

*TOWN OF ULSTER
PLANNING BOARD
February 14, 2017*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday February 14, 2017 at 7:00 p.m. at the Town Hall in Lake Katrine, New York. The following members were present:

Gary Mulligan-Chairman
Karl Allison
Larry Decker
Alan Sorensen – Planner

Frank Almquist-Vice Chairman
Anna Hayner
Andrew Stavropoulos

A motion to approve the minutes from the December 2016 meeting was made by Mr. Mulligan with a second from Mr. Stavropoulos with all in favor.

A motion to nominate Frank Almquist as the Vice Chair was made by Mr. Mulligan with a second from Mr. Decker with all in favor.

A motion to nominate Gabrielle Perea as the Planning Board Secretary was made by Mr. Decker with a second from Mr. Allison with all in favor.

Shoppes at Dena Marie

Craig Tripp, appeared on behalf of the application and is seeking Site Plan Amendment approval to construct additional retail space in the southwestern portion of the site that was approved for development in 2008, but not constructed. The requested Site Plan Amendment is to allow the construction 11,822 square feet of new retail space, which represents a decrease from the space approved in 2008. Also, proposed enhancement to the current pylon sign. The Town of Ulster Planning Board, upon review of the SEQR Short EAF Part 1 determined the Proposed Action was an Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law. The Town's Consulting Planner recommended to the Planning Board that the Proposed Action be referred to the Town Board for the sole purpose of initiating a SEQR Unlisted Action-Coordinated Review with the Town Board so named as Lead Agency.

WHEREAS, the applicant – Dena Marie II, LLC c/o/ Kaplan Realty Group (David Kaplan) – is seeking Site Plan Amendment approval to construct additional retail space in the southwestern portion of the site that was approved for development in 2008, but not constructed; and

WHEREAS, the requested Site Plan Amendment is to allow the construction 11,822 square feet of new retail space, which represents a decrease from the space approved in 2008; and

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

- Consent Form signed by David Kaplan (owner) dated January 30, 2017;

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- Cover Letter prepared by Craig Tripp, RLA, Chazen Companies dated January 31, 2017;
- Application for Site Plan Amendment signed by David Kaplan (owner) dated January 30, 2017;
- SEQR Short EAF Part 1 prepared by Chazen Companies dated January 31, 2017; and
- Site Plan for The Shoppes at Dena Marie Plaza by The Chazen Companies, dated 1/31/17.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Site Plan since more than 2,500 SF of new gross floor area is proposed; and

WHEREAS, the Town of Ulster Planning Board, upon review of the SEQR Short EAF Part 1 determined the Proposed Action was an Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, the Planning Board determined other Involved Agencies include: NYSDOT (site access); and

WHEREAS, Interested Agencies include the Town of Ulster Planning Board and Ulster County Planning Board; and

WHEREAS, the Town's Consulting Planner recommended to the Planning Board that the Proposed Action be referred to the Town Board for the sole purpose of initiating a SEQR Unlisted Action-Coordinated Review with the Town Board so named as Lead Agency.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board so that it can declare its intent to be Lead Agency for an Unlisted Action-Coordinated Review.

Action: A motion to forward this matter to the Town Board so that it can declare its intent to be Lead Agency for an Unlisted Action-Coordinated Review.

Thomas Hricisak-Kingston Rolloff

Mike Vetere III appeared on behalf of the application for a two foot area variance for a fence in front yard setback and Special Permit approval to allow roll-off container staging on the property. The applicant is proposing a screened six foot fence for privacy. The Ulster County Planning Board recommended that the applicant leave a portion of the front yard fence or the access gate to be unscreened, for safety purposes, to provide law enforcement visual access to the site. An application for a floodplain permit had been submitted after being requested. After discussion, a motion to override the Ulster County Planning Board's Modification to have screening on the front gate was made by Mr. Mulligan, with a second from Mr. Stavropoulos, with all in favor. A Motion to grant it as an unlisted uncoordinated SEQRA was made by Mr. Almquist, with a second from

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Mr. Allison with all in favor. After a brief discussion, with concerns from an adjoining neighbor, a motion to approve the site plan was made by Mr. Almquist, with a second from Mr. Allison and all in favor.

