

*TOWN OF ULSTER  
PLANNING BOARD  
FEBRUARY 17, 2015*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday February 17, 2015 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan-Chairman–  
Frank Almquist  
Anna Hayner  
Alan Sorensen - Planner

Karl Allison  
Larry Decker

A motion to approve the minutes from the January meeting was made by Mr. Decker with a second from Mr. Allison. All were in favor.

#### TEXAS ROADHOUSE

Adam Newman appeared on behalf of the application for a 464 sq ft addition to the Texas Roadhouse. Mr. Sorensen stated the facade is not changing and the parking is not an issue. The basic sediment control notes are on the plan. Mr. Sorensen recommended the Board grant site plan amendment approval. Mr. Sorensen read the resolution.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Texas Roadhouse, Inc.* with consent of Dena Marie, LLC – is seeking Site Plan Amendment approval to construct a 464 square feet (sq. ft.) addition to their existing 7,135 sq. ft. restaurant on the subject site within the Dena Marie Plaza; and

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

- *Site Plan Application* prepared by Design Plus Architects, dated February 17, 2015;
- *SEQR Short EAF* prepared by Design Plus Architects, dated February 17, 2015;
- *Cover Sheet* prepared by Design Plus Architects, dated December 19, 2014;
- *General Notes and Details Sheets* by GPD Eng. & Arch., dated January 20, 2015;
- *Site Plan* prepared by GPD Engineering & Architecture, dated January 20, 2015;
- *Landscape Plan* by GPD Engineering & Architecture, dated January 20, 2015;
- *Demolition Plan* by Design Plus Architects, stamped by Kenneth Ray Brown, RA 1/30/2015;
- *Demolition Elevations* by Design Plus Architects, stamped by Kenneth Brown, RA 1/30/2015;
- *Foundation Plan* by GPD Eng. & Arch, stamped by John N. Kabak, PE, dated 1/21/2015;
- *Structural Details* by GPD Eng. & Arch, stamped by John N. Kabak, PE, dated 1/20/2015;
- *Ceiling Framing Plan* by Design Plus Architects, stamped by Kenneth Brown, RA, 1/30/2015;
- *Seating Plan* prepared by Design Plus Architects, stamped by Kenneth Brown, RA, 1/30/2015;
- *Exterior Elevations* by Design Plus Architects, stamped by Kenneth Brown, RA, 1/30/15; and
- *Miscellaneous sections, details, etc.* by Design Plus Architects and GPD Eng. & Arch.

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**WHEREAS**, the Town of Ulster Planning Board retains the authority to approve the site plan amendment for this Proposed Action since the proposed modifications to the existing Site Plan involves less than 2,500 SF of new gross floor area; and

**WHEREAS**, the applicant provided a Site Plan for the Proposed Action, which was reviewed by the Town's planner with a recommendation to the Town of Ulster Planning Board to accept the amended Site Plan; and

**WHEREAS**, The Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan and additional seating in the restaurant; and

**WHEREAS**, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is a *Type II Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to *Texas Roadhouse, Inc.* 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 site plan, design plans and all details as cited herein;
4. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
5. All fees, including consultant fees, shall be paid.

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

**KINGS MALL**

Scott Dutton appeared on behalf of the application for a facade change for Kings Mall. Mr. Dutton stated the applicant would like to create new store fronts for Ulta Beauty and DSW Shoes. Ulta Beauty will be enclosing the interior hallway bringing their entrance to the exterior of the mall. As per the Planner's request a MOU for sidewalks has been forwarded to the owners. Mr. Sorensen stated the signage as shown on plans does not comply with Town Code. Mr. Dutton will discuss the signage with the applicants. Mr.

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Sorensen recommended the Board grant Conditional Approval. Mr. Sorensen read the resolution.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *King's Mall Court, LLC*, seeking Site Plan Amendment involving interior building alterations along with exterior alterations to create new storefronts with pop-ups (parapets) for *Ulta Beauty* and the *DSW Designer Shoe Warehouse.*; and

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

- *Site Plan Application* prepared by Unison Realty Partners, dated February 5, 2015;
- *SEQR Short EAF* prepared by Unison Realty Partners, dated February 5, 2015;
- *Existing Site Plan* prepared by SDA Scott Dutton Associates, dated February 9, 2015;
- *Proposed Site Plan* prepared by SDA Scott Dutton Associates, dated February 9, 2015;
- *Existing Bldg. Plan* prepared by SDA Scott Dutton Associates, dated February 9, 2015;
- *Existing Elevation* prepared by SDA Scott Dutton Associates, dated February 9, 2015;
- *Proposed Bldg. Plan* prepared by SDA Scott Dutton Associates, dated February 9, 2015;
- *Proposed West Elevation* prepared by SDA Scott Dutton Associates, dated February 9, 2015;
- *Existing Conditions* prepared by SDA Scott Dutton Associates, dated February 9, 2015;
- *Proposed Pop-Up* prepared by SDA Scott Dutton Associates, dated February 9, 2015;
- and
- *Existing and Proposed Renderings* by SDA Scott Dutton Associates, dated February 9, 2015.

**WHEREAS**, the Town of Ulster Planning Board retains the authority to approve the site plan amendment for this Proposed Action since the proposed modifications to the existing Site Plan involves less than 2,500 SF of new gross floor area; and

**WHEREAS**, the applicant provided a Proposed Site Plan for the Proposed Action, which was reviewed by the Town's planner with a recommendation to the Town of Ulster Planning Board to accept the revised plans subject to some minor revisions and the provision of additional supporting information (e.g. building frontage and sign area dimensions); and

**WHEREAS**, The Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan; and

**WHEREAS**, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is a *Type II Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

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**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to *King's Mall Court, LLC* 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 site plan, design plans and all details as cited herein;
4. *King's Mall Court, LLC reaffirms and signs the Sidewalk MOU with the Town of Ulster;*
5. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
6. All fees, including consultant fees, shall be paid.

