

## *Town of Ulster Planning Board*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday February 21, 2012 at 7:00 p.m. at the Town of Ulster Town Hall, Lake Katrine, New York. The following members were present:

Alan DeForest –Chairman  
Karl Allison  
Larry Decker  
Anna Hayner  
Gary Mulligan  
Alan Sorensen – Planner

A motion to approve the minutes of the January meeting was made by Mr. Mulligan with a second from Mr. Decker with all in favor.

### **Panera Bread – Site Plan Revision**

Michael Moriello, Ken Wersted and Tony DiSanza appeared on behalf of the application for a drive -thru window at Panera Bread. Tom Cannarelli reviewed the project with the Board stating the project was last reviewed in May of 2011; the project consist of placing a drive- thru window in the rear of the site. The entrance will be off of John Clark Drive with one way traffic around the building. There will be room for 6 cars in the drive-thru with a pass-by lane. Traffic Consultant Ken Wersted reviewed his finding with the Board; the Panera site is different from most drive- thru windows there are a few cars in the morning and a busy lunch time other drive-thru windows are busy all day long. Mr. Wersted collected data at a Panera in Ithaca; at this site the average waiting time was approximately 4 minutes with a pea of 30 vehicles. Mr. Wersted stated that the drive-thru will have no significant impact on the adjacent tenants or the general public. Mr. Sorensen stated he would recommend the latest plan be forwarded to the Ulster County Planning Board for review.

**Action:** A motion to forward to the UCPB was made by Mr. Mulligan with a second from Mr. Allison with all in favor.

### **MHMG Medical Building – Site Plan**

Larry Boudreau appeared on behalf of the application for a 4 story 83,440 square foot medical building. Mr. Boudreau reviewed the project stating the original plans showed access to the site from Rt. 9 W and Grant Avenue; after receiving comments from NYS DOT is was decided to eliminate the access from Grant Avenue. Mr. Sorensen stated the project has gone through a substantial review in the last 4 to 5 months and all comments have been addressed. Mr. Sorensen recommended the Board forward the project to the Town Board with a recommendation to grant a Negative Declaration as per SEQRA for the entire project, override the UCPB's required modification for an extended Traffic

*Town of Ulster Planning Board*

Study and grant site plan approval for Phase I with the conditions stated on the draft resolution.

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

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner, Town Engineer (Brinier & Larios, PC), Highway, Water & Sewer Departments have reviewed an application by *MHMG – KM Kingston, LLC* – seeking *Site Plan approval* to construct a 4-story 83,440 square-foot (sf) Medical Office Building (MOB), 418 associated parking spaces and construction of new access drives from U.S. Route 9W (Ulster Avenue) on the above referenced site; and

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

- *Site Plan Application* prepared by Chazen Engineering & Surveying, P.C, dated 9/12/11;
- *Written Project Narrative* by Chazen Engineering & Surveying, P.C, revised 11/2/11;
- *Location Map and Ortho Photo* prepared by Chazen Companies dated November 2, 2011;
- *SEQRA FULL EAF* prepared by Chazen Engineering & Surveying, P.C, revised 11/2/11;
- *End of Field Letter Phase 1B Archeological Investigation* by Hartgen dated 10/26/2011;
- *Endangered, Threatened & Rare Species Assessment* by Chazen Companies dated 11/2/2011;
- *Traffic Impact Study* by John Collins Engineers, P.C. dated October 21, 2011;
- *Map of Existing Conditions* by Chazen Engineering & Surveying, P.C, dated 10/11/11;
- *Overall Master Site Plan* by Chazen Engineering & Surveying, P.C, dated 11/2/11;
- *Demolition Plan* prepared by Chazen Engineering & Surveying, P.C, dated 11/2/11;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated 11/2/11;
- *Grading Plan* prepared by Chazen Engineering & Surveying, P.C, dated 10/11/11;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, dated 10/11/11;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, dated 10/11/11;
- *Landscaping Plan Demolition Plan* by Chazen Engineering & Surveying, P.C, dated 10/11/11;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, dated 10/11/11; and
- *Site, Water, Sewer, Sediment & Erosion, Stormwater, Landscaping Details* prepared by Chazen Engineering & Surveying, P.C, dated 10/11/11.
  