Action: Motion to forward to Town of Ulster Town Board for a special permit use was made by Mr. Decker, with a second from Mr. Almquist and all in favor.

Shop Rite

Daniel Peveraro appeared on behalf of the application. After a brief discussion regarding the comments from Brinnier and Larios and PlanIt MainStreet, Mr. Peveraro stated that all the comments and recommendations were being addressed and taken care of. Mr. Sorensen stated it is within the Planning Boards purview to accept the 25 foot high light poles, as it is reducing the degree of the nonconformity of the already existing nonconforming 44 foot lighting. A motion to allow the 25 foot lighting poles was made by Mr. Allison, with a second from Mr. Almquist with all in favor. Mr. Sorensen stated his recommendation would be to forward to the Ulster County Planning Board for General Municipal Law 239 Review.

Action: A motion forward to the Ulster County Planning Board was motioned by Ms. Hayner with a second from Mr. Almquist with all in favor.

Kingwood Plaza

Pasquale Iovieno appeared on behalf of the application, with the consent of DiDonna Brothers, LLC (Owner). Mr. Iovieno stated that he is within the DOT's three-stage process and is waiting on that. After a brief discussion on Brinnier and Larios comments, Mr. Sorensen stated that all his project review notes and comments have been addressed. Mr. Sorensen also stated that the Town Board is the Lead Agency, as it is more than 2,500 ft. of new construction, and it is his recommendation to the Planning Board to refer this matter to the Town Board with the recommendation for issuing a SEQRA Negative Declaration and granting conditional site approval. The Planning Board recommends that the Town Board override the Ulster County Planning Board required modification No. 1, as it is impractical and that applicants current site plan complies with the UCPB required modifications No. 2, 3 and 5. The Planning Board also would recommend that the modification No. 4 should be a condition of granting approval for the site plan. Mr. Sorensen read the resolution.

WHEREAS, the applicant – Pasquale Iovieno with the consent of DiDonna Brothers, LLC (Owner) – submitted an application seeking Site Plan approval for construction of a two-story 14,400 square foot (sf) retail building along with ancillary driveways and on-site parking areas for 58 vehicles; and

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WHEREAS, pursuant to Chapter 145 of the Town Code, the Town Board has the authority to approve the Site Plan; and

WHEREAS, the Town of Ulster Town Board, is the Lead Agency for this Unlisted-Action Coordinated Review; and

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

- Application for Site Plan Review by Pasquale Iovieno, dated 9/28/2015;
- Site Plan Consent Form signed by James M. DiDonna, property owner dated 9/17/15;
- SEQR Short EAF prepared by Paul B. Jankovitz, RA dated 9/15/2015; and
- Site Plan prepared by prepared by Paul B. Jankovitz, RA undated.
- Title Sheet prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Project Plan prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Site Plan prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Building Floor Plans prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Building Elevations prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Erosion Control Details and Notes by Paul B. Jankovitz, RA, Architects/Planners undated;
- Erosion Control Notes prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Landscaping Schedule and Details by Paul B. Jankovitz, RA, Architects/Planners undated;
- Pavement Details prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Site Signage Traffic Control prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Reinforced Concrete Retaining Wall Detail by Paul B. Jankovitz, RA, Architects/Planners undated;
- Retaining Wall Reinforce Requirement by Paul B. Jankovitz, RA, Architects/Planners undated;
- Guard Rail Details prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Sanitary Sewer Details prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Site Lighting Details/Schedule by Paul B. Jankovitz, RA, Architects/Planners undated; and
- Site Lighting Details prepared by Paul B. Jankovitz, RA, Architects/Planners undated.
- Project Plan prepared by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/2016;

