

*TOWN OF ULSTER
PLANNING BOARD
January 11, 2016*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday January 11, 2016 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan-Chairman
Larry Decker
Frank Almquist
Troy Ashdown

Karl Allison
Anna Hayner
Andrew Stavropoulos
Alan Sorensen - Planner

A motion to approve the minutes from the December meeting was made by Mrs. Hayner with a second from Mr. Almquist with all in favor.

Sherry and Tim Ralph Timber Harvest

Michael Rothe appeared on behalf of the application for a selective timber harvest for lands owned by Sherry and Tim Ralph located on South Road. Mr. Rothe submitted the requested documentation. Mr. Sorensen reviewed his memo with the Board. Mr. Rothe stated he will contact the Highway Superintendent to review the access point and required bonds. Mr. Sorensen recommended the Board forward the request to the Town Board to schedule a Public Hearing for the Special Use Permit.

Action: A motion to forward the request to the Town Board to schedule a Public Hearing was made by Mr. Almquist with a second from Mr. Allison with all in favor.

Rusi Holdings

Richard Praetorius appeared on behalf of the application for reapproval of site plan. The applicant is proposing a 9,700 sq ft retail building in the rear of the Goodwill Store. The project was approved in 2008 but was never built; the site plan submitted is the same as the 2008 approved submission. Mr. Sorensen stated the lighting code has changed since 2008; the code now states the lighting level should be 2fc and pole height maximum is 20 feet. After a short discussion Mr. Praetorius stated he would prefer the higher lighting levels and pole heights but will discuss the issue with his client. A short discussion of the site followed. The Board requested the facade of the existing “Good Will” building be renovated to compliment the new building facade. Signage will be submitted at a later date. Mr. Sorensen recommended the Board forward the project to the Town Board to reaffirm the SEQRA Negative Declaration and approve the project with the following conditions. Lighting to comply with current codes, the facade of the “Good Will” building to conform with the design of the new structure, and a Memorandum of Understanding for sidewalks be signed.

Action: A motion to accept the Planners recommendation was made by Mr. Allison with a second from Mr. Almquist with all in favor.

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Comfort Inn

Michael Moriello appeared on behalf of the applicant. Mr. Moriello reviewed “Lawful Segmentation” with the Board stating it was his opinion this project fits the criteria. Mr. Sorensen stated he concurred with Mr. Moriello A discussion of the site followed. Mr. Sorensen recommended the Board forward the project to the Town Board in establish Lawful Segmentation and grant a Negative Declaration for Phase I (filling of land)of the project.

Action: A motion to accept the Planners recommendation was made by Mr. Allison with a second from Mr. Almquist with all in favor.

Kingston Commons

Michael Moriello appeared on behalf of the applicant. Mr. Moriello stated the applicant has met with the County Attorney to discuss the relocating of the County Right of Way. The applicant would like to move the 60’ Right of Way 30’ to the South. The County Attorney will be reviewing Mr. Moriello’s request; the County Legislature will have final approval of the request. A short discussion on the SEQRA process Mr. Sorensen recommended the Board forward the project to the Town Board to issue a Conditioned Negative Declaration. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner and engineer have reviewed an application by *SAI Capital Group, LLC for Kingston Circle Properties, LLC (Owner)* seeking *site plan approval* for the construction of 6,490 square feet (sf) of retail space, 3,190 sf bank with two (2) drive-thru service lanes, a 4,430 sf fast-food restaurant with two (2) drive-thru service lanes, and a 2,200 sf coffee/donut shop with one (1) drive-thru service lane along with ancillary on-site parking and a sidewalk, which is proposed within the NYSDOT r-o-w; and

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

- *Application for Site Plan Review* by *SAI Capital Group, LLC*, dated 8/31/2015;
- *Site Plan Consent Form* signed by John H. Gill, property owner dated 8/10/15;
- *SEQR FULL Environmental Assessment Form [Pending]*;
- *Traffic Impact Study* prepared by Stonefield Engineering & Design, dated 8/28/2015;
- *Stormwater Management Report* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Survey Map for SAI Capital Group, LLC* by Stonefield Engineering & Design, dated 7/9/2015;
- *Cover Sheet for Plan Set* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Existing Conditions Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Demolition Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Site Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Grading Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Drainage Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Utility Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;