- *Written Project Narrative* by Chazen Engineering & Surveying, P.C, dated December 7, 2011;
- *SEQRA Visual EAF Addendum* by Chazen Engineering & Surveying, P.C, dated 12/6/2011;
- *Phase 1B Archeological Investigation* by Hartgen Archeological Associates, Inc. dated 12/7/2011;
- *Map of Existing Conditions* by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Overall Master Site Plan* by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Demolition Plan* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Grading, Drainage & ESC Plan* by Chazen Engineering & Surveying, P.C, revised 12/7/11;

***Town of Ulster Planning Board***

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- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Fire Apparatus Access Plan* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Signage Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/7/11;
- *Landscaping Plan* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Stormwater Details* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Landscaping Details and Notes* by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Section Elevations* prepared by Chazen Engineering & Surveying, P.C, dated 12/7/11; and
- *Proposed Exterior Building Elevations* by Optimus Architecture dated November 15, 2011.
- *Written Project Narrative* by Chazen Engineering & Surveying, P.C, dated February 16, 2012;
- *Map of Existing Conditions* by Chazen Engineering & Surveying, P.C, revised 12/13/11;
- *Overall Master Site Plan* by Chazen Engineering & Surveying, P.C, revised 2/16/12;
- *Demolition Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/16/12;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/16/12;
- *Grading, Drainage & ESC Plan* by Chazen Engineering & Surveying, P.C, revised 2/16/12;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/16/12;
- *Fire Apparatus Access Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/16/12;
- *Signage Plan* prepared by Chazen Engineering & Surveying, P.C, dated 1/13/12;
- *Landscaping Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/16/12;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/16/12;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Stormwater Details* prepared by Chazen Engineering & Surveying, P.C, revised 12/7/11;
- *Landscaping Details and Notes* by Chazen Engineering & Surveying, P.C, revised 2/16/12;
- *Section Elevations* prepared by Chazen Engineering & Surveying, P.C, dated 12/7/11; and
- *Traffic Impact Study* prepared by John Collins Engineering, PC revised February 16, 2012.

**WHEREAS**, the proposed Medical Office Building (MOB) is permitted-by-right subject to Site Plan approval by the Town of Ulster Town Board in accordance with the Town Code; and

**WHEREAS**, the Proposed Action including future planned phases of development consisting of the construction of a 14,000 sf pharmacy, 40,000 sf retail, hotel with 100 rooms, a 4,000 sf office and 3,000 sf restaurant is a *Type I Action* pursuant to Section 617.4(b)(6)(i) of the SEQR regulations; and

**WHEREAS**, the Town of Ulster Town Board was designated Lead Agency following Lead Agency Coordination commenced on September 22, 2011; and

**WHEREAS**, the applicant provided a Full EAF Part 1 with Full Visual EAF Addendum 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 full build-out including a Traffic Impact Study, Stormwater Pollution Prevention Plan, Endangered, Threatened & Rare Species Assessment Report, Phase 1A and Phase 1B Archeological Field Reconnaissance, mapping of on-site wetlands, Visual EAF Addendum with cross-sections of proposed building from critical receptors along with a 20-set of Plans as listed in detail above; 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 provided on December 7, 2011; and

**WHEREAS**, upon review of the UCPB Required Modifications, the Town of Ulster Planning Board concluded the Town Board should *override the required modification to extend the Traffic Impact Study to ten (10) years beyond the 2015 design year*; and

**WHEREAS**, the Town of Ulster Planning Board has received its consulting planners draft SEQR 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 opposite Adams Fairacre Farms and has stated in its January 12, 2012 letter it  
*Town of Ulster Planning Board*

requires Planning Board approval for Phase 1 of the project, which includes the main entrance on Route 9W and signal modification; 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

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby recommends the Town Board override of the UCPB required modification to extend the Traffic Impact Study to ten (10) years beyond the 2015 design year; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby recommends the Town Board grant Site Plan Approval to *MHMG – KM Kingston, LLC* to construct a 4-story 83,440 sf medical office building (MOB), 418 associated parking spaces and construction of new access drives from Ulster Avenue 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. Approval of the SWPPP by the Town Engineer;
3. Approval of the Highway Work Permit for access to and from U.S. Route 9W by the New York State Department of Transportation.
4. Approval of final detailed utility plans by the Town Engineer and Sewer & Water Departments and receipt of water & sewer permits prior to construction; and
5. All fees, including consultant fees, shall be paid

### **Ulster Gardens – Site Plan, Special Use Permit, Major Subdivision**

Peter Romano Appeared on behalf of the application for a Sr. and Multi Dwelling Community. Mr. Romano reviewed the changes in the project; there are now 2 accesses to the site one from Memorial Drive the other at Quail Drive. Mr. Romano states that during construction of the project there will be no truck traffic allowed on Quail Drive. This plan shows the reserve area for the additional parking that was requested by the ZBA and the lighting on Memorial Drive has been moved away from Quail Drive. A Traffic Study has been completed and submitted. A short discussion on making the Quail Drive access one way followed. Mr. DeForest questioned who would monitor the parking on the site. Mr. Kovacs stated the ZBA would make someone responsible and it would be a condition of the variance approval. Mr. Sorensen recommended the Board refer the project to the Ulster County planning Board and schedule a second Public Hearing for March 20<sup>th</sup>. Discussion on what constitutes a traffic signal and how the counts on the traffic study were obtained followed.