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- Site Plan prepared by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/2016;
- Traffic Control Island Detail by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/2016;
- Landscaping Schedule and Details by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/2016;
- Sanitary Sewer Details prepared by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/2016; and
- Proposed Drainage Plan/Details by Paul B. Jankovitz, RA, Architects/Planners December 2015.
- Title Sheet prepared by Paul B. Jankovitz, RA, Architects/Planners 11/2/2016;
- Project Plan prepared by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/2016;
- Site Plan prepared by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/2016;
- Traffic Control Island Detail by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/2016;
- Building Floor Plans prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Building Elevations prepared by Paul B. Jankovitz, RA, Architects/Planners 11/2/2016;
- Erosion Control Details and Notes by Paul B. Jankovitz, RA, Architects/Planners undated;
- Erosion Control Notes prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Landscaping Schedule and Details by Paul B. Jankovitz, RA, Architects/Planners undated;
- Pavement Details prepared by Paul B. Jankovitz, RA, Architects/Planners 11/2/2016;
- Site Signage Traffic Control prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Reinforced Concrete Retaining Wall Detail by Paul B. Jankovitz, RA, Architects/Planners undated;
- Retaining Wall Reinforce Requirement by Paul B. Jankovitz, RA, Architects/Planners undated;
- Guard Rail Details prepared by Paul B. Jankovitz, RA, Architects/Planners undated;
- Sanitary Sewer Details prepared by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/2016;
- Site Lighting Details/Schedule by Paul B. Jankovitz, RA, Architects/Planners undated;
- Lighting Plan Photometrics by Paul B. Jankovitz, RA, Architects/Planners dated 11/2/2016; and
- Proposed Drainage Plan/Details by Paul B. Jankovitz, RA, Architects/Planners December 2015.

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- Transmittal Letter prepared by Paul B. Jankovitz, RA, Architects/Planners February 1, 2017;
- Review Letter by Town Designated Engineers (TDE) Brinnier & Larios dated February 8, 2017;
- Title Sheet prepared by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- Project Plan prepared by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017;
- Site Plan prepared by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017;
- Traffic Control Island Detail by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017;
- Road Profile by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017;
- Building Floor Plans prepared by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- Building Elevations prepared by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- Landscaping Schedule and Details by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- Pavement Details prepared by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- Site Signage Traffic Control prepared by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- Reinforced Concrete Retaining Wall Detail by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- Retaining Wall Reinforce Requirement by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- Guard Rail Details prepared by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- Sanitary Sewer Details prepared by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017;
- Site Lighting Details/Schedule by Paul B. Jankovitz, RA, Architects/Planners undated; and
- Lighting Plan Photometrics prepared by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017;
- Proposed Grading and Drainage Plan by Christopher R. DoCharo, P.E., dated February 2, 2017; and
- Stormwater Pollution Prevention Plan (SWPPP) by Christopher R. DoCharo, P.E., dated Feb. 2017.

WHEREAS, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide, and comments were received on February 3, 2016; and

WHEREAS, the UCPB issued required modifications in its February 3, 2016 decision letter that included the following: 1) The Town, through good access management principles found in their Route 9W Corridor Design Standards, should be

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taking the opportunity to work with NYSDOT to consolidate points of access together to create a single access to serve multiple properties (Five Guys, Sawyers Savings and this proposal); 2) A sidewalk connection to Route 9W and to the King's Mall will need to be provided, along with striping and traffic calming signage/speed humps; 3) Grading and blasting will need to be provided. Included in such materials should be road profiles for the entirety of the site's driveway;" and 4) The UCPB recommends the use of low-reflective windows to reduce off-site glare in order to reduce its visual impacts, particularly with respect to possible impacts to vehicular traffic on the Route 9W corridor and 5) "Signage details will need to be provided. The UCPB recommends that all signage conform the standards of the Town of Ulster's zoning statute;" and

