

Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday December 20, 2011 at 6:00 p.m. at the Russell Brott Sr. Senior Center, Lake Katrine, New York. The following members were present:

Renno Budziak –Chairman
Larry Decker (15 minutes late)
Gary Mulligan
Scott Ricketson
Ozzie Beichert
Alan Sorensen – Planner

Mr. Budziak stated Mr. Ricketson was resigning as a result of the birth of his son; Mr. Budziak thanked Mr. Ricketson for his time on the Planning Board.

A motion to accept the minutes of the November meeting was made by Mr. Mulligan with a second from Mr. Beichert; all were in favor.

Cobey Subdivision – Public Hearing

Tom Conrad appeared on behalf of the application for a 2 lot subdivision. Mr. Sorensen reviewed the project with the Board stating the applicant previously appeared before the Board; the outstanding issues were a letter of approval for a driveway cut from the County Highway and verification that the existing septic system is in working order. Both items have been submitted. Lot #1 will have 40,000 sq ft; it will house the existing house and garage. Lot #2 will consist of 20.396 acres and will remain vacant at this time. A motion to open the Public Hearing was made by Mr. Beichert with a second from Mr. Ricketson; all were in favor.

No one appeared for or against the subdivision.

A motion to close the Public Hearing was made by Mr. Mulligan with a second from Mr. Beichert; all were in favor.

There were no comments or questions from the Board.

Mr. Sorensen recommended the Board grant a Negative Declaration and approve the 2 lot subdivision.

Action: A motion to grant a Negative Declaration as per SEQRA was made by Mr. Beichert with a second from Mr. Ricketson with all in favor. A motion to approve the 2 lot subdivision was made by Mr. Beichert with a second from Mr. Ricketson; all were in favor.

WHEREAS, the Planning Board and its consultant planner have reviewed an application by *Joanne Cobey* seeking to subdivide a 21.3-acre parcel into two (2) building lots: Lot No. 1 consisting have 40,074 sq. ft., which will encompass the existing house and garage on the subject site and Lot No. 2, which will consist of the remaining 20.396 acres; and

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WHEREAS, the subject site is situated within the R-10 Residential Zoning District and the proposed lots meet the minimum requirement for residential lots, which are served with private well and on-site septic systems; and

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

- *Application for Sketch Plan Approval* prepared by Praetorius & Conrad, P.C. dated 7/6/11;
- *SEQRA Short EAF* prepared by Praetorius & Conrad, P.C. dated July 6, 2011;
- *Sketch Plan for Subdivision Map* prepared by Praetorius & Conrad, P.C. dated 7/6/11; and
- *Subdivision Map* prepared by Praetorius & Conrad, P.C. dated October 31, 2011.

WHEREAS, the Proposed Action was referred to the Ulster County Highway Department to determine whether access from Kukuk Lane can be entertained; and

WHEREAS, the Ulster County Highway Department via e-mail dated 12/8/2011 from K. Austin DuFresne, Senior Engineering Aide, confirmed access can be provided; and

WHEREAS, the Planning Board requested the applicant conduct a septic dye test on the existing septic system on proposed Lot No. 1, but waived the requirement for a septic system design for Lot No. 2 due to soil conditions and the size of the lot; and

WHEREAS, the septic dye test was conducted on the Lot No. 1, which confirmed the septic system is functioning for the existing house; and

WHEREAS, the Planning Board in accordance with Section 161-13 (A) of the Town Code, waived the requirement for a preliminary public hearing, but held a public hearing on the Proposed Action on December 20, 2011; and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA 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 SEQRA.

WHEREAS, the Planning Board opened the public hearing on December 20, 2011 during which no controversy was raised concerning the Proposed Action and subsequently closed the public hearing; and

WHEREAS, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments

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of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

NOW THEREFORE BE IT RESOLVED that the 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 Minor Subdivision Approval to *Joanne Cobey* to subdivide a 21.3-acre parcel property shown on the Town of Ulster Tax Maps as S-B-L: 40.013-1-27 in two lots as described above, 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 *Subdivision Map* prepared by Praetorius & Conrad, P.C. dated October 31, 2011;
4. All fees, including consultant fees, shall be paid.