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

*Town of Ulster Planning Board*

### **Millen's Recycling Facility – Site Plan**

Donald Brott appeared on behalf of the application for a scrap metal recycling facility. Mr. Brott reviewed the updated plans with the Board stating an exfiltration system has been added to the plan as well as a scale. This change will add about 1.5 ft to the height of the building. The wayfinding signs have been added as well as stripping. Mr. Sorensen requested additional lighting on the scale house; the applicant feels that this is not needed as the business operates during daylight hours only. An amended EAF has been submitted. A noise study will be completed at the existing site later in the week. All existing vegetation will remain. A discussion on concerns on contamination of the Town's Systems and how the stormwater runoff could be treated followed. The Town Board has scheduled a Public Hearing for March 1<sup>st</sup>. Mr. Sorensen recommended the Board refer the project to the Ulster County Planning Board. **Action:** A motion to forward the project to the Ulster County Planning Board was made by Mr. Mulligan with a second from Mrs. Hayner with all in favor.

### **Honest Foods & Stuff – Site Plan**

Nadine Carney appeared on behalf of the application for a proposed retail site. The project consist of 2 geodesic domes (1,590 sf) one that will house a retail store and the other a greenhouse. There will be an outside sales area. Solar panels will provide the energy for the project. Mr. Sorensen questioned if the panels would produce a glare that would affect drivers. The applicant is working with NYS DOT and the neighboring property owners on easement and right of way issues. There will be no dumpster on site as the applicant plans to recycle all waste. The applicant is still working on the stormwater. Mr. Sorensen stated the project should be referred to the Town Board for Lead Agency declaration and the Ulster County Planning Board for review.

**Action:** A motion to refer to the Town Board for intent to declare Lead Agency was made by Mr. Mulligan with a second from Mr. Allison. All were in favor. A motion to refer to the Ulster County Planning Board was made by Mr. Decker with a second from Mrs. Hayner all were in favor.

### **Carpet Garage – Site Plan**

Robert Godwin appeared on behalf of the application for a change of use (office to retail) at 925 Ulster Avenue. The applicant would like to open a second hand store. Mr. Godwin reviewed changes that have been made to the plan as per Mr. Sorensen's review. Mr. Godwin stated the parking lot has been restripped and the handicapped access has been addressed. The owner of the site has contacted DOT and will provide them with a plan for a new proposed entrance. The building has been repainted and the site cleaned up. The existing pole sign will be used for the Carpet Garage business not the retail store; this may be on the property line. The trailer that is on the site is used for carpet

*Town of Ulster Planning Board*

recycling. Mr. Sorensen recommended the applicant remove the pole sign and replace it with a monument sign. A short discussion on handicapped parking standards, Mr. Godwin was asked if he could add some plantings. Mr. Godwin will meet with the applicant and resubmit plans.

### **Grossmans Bargin Outlet – Site Plan Amendment**

Scott Dutton and Paul Hakim appeared on behalf of the application to construct a 7,500 square foot addition to the Grossmans Bargin Outlet. The existing lumber shed will be removed from the Northern part of the site and will be replaced with an addition. A new facade and a covered walkway along the length of the building are also proposed. Mr. Hakim reviewed the site layout with the Board. Mr. Sorensen requested an area map be placed on the map. Mr. Dutton will revise the plan by adding designated parking spots for the truck rentals, a note will be added stating the striping will be code compliant and the parking table will be revised. There are no plans to add new lighting, all existing lighting have a shield. The signage will be code compliant. Comments from the Water Department have been received; the applicant will follow up. Mr. Sorensen stated the plan needs to be referred to the Town Board to declare intent to be Lead Agency and to the Ulster County Planning Board. Mr. Dutton will revise plans.

**Action:** A motion to refer to Town Board for lead Agency and to the Ulster County Planning Board was made by Mr. Mulligan with a second from Mr. Allison with all in favor.