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- *Lighting Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
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- *ATM Lighting Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Phase I Soil Erosion & Sediment Control Plan* by Stonefield Engineering & Design, dated 8/31/2015;
- *Phase II Soil Erosion & Sediment Control Plan* by Stonefield Engineering & Design, dated 8/31/2015;
- *Soil Erosion and Sediment Control Details* by Stonefield Engineering & Design, dated 8/31/2015;
- *Landscaping Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Landscaping Details* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Construction Details* prepared by Stonefield Engineering & Design, dated 8/31/2015;
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- *Proposed Floor Plan Quick Service Restaurant 1* prepared by gk&a Architects, PC dated 8/25/15;
- *Proposed Floor Plan Quick Service Restaurant 2* prepared by gk&a Architects, PC dated 8/25/15;
- *Proposed Floor Plan Retail and Bank* prepared by gk&a Architects, PC dated 8/25/15;
- *Proposed Elevations Quick Service Restaurant 1* prepared by gk&a Architects, PC dated 8/25/15;
- *Proposed Elevations Quick Service Restaurant 2* prepared by gk&a Architects, PC dated 8/25/15;
- *Proposed Elevations Retail and Bank* prepared by gk&a Architects, PC dated 8/25/15;
- *Cover Letter* prepared by Stonefield Engineering & Design, dated October 7, 2015; and
- *Stormwater Management Report* prepared by Stonefield Engineering & Design, dated 10/7/2015.
- *Cover Sheet for Plan Set* by Stonefield Engineering & Design, dated 8/31/2015; revised 10/7/15;
- *Existing Conditions Plan* by Stonefield Engineering & Design, dated 8/31/2015; revised 10/7/15;
- *Demolition Plan* by Stonefield Engineering & Design, dated 8/31/2015; revised 10/7/15;
- *Site Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015; revised 10/7/15;
- *Grading Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015; revised 10/7/15;
- *Drainage Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015; revised 10/7/15;
- *Utility Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015; revised 10/7/15;
- *Lighting Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015; revised 10/7/15;
- *ATM Lighting Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015; revised 10/7/15;
- *Soil Erosion & Sediment Control Plan Phase I* by Stonefield Eng. & Design, dated 10/07/2015;
- *Soil Erosion & Sediment Control Plan Phase II* by Stonefield Eng. & Design, dated 10/07/2015;

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- *Soil Erosion & Sediment Control Details* by Stonefield Engineering & Design, dated 10/07/2015;
- *Landscaping Plan* prepared by Stonefield Engineering & Design, dated 10/07/2015;
- *Construction Detail Plans* prepared by Stonefield Engineering & Design, dated 10/07/2015; and
- *Fire Truck Exhibit Plan* prepared by Stonefield Engineering & Design, dated 10/02/2015.
 - *Cover Letter* prepared by Stonefield Engineering & Design, dated December 1, 2015;
- *SEQR Full EAF Part 1* prepared by Jeffrey Martell, P.E., dated September 15, 2015;
- *Washington Avenue Traffic Circle Overlay Exhibit* by Stonefield Engineering dated 12/01/15/15;
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- *Alternative Site Plan Exhibit* by Stonefield Engineering & Design, dated December 1, 2015;
- *Cover Sheet* by Stonefield Engineering & Design, dated 8/31/2015; last revised 12/1/15;
- *Existing Conditions Plan* by Stonefield Engineering & Design, dated 8/31/2015; last revised 12/1/15;
- *Demolition Plan* by Stonefield Engineering & Design, dated 8/31/2015; last revised 12/1/15;
- *Site Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015; last revised 12/1/15;
- *Grading Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015; last revised 12/1/15;
- *Drainage Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015; last revised 12/1/15;
- *Utility Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015; last revised 12/1/15;
- *Lighting Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015; last revised 12/1/15;
- *ATM Lighting Plan* prepared by Stonefield Eng. & Design, dated 8/31/2015; last revised 12/1/15;
- *Soil Erosion & Sediment Control Plan Phase I* by Stonefield Eng. & Design, last revised 12/1/15;
- *Soil Erosion & Sediment Control Plan Phase II* by Stonefield Eng. & Design, last revised 12/1/15;
- *Soil Erosion & Sediment Control Details* by Stonefield Engineering & Design, last revised 12/1/15;
- *Landscaping Plan & Details* prepared by Stonefield Engineering & Design, last revised 12/1/15; and
- *Construction Detail Plans* prepared by Stonefield Engineering & Design, last revised 12/1/15.
 - *Cover Letter* prepared by Stonefield Engineering & Design, dated December 23, 2015;
- *Cover Letter* prepared by Joseph E. Diamond, Ph.D., dated December 14, 2015;
- *Phase 1 Archeological Survey* prepared by Joseph E. Diamond, Ph.D. dated December 1, 2015;