Panera Bread- Site Plan

Michael Moriello, Tony Disanza and Eric Moore appeared on behalf of the application for a drive thru window for Panera Bread at the Benderson Plaza. Mr. Moriello stated in October he along with Mr. Disanzo met with staff from the Ulster County Planning Board. They have taken comments from that meeting and revised the plans according. The site will not lose any parking spaces; the traffic flow in the rear of the site will be one way. An updated traffic study has been submitted. After a short discussion about the site it was decided the applicant should return to the Planning Board with the consultant from Creighton Manning Engineering to review the traffic study. No action was taken.

MGMH Medical Building – Site Plan

Larry Boudreau and Kyle Kirchhoff appeared on behalf of the site plan application for a 4 story medical building. Mr. Boudreau stated the applicant is waiting comments on the stormwater review and the NYS DOT. The Town's traffic consultant comments were just received. Mr. Sorensen reviewed his memo with the Board stating the Archeological Study has been completed and there are no issues. Elevations were received along with the amended visual assessment. Signage and lighting have been revised and is compliant. Mr. Sorensen stated the application is complete enough to forward to the Town Board for SEQRA review, review of UCPB recommendations and initial consideration of the Site Plan Application.

Action: A motion to forward to Town Board as per the Planner's recommendation was made by Mr. Mulligan with a second from Mr. Beichert. All were in favor.

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WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 1 and m of NYS General Municipal Law and comments from the UCPB were reviewed by the Town of Ulster Planning Board; and

WHEREAS, upon review of the UCPB Required Modifications, the Town of Ulster Planning Board concluded the Town Board should *have the opportunity to review the UCPB recommendations*; and

WHEREA, the Town of Ulster Planning Board recommends this matter be referred to the Town Board *for SEQOR review, review of UCPB recommendations and initial consideration of the Site Plan Application.*

NOW THEREFORE BE IT RESOLVED the Town of Ulster Planning Board refers this matter to the Town Board *for SEQOR review, review of UCPB recommendations and initial consideration of the Site Plan Application*

Landing Woods –Site Plan

Christopher Lapine appeared on behalf of the application for an 84 unit townhouse development. Mr. Lapine gave a short overview of the site stating he was waiting on a letter from Kingsvale Water Company stating there will be sufficient water to the homes; they are currently working with the Town Sewer Superintendent on issues concerning sewer connection. The plan to place a walking trail around the archeological site has been submitted to the NYS Office of Parks and Recreation. The applicants have been monitoring the groundwater on the site. The lighting plan has not been finalized. An updated traffic study has been submitted. Mr. Sorensen stated that he had some concerns on the proximity of the structures to the retention pond and there have been some neighbor concerns on the lack of buffer between the townhouses and the existing neighbors. A short discussion on the buffering issue followed; board members all agreed that there need to extend the buffer between Deer Run residents and the proposed structures. The applicant will revise plans for the Board to review. No action was taken.

Beer World – Revised Site Plan

Nick Sadler and Jay Modhwadiya appeared on behalf of the application for a change of use. The applicant is proposing a retail beer and beverage store with warehouse space in the former Lazy Boy Furniture building. Mr. Sadler presented a color elevation. There will be no change to the facade or lighting. The signage will be within code. As requested in Mr. Sorensen memo the applicant will move 3 parking spaces from the front northern property line to the rear of the site. Mr. Sorensen recommended the Board grant approval with the condition the sign specs and color elevation are submitted to the Building Department.

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Action: A motion to grant approval with the conditions noted by Mr. Sorensen was made by Mr. Decker with a second from Mr. Beichert. All were in favor

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – *Saumik Kingston, LLC c/o Jay Modhwadiya* –seeking *site plan approval* for a *change in use* from a furniture store to an 18,640 square foot (sf) retail beer and beverage store with ancillary 15,990 square feet of warehouse space; and

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

- *Site Plan Application* by Medenbach & Eggers Civil Engineering and LS, dated 12/5/2011;
- *SEQRA SHORT EAF* by Medenbach & Eggers Civil Engineering and LS, dated 12/5/2011;
- *Site Plan Consent Form* by Servco, Inc. of Boston, MA dated December 6, 2011; and
- *Site Plan for Beer World 3* by Medenbach & Eggers Civil Engineering and LS, dated 12/5/11.