### **Red Cigar – Site Plan Amendment**

Scott Dutton appeared on behalf of the application for a change of use at 744 Ulster Avenue. Mr. Dutton stated the applicant is proposing a warehouse/ office use on this site; the current use includes retail space. The only change on the site will be replacing an overhead door that was sealed. The tenant will be using the existing freestanding sign pole and will be in compliance with town code. The new tenant will be a medical supply company. Mr. Sorensen requested a revised Zoning and Parking Table be placed on the plan and a note stating the signage will be in compliance with the Town Code. Mr. Dutton will revise and submit new plans. Mr. Sorensen recommended the Board approve the project with the condition of a floor plan is submitted verifying the proposed changes.

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

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Red Cigar, LLC is proposing a change in use within an existing 10,000 square foot (SF) building located at 744 Ulster Avenue; and

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

- *Application for Site Plan Amendment* prepared by Scott Dutton, RA dated 2/8/12;
- *SEQR Short EAF* prepared by prepared by Scott Dutton, RA dated 2/8/12; and
- *Site Plan* prepared by Scott Dutton, RA dated 2/6/12.

**WHEREAS**, the Proposed Action complies with the off-street parking requirements of the Town Code and otherwise comply with the bulk requirements of the Highway Commercial 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 does hereby grant Red Cigar, LLC Site Plan Amendment Approval for a change in use within an existing 10,000 square foot (SF) building located at 744 Ulster Avenue 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 floor plan verifying applicant is only proposing changes in proportions of existing uses within existing building; and
4. All fees, including consultant fees, shall be paid.

### **The Corner Washerette – Site Plan Amendment**

Scott Dutton appeared on behalf of the application for a site plan amendment for the Corner Washerette. Mr. Dutton stated the applicant would like to renovate the building facade. The exterior will be repainted beige and a faux stone will be added to the lower portion of the building. New awnings sidewalk will be added to the site. The Water Department reviewed the plans and has concerns on the placement of the monument sign as it may be on the water line. Mr. Dutton stated he will place a note on the plan that the sign will be at least 18” away from the water line. The owner is not sure if he is going to move forward with the monument sign but if he does it will comply with Town Code. All new lighting will be full cutoff fixtures. After a short discussion on the site it was decided that the applicant does not need to re-strip the lot. Mr. Sorensen recommended the Board grant site plan approval with the condition of signage conforming to Town Code and the placement of the monument sign 18” away from the water line.

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

*Town of Ulster Planning Board*



**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Robert Rice dba The Corner Washerette seeking *Site Plan Amendment* approval to make awning, façade and sidewalk improvements to a existing Laundromat located at 995 Morton Boulevard; and

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

- *Application for Site Plan Amendment* prepared by Scott Dutton, RA dated 2/6/12;
- *SEQR Short EAF* prepared by prepared by Scott Dutton, RA dated 2/6/12;
- *Site Plan Consent Form by Robert Rice consent to filing of application dated 2/5/12*; and
- *Site Plan & Details for Corner Washerette* prepared by Scott Dutton, RA dated 2/6/12.

**WHEREAS**, the subject site is located within the LC-Local Commercial Zoning District where a service business is permitted by right subject to Site Plan approval; 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 does hereby grant Robert Rice dba The Corner Washerette *Site Plan Amendment* approval to make awning, façade and sidewalk improvements to an existing Laundromat located at 995 Morton Boulevard 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 Building Department of sign details for signs in compliance with Town Code;
4. Add note to Site Plan that the monument sign will be set back from the water line at least 18 inches; and
5. All fees, including consultant fees, shall be paid.

***Town of Ulster Planning Board***

## **Rhinebeck Brewing Company – Site Plan**

John McGovern appeared on behalf of the application to convert a triathlon shop to a micro-brewery. The site consists of 40.2 acres that contain a manufactured home park with a 5,000 square foot mixed use building. The mixed used building has 3 apartments and an office for the manufactured home park as well as the brewery space. Mr. McGovern stated the parking lot is in need of repair and the will be completed in the spring. There will be no new lighting on site currently there is a motion light on the site. There will be no dumpster on site. Mr. Sorensen stated the project will need to be referred to the Town Board for approval of a non conforming use and the Ulster County Planning Board. The use will need to be approved before the Planning Board can approve Site Plan.

**Action:** A motion to the Ulster County Planning Board and the Town Board was made by Mr. Decker with a second from Mrs. Hayner with all in favor.

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

A motion to adjourn was made by Mr. Mulligan with a second from Mrs. Hayner.

Respectfully Submitted  
Mary Secreto  
Planning Board Secretary