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- *Traffic Impact Study* by Stonefield Engineering & Design, LLC last revised 12/1/15; and
- *Traffic Circulation Exhibit* by Stonefield Engineering & Design, LLC dated 12/22/2015.

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

WHEREAS, the Town of Ulster Planning Board and Town 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, the Town Board declared its intent to be Lead Agency and circulated notice of its intent to other Involved Agencies including: Ulster County Department of Health (Approval of Water/Sewer System Modifications), NYSDEC (General Permit for Construction Activities, SWPPP and SPDES Permit); and the NYSDOT (Site Access), Ulster County DPW (Relocation of Caboose/Tourism Center facilities); Ulster County Legislature (potential easement relocation, which was withdrawn by the applicant); and

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

WHEREAS, the Town Board received no objections to its Lead Agency status and is the Lead Agency for this Unlisted Action-Coordinated review of the Kingston Commons application; and

WHEREAS, based upon the Town of Ulster Planning Board's through review of the SEQR Full EAF Part 1 (prepared by applicant) and Full EAF Part 2 (prepared by the Town Planner); along with supporting Site Plan drawings and detailed studies including a Traffic Impact Study, Phase 1A and Phase 1B Cultural Resources Study, Stormwater Pollution Prevention Plan (SWPPP) has determined the Proposed Action would not have any potentially large impacts due to the mitigation measures, which were designed into the Proposed Action.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined the Proposed Action described above would not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board with a recommendation that it adopt a SEQR *Conditioned Negative Declaration* with the condition requiring the preparation and acceptance of a SWPPP for the Proposed Action; compliance with all applicable

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regulations concerning development within a designated floodplain; and submission of building elevations and signs subject to approval by the Town of Ulster Planning Board.

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

Cross Point Fellowship

Peter Shultz appeared on behalf of the application for a change of use and lot line adjustment. Mr. Sorensen reviewed the County comments with the Board stating the applicant has satisfied all the issues. Mr. Sorensen recommended the Board grant a Negative Declaration, Lot Line Adjustment and approve the Change of Use. Mr. Sorensen read the resolution.

WHEREAS, the applicant – *Cross Point Fellowship with the consent of Silver Hollow Group (owner)* – submitted an application seeking Lot Line Adjustment involving to transfer of 1.272 acres from Tax Map Lot S-B-L: 48.017-2-18.1 to S-B-L: 48.017-2-20; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Lot Line Adjustment, which is subject to the approval of the Town of Ulster Planning Board; and

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

- *Site Plan Consent Form* signed by Frank Falatyn for Silver Hollow Group dated 11/30/15;
 - *Written Narrative* prepared by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/2015;
 - *Application for Site Plan Review* prepared by John (Pete) Shults dated 12/2/2015;
 - *SEQR Short EAF Part I* prepared by John (Pete) Shults dated 12/2/2015;
 - *Preliminary Septic System Report* by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/2015;
 - *Existing Floor Plan* prepared by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/8/2015;
 - *Conceptual Buildout Plan* by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/8/2015;
 - *Photometric Plan* prepared by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/8/2015;
 - *Lot Line Adjustment* prepared by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/2/2015;
- and
- *Future Parking Expansion Plan* by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/2/2015.
 - *Lighting Specification Sheets* for Hubbell and Spaulding Exterior Lighting fixtures;
 - *Final Plat of Lot Line Revision* prepared Brinnier & Larios, PC dated 12/9/2015; and
 - *Lot Line Adjustment (Final Plat)* by Christopher Zell, P.L.S. dated 12/15/2015.