WHEREAS, the Planning Board and its consultant planner have found the applicant's current Site Plan submission complies with UCPB required modification No. 1, but for providing a single point of access for Five Guys, Sawyers Savings and Kingwood Park Plaza, which it found to be impractical; and

WHEREAS, the Planning Board recommends the Town Board override the UCPB required modification No. 1, in part, as cited above; and

WHEREAS, the Planning Board and its consultant planner have found the applicant's current Site Plan submission complies with UCPB required modifications No. 2, No. 3 and No. 5; and

WHEREAS, the Planning Board recommends that required modification No. 4 should be a condition of granting Site Plan approval; 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, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose any potentially significant adverse environmental impact; and

WHEREAS, the Planning Board determined the Town has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and thereby recommends a SEQR Determination of non-significance and granting a SEQR Negative Declaration for the Proposed Action; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation to override the UCPB required modification No. 1, in part, as cited above; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation to the Town Board to grant a SEQRA

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Negative Declaration and to grant conditional Site Plan approval to Pasquale Iovieno for the proposed development of Kingwood Park Plaza on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with final site plan, design plans and all details as cited herein;
4. The applicant revises the Site Plan and Stormwater Pollution Prevention Plan to address all technical comments by the Town Designated Engineers (TDE) Brinnier & Larios, PC in their review notes dated February 8, 2017 and any comments on the revised plans;
5. The applicant revises the Site Plan to address any outstanding comments by the Town's consulting planner and Planning Board;
6. The NYDOT approves the design of the proposed access driveway to the project site from U.S. Route 9W;
7. No blasting shall occur on the site without prior review and approval of an applicant prepared blasting protocol by the Town Designated Engineers Brinnier & Larios and the Town Building Inspector;
8. The glass used in the proposed building shall be low-reflective windows to reduce off-site glare;
9. The Town's consulting planner, engineer 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
10. All fees, including consultant fees, shall be paid.

Action: A motion to forward to the Town Board was motioned by Mr. Almquist with a second from Mr. Allison, and all in favor.

Romeo Kia

Larry Boudreau appeared on behalf of the application. Mr. Boudreau stated that he had submitted a revised Stormwater Pollution Prevention Plan and it was found in compliance with NYSDEC regulations and was recommended to be accepted by the Town Board. Mr. Sorensen provided the Board with project review and the resolution recommending that the Planning Board refer this matter back to the Town Board to grant conditional site plan amendment approval.

WHEREAS, the applicant – Romeo Chevrolet Buick GMC, LLC dba Romeo KIA Dealership received Site Pan and Special Permit approval and was granted a SEQRA Negative Declaration by the Town Board on December 15, 2016 for construction of a 19,000 square-foot (s.f.) KIA automobile dealership along with associated parking, access, landscaped areas and utility infrastructure; and

WHEREAS, the Town of Ulster Town Board, Town of Ulster Planning Board and its consultant planner have reviewed an application by Romeo Chevrolet Buick GMC, LLC (dba Romeo KIA Dealership) seeking Site Plan Amendment approval to

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allow them to clear an additional 1.15 acres of trees and to provide additional grading and fill on the subject site; and

WHEREAS, the Town of Ulster Town Board has the authority to approve the Site Plan Amendment, since it approved to original Site Plan for the subject site; and

WHEREAS, the Town of Ulster Town Board was designated Lead Agency for this Unlisted Action – Coordinated Review; and

WHEREAS, the Current Proposed Action did not require referral to the Ulster County Planning Board (UCPB) pursuant to the referral agreement between the County and Town; and