A motion to accept the Planner's recommendation was made by Mr. Allison with a second from Mr. Almquist with all in favor.

**ULSTER FIFTH DISTRICT**

Richard Tompkins appeared on behalf of the application for an addition to the Ulster Hose #5 firehouse. The addition located in the rear of the building will be 9,809 sq ft. An existing storage garage will be relocated and a portion of parking area will be removed to accommodate the addition. Mr. Sorensen stated he used the parking standard of 1 space per 500 sq ft as the use is not included in the Town Code. There will be 96 parking spaces this should be sufficient. Details for the sewer line connections and grease trap will need to be approved by the Sewer Department. A short discussion on turning radius followed. This project will need to be forwarded to the Town Board; Mr. Sorensen recommended the Board forward to the Town Board with the recommendation to issue a SEQRA Negative Declaration and grant conditional site plan approval. Mr. Sorensen read the resolution.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Ulster Hose Company No. 5* with the consent of Ulster 5th Fire District seeking Site Plan Amendment approval to construct a 8,908 square foot addition to the existing 14,553 square-foot one-story firehouse on the subject property, which is situated at 830 Ulster Avenue; and

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

- *Narrative Description* prepared by Mauri Architects, P.C., dated February 4, 2015;
- *Application for Site Plan Approval* prepared by Mauri Architects, P.C., dated February 4, 2015;
- *SEQRA Short EAF* prepared by James M. Bracco, Chairman BFC dated February 4, 2015;
- *Site Demolition Plan* prepared by Mauri Architects, P.C., dated February 5, 2015;
- *Site Plan* prepared by Mauri Architects, P.C., dated February 5, 2015;

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- *Grading Plan* prepared by Mauri Architects, P.C., dated February 5, 2015;
- *Lighting Plan* prepared by Mauri Architects, P.C., dated February 5, 2015;
- *Landscaping Plan* prepared by Mauri Architects, P.C., dated February 5, 2015; and
- *Elevations for Proposed Addition* prepared by Mauri Architects, P.C., dated February 5, 2015.

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the *Town of Ulster Town Board* upon recommendation from the Town of Ulster Planning Board since the Proposed Action involves more than 2,500 sf of new building area; 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 that the Proposed Action was an *Unlisted Action* pursuant to 6NYCCR Part 617 of State Environmental Quality Review (SEQR) and also found the Proposed Action would not have an adverse impact on the environment.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board recommends this matter be referred to the Town Board as Lead Agency with a recommendation that said Board issues a SEQR Determination of Non-Significance (Negative Declaration); and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby recommends the Town Board grant Site Plan Amendment approval to *Ulster Hose Company No. 5* on above-cited property, 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 site plan, design plans and all details as cited herein;
4. The Town's consulting engineers Brinnier & Larios and Town of Ulster Water & Sewer Departments approve water and sewer infrastructure necessary for the building addition;
5. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
6. All fees, including consultant fees, shall be paid.

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

**BEGNAL MOTORS**

Dennis Larios appeared on behalf of the application for Begnal Motors site plan. Mr. Larios stated a sketch plan has been submitted to get the SEQRA process started. The applicant is proposing a new car dealership with service bays and display of 423 vehicles. The showroom will be 2' above base flood elevation. A plan has been forwarded to Central Hudson for review as power lines are on site. Details of the plan will be submitted at a later date. Mr. Sorensen stated the layout of the basic plan flows well the applicant will be using the existing entrance, there is an onsite septic and well that should be sufficient. More details on easements and the clearing of vegetation near the retaining wall will be forthcoming. When submitted the water, septic and stormwater plans will be reviewed by Praetorius and Conrad. The applicant would like to have a lighting level above the 2 foot candles in the display area; a discussion on the lighting code followed. Mr. Sorensen recommended the Board forward the project to the Town Board to Declare Intent to be Lead Agency.

A motion to accept the Planner's recommendation was made by Mr. Almquist with a second from Mr. Allison with all in favor.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Begnal Realty, LLC with the consent of Wky Wong, Inc. (owner) seeking *Site Plan* approval to develop a automotive sales and service center on the subject site, which is located at 129-131 NYS Route 28, opposite the Johnson Ford dealership; and

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

- *Site Plan Narrative* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 2/5/2015;
- *Site Plan Application* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 2/5/2015;
- *Site Plan Consent Form* signed by Wky Wong Inc., dated February 4, 2015;
- *SEQR Full EAF Part 1* by Brian Begnal, Member Begnal Realty, LLC. dated 2/5/2015;
- *Site Photographs* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 2/5/2015;
- *Existing Conditions Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C., 2/5/2015;
- *Proposed Site Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 2/5/2015; and
- *Proposed Grading Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 2/5/2015.

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

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**WHEREAS**, the Town of Ulster Planning Board, upon review of the SEQR Full 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**, other Involved Agencies would include: Ulster County Department of Health (Approval of Water System Modifications), NYSDEC (General Permit for Construction Activities, SWPPP and SPDES Permit) and the NYSDOT (Site Access); and

**WHEREAS**, Interested Agencies would include the 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.

Mr. Sorensen discussed overflow parking for Dallas Hot Weiner's with the Board; the owner of Dallas has purchased a site across the street and is using it for excess parking. After a short discussion it was decided that Mr. Kovacs will work with the owners' attorney on a legal document to allow the excess parking. The owner will return to the Planning Board if any changes are made to the newly purchased site.

A motion to adjourn was made by Mr. Allison with a second from Mr. Decker.

Respectfully Submitted,  
Mary Secreto  
Planning Secretary