WHEREAS, the Proposed Action complies with the off-street parking requirements of the Town Code and otherwise comply with the bulk requirements of the RC Zoning District; and

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

WHEREAS, the Town of Ulster Planning Board determined the applicant submitted a complete application; 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 Approval to *Saumik Kingston, LLC* for a *change in use* from a furniture store to an 18,640 square foot (sf) retail beer and beverage store with ancillary 15,990 square feet of warehouse space 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; and
3. Submission to the Building Department of sign specifications, which are in compliance with Section 190-33 of the Town of Ulster Code and color elevations of building façade that were provided at the Planning Board meeting; and
4. All fees, including consultant fees, shall be paid.

Cross Fit – Change of Use

Sean Weeks and Tom Farrell appeared on behalf of the application for Crossfit Fitness Center. The applicants are proposing a fitness center in a former retail space located at 612 Ulster Avenue. There are no changes on the site and signage has not been decided upon but will be to code. Mr. Sorensen recommended the Board grant a conditional approval with the condition being the sign specs are submitted to the Building Department.

Action: A motion to accept the Planner’s recommendation was made by Mr. Ricketson with a second from Mr. Mulligan. All were in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Sean Weeks & Thomas Farrell dba Cross Fit* for *site plan approval* for a *change in use* from a retail store to 2,250 square foot (sf) health club; and

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

- *Site Plan Application* prepared Praetorius and Conrad, P.C., dated 12/13/2011;
- *SEQRA SHORT EAF* by Bruce Utter, PE of Praetorius and Conrad, P.C., dated 12/13/2011; and
- *Sketch Plan* prepared by Bruce Utter, PE of Praetorius and Conrad, P.C., dated 12/5/2011.

WHEREAS, the Proposed Action complies with the off-street parking requirements of the Town Code and otherwise comply with the bulk requirements of the HC Zoning District; and

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

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

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WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF)) found that the Proposed Action was 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 Approval to *Sean Weeks & Thomas Farrell dba Cross Fit* for a *change in use* from a retail store to 2,250 square foot (sf) health club 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 to the Building Department of sign specifications, which are in compliance with Section 190-33 of the Town of Ulster Code; and
4. All fees, including consultant fees, shall be paid.

Kingston Cyclery – Change of Use/ Lot Line Adjustment

Donald Brewer appeared on behalf of the application for a change of use and lot line adjustment. The applicant is proposing a retail bike shop in a former school of learning building located at 985 Morton Blvd. The applicant is also requesting a lot line adjustment; the adjustment is joining the lot the structure is on and the adjoining vacant parcel. There will be no changes to the site, no new lighting and the applicant will be refacing the existing signage. Mr. Sorensen reviewed his memo with the Board stating all changes that were requested have been completed; he recommended the Board grant a Negative Declaration as per SEQRA and approval of the change of use.

Action: A motion to grant a Negative Declaration as per SEQRA was made by Mr. Mulligan with a second from Mr. Beichert. A motion to grant approval of the Lot Line Adjustment and Change of Use was made by Mr. Decker with a second from Mr. Mulligan. All were in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed a Site Plan Approval application by Bill Hadsell dba *Kingston Cyclery* for a *change in use* from a school of learning to a retail bike shop within an existing 3,117 square foot building at 985 Morton Boulevard; and

WHEREAS, the applicant is concurrently seeking *Lot Line Adjustment* approval to combine the two (2) lots into one (1) tax parcel; and

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

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- *Site Plan Application* prepared by Donald L. Brewer, P.L.S dated December 7, 2011;
- *SEQRA SHORT EAF* prepared by Donald L. Brewer, P.L.S, dated December 7, 2011; and
- *Map of Survey/Lot Line Adjustment Map* prepared Donald L. Brewer, P.L.S dated 12/7/11.

WHEREAS, the Site Plan for the Kingston Cyclery establishment shows the Proposed Action will comply with the off-street parking requirements of the Town Code and otherwise comply with the bulk requirements of the LC Zoning District; and

WHEREAS, the proposed combination of lots meets the Town Code definition of a *Lot Line Adjustment* and as such is not a "subdivision" or "resubdivision" as defined therein, and a public hearing is not required per the Town of Ulster Town Code; and

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

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

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found the Proposed Action was an *Unlisted Action* pursuant to Part 617 of State Environmental Quality Review (SEQR) Act and issued a SEQR Negative Declaration.

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 Lot Line Adjustment approval to Bill Hadsell to allow the consolidation of tax parcels Section-Block-Lot: 48.50-5-3 & 33.10 1 into one (1) tax parcel; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Approval to Bill Hadsell for a *change in use* from a school of learning to a retail bike shop within an existing 3,117 square foot building at 985 Morton Boulevard; and 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; and
3. All fees, including consultant fees, shall be paid.