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

- Project Narrative by Larry Boudreau, RLA, Director of Land Development, Chazen, dated 2/1/2017;
- Amended Site Plan Application by Romeo KIA, signed by Leonard Romeo, dated January 27, 2017;
- Short Form EAF for Romeo KIA Amended Site Plan prepared by Deborah S. Hubbard dated 1/27/17;
- Title Sheet Romeo KIA Dealership prepared by The Chazen Companies dated January 27, 2017;
- Notes and Legends Romeo KIA Dealership prepared by The Chazen Companies dated January 27, 2017;
- Existing Conditions and Demolition Plan prepared by The Chazen Companies dated January 27, 2017;
- Site Layout Plan prepared by The Chazen Companies dated January 27, 2017;
- Fire Apparatus Access Plan prepared by The Chazen Companies dated January 27, 2017;
- Grading and Drainage Plan prepared by The Chazen Companies dated January 27, 2017;
- Erosion and Sediment Control Plan prepared by The Chazen Companies dated January 27, 2017;
- Utility Plan prepared by The Chazen Companies dated January 27, 2017;
- Landscape Plan prepared by The Chazen Companies dated January 27, 2017;
- Lighting Plan prepared by The Chazen Companies dated January 27, 2017;
- Site and Landscape Details prepared by The Chazen Companies dated January 27, 2017;
- Storm Sewer Details prepared by The Chazen Companies dated January 27, 2017;
- Erosion and Sediment Control Details prepared by The Chazen Companies dated January 27, 2017; and
- Water and Sewer Details prepared by The Chazen Companies dated January 27, 2017; and
- SWPPP prepared by the Chazen Companies Revision 3 dated 1/27/2017.

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WHEREAS, the applicant submitted a revised Stormwater Pollution Prevention Plan (SWPPP), which was reviewed by the Town Designated Engineers (TDE) Brinnier & Larios, who have found the SWPPP in compliance with NYSDEC regulations and recommended it be accepted by the Planning Board and Town Board; and

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

WHEREAS, the Town Board, as Lead Agency, upon review of the entire record (including SEQR Short EAF Part 1 & 2), revised SWPPP and revised Site Plan set found the Current Proposed Action did not pose any potentially significant adverse environmental impact; and

WHEREAS, the Town Board determined the Town had complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and thereby reaffirms its SEQRA Negative Declaration granted by the Town Board on December 15, 2016;

WHEREAS, the Town of Ulster Planning Board has recommended the Town Board approve the applicant's request for Site Plan Amendment approval.

NOW THEREFORE BE IT RESOLVED, the Town Board hereby refers grants conditional Site Plan approval to Romeo KIA on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with final site plan, design plans and all details as cited herein;
4. The applicant addresses all technical comments by the Town Designated Engineers (TDE) Brinnier & Larios, PC;
5. The applicant shall provide sign specifications for the Proposed Action that conform to the standards of the Town's zoning statute;
6. Per the Erosion & Sediment Control Plan, the applicant shall obtain a temporary construction permit access permits;
7. Commercial driveway permits from NYSDOT and Ulster County Highway Department will be required prior to construction of permanent commercial driveways;
8. Provisions must be made by the applicant for the Town to have fee ownership or a perpetual easement of the war memorial site;
9. The phase of development, which is subject to the NYSDOT Use & Occupancy Permit, shall not be disturbed until the NYSDOT has issued a Use & Occupancy Permit;

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10. To avoid impacting the Northern Long Eared Bat summer roosting, the applicant will perform any tree removal associated with the proposed project between November 1st and March 31st;
11. No blasting shall occur on the site without prior review and approval of an applicant prepared blasting protocol by the Town Designated Engineers Brinnier & Larios and the Town Building Inspector;
12. The Town's consulting planner, engineer 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
13. All fees, including consultant fees, shall be paid.

Action: A motion to forward to the Town Board was made by Ms. Hayner with a second by Mr. Almquist with all in favor.

A brief discussion regarding an awning at the Ulster Savings Bank on 9W was discussed.

A motion to adjourn was made by Ms. Hayner with a second from Mr. Almquist.

Respectfully Submitted,
Gabrielle Perea
Town of Ulster Planning Board Secretary