC Wetlands, Streams, FEMA Flood and Rare Plants Maps.*

**WHEREAS**, the Town of Ulster Planning Board was designated *Lead Agency* following Lead Agency Coordination commenced on August 21, 2012; and

**WHEREAS**, the Proposed Action involve Lot Line Adjustment and Site Plan Approval is an *Unlisted Action* pursuant to NYCRR Part 617 of the SEQR regulations; and

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

**WHEREAS**, the Town of Ulster Planning 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, Stormwater Pollution Prevention Plan, Building Elevations, Visual EAF Addendum along with a 23-set of Plans as listed in detail above; and

**WHEREAS**, the Town of Ulster Planning Board determined 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 and technical revisions to these detailed studies; and

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**WHEREAS**, the Town of Ulster Planning Board made a SEQR Determination of Non-Significance (Negative Declaration) on November 20, 2012; and

**WHEREAS**, the Town of Ulster Town Board – at its December 6, 2012 meeting – voted to convey the former Old Sawkill Road right-of-way to the adjoining property owners so said lands could be apportioned the adjoining parcels.

**NOW THEREFORE BE IT 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 Proposed Action meets the Town Code definition of a Lot Line Adjustment and the proposed lots otherwise comply with the requirements of Chapters 161 and Chapter 190 of the Town Code; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Lot Line Adjustment approval to *Quick Chek Corporation (applicant on behalf of Fill-N-Shop and JMW Family Preservation Trust)* to allow the combination of S-B-L: 48.14-3-35 & 37.2 and apportion the 13,067 square foot *vacated* Old Sawkill Road right-of-way to adjoining S-B-L: 48.14-3-37.2 (6,852 sq. ft.) & 48.14-1-18 (6,215 sq. ft) subject to the conditions, limitations and restrictions set forth below.

1. Possible permissive referendum regarding Town Board resolution conveying the abandoned Old Sawkill Road right-of-way to adjoining landowners;
2. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
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

A motion to grant the Lot Line Revision was made by Mrs. Hayner with a second from Mr. Mulligan with all in favor.

Mr. Sorensen recommended the Board reaffirm the recommendation of approval of the Quick Chek site plan. One condition will be the DOT and County Highway approval of the entrances.

**Action:** A motion to reaffirm the recommendation to Town Board with conditions was made by Mr. Almquist with a second from Mr. Mulligan with all in favor.



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**Lands of Minahan**

George Williams appeared on behalf of an application to resubdivide two lots into three. Mr. Williams stated the applicant would like to divide two existing lots into three; one lot will have the existing house, one will be developed with a single family home and the third will remain vacant land. Mr. Sorensen reviewed his memo with the Board stating a shared driveway agreement will need to be submitted and approved by the Town Attorney and Board of Health approval will be required for the well and septic. Mr. Sorensen suggested a note be placed on the plat stating NYS DEC approval will be required if the driveway involves the crossing of a stream that is on the property. The Board agreed a note should be placed on the plat. Mr. Sorensen recommended the Board declare intent to be Lead Agency, waive the preliminary plat public hearing and schedule a public hearing for the January 15<sup>th</sup> meeting.

**Action:** A motion to declare intent to be Lead Agency was made by Mr. Decker with a second from Mr. Almquist with all in favor. A motion to waive the preliminary plat public hearing and schedule a public hearing for January 15<sup>th</sup> was made by Mr. Almquist with a second from Mr. Mulligan with all in favor.

**Kenco**

Bill Kennedy and Maria DeFranco appeared on behalf of the application for an addition to Kenco. The revised plans were reviewed by the Board. A location map and slit fence detail have been added to the plan along with the Zoning Table and Parking Compliance Table. Building material and colors were reviewed. No signage has been decided upon. Mr. Sorensen recommended the Board refer to the Town Board to declare intent to be Lead Agency and to the Ulster County Planning Board for review.

**Action:** A motion to refer to the Town Board for Lead Agency was made by Mr. Decker with a second from Mrs. Hayner with all in favor.

A motion to refer to the Ulster County Planning Board was made by Mr. Almquist with a second from Mr. Mulligan with all in favor.

**Sports Cone**

Bill Brinnier appeared on behalf of the application for an addition to The Sports Cone. Mr. Brinnier stated the applicant is proposing a five hundred square foot addition that will house a bathroom and allow for indoor seating. Nothing else on the site will be changed; there will be no new signage. Mr. Sorensen stated the project is straight forward; he recommended the Board grant site plan approval with the condition of some minor technical changes on the plan.

**Action:** A motion to accept the Planner's recommendation was made by Mr. Mulligan with a second from Mrs. Hayner with all in favor.

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**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – Sawkill Road Properties, LLC (landowner) and AJCU, LLC (business entity) dba *The Sports Cone* – seeking *Site Plan Amendment* approval to construct a 563 square foot addition to a 680 sq. ft. take-out food establishment, which is located at 180 Sawkill Road; and

- WHEREAS**, the materials submitted in support of the Proposed Action includes:  
*Verbal Description* stated by William P. Brinnier, RA on December 5, 2012;
- *Site Plan Application* to be prepared by William P. Brinnier, RA (pending receipt thereof);
  - *SEQR Short EAF* to be prepared by William P. Brinnier, RA (pending receipt thereof);
  - *Site Plan* prepared William P. Brinnier, RA dated December 2, 2012; *revised* 12/12/12;
  - *Demolition Plan, Foundation Plan & Floor Plan* by William P. Brinnier, RA 12/10/12; and
  - *Building Elevations* prepared by William P. Brinnier, RA dated December 10, 2012.

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

**WHEREAS**, the Town of Ulster Planning Board determined referral to the Ulster County Planning Board was not required in accordance with *the referral agreement between the County and Town*; and

**WHEREAS**, modifications relating to the off-street parking area with respect to handicap accessible parking where addressed through revisions to the proposed Site Plan; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF)) found that the Proposed Action was a Type 2 Action pursuant to Part 617 of State Environmental Quality Review Act (SEQRA).

**NOW THEREFORE BE IT 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 hereby grants Site Plan Amendment approval to the applicant for the *action described above* subject to the conditions, limitations and restrictions set forth below.

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1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Submission of final Site Plan set, which addresses minor technical revisions;
4. The Building Inspector is authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in project site development;
5. The exterior of the Sports Cone is to be resided with *barn red vinyl siding*;
6. The street address is to be displayed on the freestanding sign; and
7. All fees, including consultant fees, shall be paid.

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

Respectfully Submitted,

Mary Secreto  
Planning Secretary