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Ulster Gardens – Site Plan

Peter Romano appeared on behalf of the application for a 112 unit Sr. Living Community and a 52 unit Multi Family Development. Mr. Romano reviewed the project stating the site is 51 acres which now has one single family dwelling on it; the applicant is proposing subdividing the parcel into 2 lots the larger one with 46.6 acres. A cluster development is being proposed as the site is within 3 Zoning Districts. There will be a conservation easement on a portion of the site; this is the area where there is an archeological sensitive area. The entrance to the site is proposed at Quail Drive with an emergency entrance at Memorial Drive. The Town Code requires 410 parking spaces; the applicant will be requesting a variance to reduce the number of required parking spaces as most of the residents are seniors with only 1 vehicle per household. The applicant is aware of water issues on Ledge Road; an infiltration pond will be place on the site. When looking at the project from Ledge Road you will see natural vegetation. . The buildings will be 3 stories high with Sr. Housing on one side of the project and the Multi Family opposite with a recreation are in the middle. There is landscaping around all buildings. Mr. Sorensen reviewed is memo with the Board stating in his memo there is chart comparing this project with the Ulster Manor project that was previously proposed for this site. Brinnier and Larios will be reviewing the SWWP. The Board previously adopted a Finding Statement for the Ulster Manor project; a revised Finding Statement will be prepared by Mr. Sorensen for the Board's review. Mr. Sorensen recommended the Planning Board declare reaffirmation of Lead Agency status and schedule a Public Hearing on the Minor Subdivision and Cluster Development.

Action: A motion to declare reaffirmation of Lead Agency status was made by Mr. Decker with a second from Mr. Beichert with all in favor. A motion to schedule a Public Hearing for the subdivision and cluster development and forward to the Town Board to schedule a Public Hearing on the Special Use Permit was made by Mr. Beichert with a second from Mr. Ricketson with all in favor.

It was decided to hold the regular meeting a 6PM and Public Hearing at 7PM on January 17, 2011.

WHEREAS, the Town of Ulster Planning Board previously completed a SEQR review and subsequently adopted a Findings Statement on June 16, 2009 concerning a proposal by *Ulster Land Partners Holding, LLC* to develop a 128-unit mixed residential development consisting of 100 attached fee simple townhomes and 28 multi-family townhomes to be located on an approximately 48-acre portion of Section-Block-Lot: 48.58-7-21.10;

WHEREAS, the Town of Ulster Planning Board and its consultant planner have received an amended application (as proposed by *Warwick Properties, Inc.*) seeking *subdivision* approval pursuant to Chapter 161 of the Town of Ulster Town Code to subdivide the 51.16-acre parcel (SBL 48.58-7-21.10) into two parcels of 4.53 acres and

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46.63 acres; *cluster development* approval by the Planning Board pursuant to Section 278 of NYS Town Law; and *special use permit* approval by the Town Board to develop a

112-unit Senior Living Community along with 52-Multi-family dwelling (attached dwellings) on the proposed 46.63-acre parcel; and

WHEREAS, the Proposed Action is an amendment of a Prior Action, which was analyzed in the original Environmental Impact Statement and Findings Statement for the subject site; and

WHEREAS, the Town of Ulster Planning Board has determined that it is prudent to analyze the Proposed Action in the context of the Prior Action, in order to determine whether the environmental impacts associated with the Proposed Action are greater than those resulting from the plans presented by *Ulster Land Partners Holding, LLC* in 2009; and

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

- *Site Plan Application* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Subdivision Application* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Written Narrative* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *SEQRA Full EAF Part 1* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Existing Conditions Survey* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Grading & Drainage Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Storm Water Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11; and
- *Landscaping Notes & Details* by Chazen Engineering & Surveying, P.C, dated 12/14/11.

NOW THEREFORE BE IT RESOLVED the Town of Ulster Planning Board hereby reaffirms its status as Lead Agency for the purpose of determining whether the environmental impacts associated with the Proposed Action are greater than those resulting from the plans presented by *Ulster Land Partners Holding, LLC* in 2009; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby sets a public hearing on the proposed cluster development and 2-lot subdivision for its January 17, 2012 meeting; and

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FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby also refers this matter to the Town Board so they can set a public hearing for the Special Permit uses associated with the Proposed Action.

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

Respectfully Submitted
Mary Secreto
Planning Secretary