WHEREAS, the proposed lots and improvements comply with the bulk requirements of the OM-Office Manufacturing Zoning District; and

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WHEREAS, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide, since the change in use required additional off-street parking spaces on the subject site; and

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

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

WHEREAS, a *Map of Lot Line Adjustment (i.e. Final Plat)* was prepared by Christopher Zell, P.L.S. dated 12/15/2015 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the Final Plat; and

WHEREAS, a public hearing was not required to approve the Lot Line Adjustment; 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 a potentially significant adverse environmental impact; and

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined Environmental Quality Review (SEQR) Law and hereby issues a *SEQR Negative Declaration* for the Proposed Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Lot Line Adjustment approval as described above to *Cross Point Fellowship with the consent of Silver Hollow Group (owner)* subject to the conditions, limitations and restrictions set forth below.

1. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
2. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and
3. All fees, including consultant fees, shall be paid.

Action: A motion to accept the resolution as read was made by Mr. Almquist with a second from Mr. Decker with all in favor.

Mr. Sorensen read the Change of use resolution.

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WHEREAS, the applicant – *Cross Point Fellowship with the consent of Silver Hollow Group (owner)* – is seeking approval for a *Site Plan Amendment* for a *Change in Use* to convert an existing 14,150 square-foot (SF) manufacturing building to a *194-seat house of worship* and to expand the on-site parking area for the proposed use; and

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

- - *Site Plan Consent Form* signed by Frank Falatyn for Silver Hollow Group dated 11/30/15;
 - *Written Narrative* prepared by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/2015;
 - *Application for Site Plan Review* prepared by John (Pete) Shults dated 12/2/2015;
 - *SEQR Short EAF Part 1* prepared by John (Pete) Shults dated 12/2/2015;
 - *Preliminary Septic System Report* by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/2015;
 - *Existing Floor Plan* prepared by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/8/2015;
 - *Conceptual Buildout Plan* by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/8/2015;
 - *Photometric Plan* prepared by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/8/2015;
 - *Lot Line Adjustment* prepared by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/2/2015;
- and
- *Future Parking Expansion Plan* by Joe Mihm, P.E. Brinnier & Larios, PC dated 12/2/2015.
 - *Lighting Specification Sheets* for Hubbell and Spaulding Exterior Lighting fixtures;
 - *Final Plat of Lot Line Revision* prepared Brinnier & Larios, PC dated 12/9/2015; and
 - *Lot Line Adjustment (Final Plat)* by Christopher Zell, P.L.S. dated 12/15/2015.
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WHEREAS, the Town of Ulster Planning Board as Lead Agency for this *Unlisted Action-Coordinated Review* (i.e. Lot Line Adjustment and Site Plan Amendment) issued a SEQR Negative Declaration and granted Lot Line Adjustment approval to transfer 1.272 acres from Tax Map Lot S-B-L: 48.017-2-18.1 to S-B-L: 48.017-2-20; and

WHEREAS, pursuant to Section 145-2 of the Town Code, the Planning Board has the authority to approve the Site Plan application since the Proposed Action involves a change in use to an existing building; and

WHEREAS, other Involved Agency included the Ulster County Department of Health (Approval of Septic System Modification) and Interested Agency the Ulster County DPW for road access; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board by the Town of Ulster Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and written comments from the UCPB were received and the applicant’s submission complies with the County’s required modifications; and

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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

NOW THEREFORE BE IT RESOLVED the Planning Board – upon receipt of the additional application materials as requested by the Town of Ulster Planning Board at its December 2015 meeting – hereby finds the Site Plan application complete; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan approval 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. Approval of the modification of septic design by the UCHD and approval of site access modifications (if requested) by the Ulster County DPW;
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 resolution as read was made by Mr. Decker with a second from Mrs. Hayner with all in favor.

Kingwood Plaza

Paul Jankovitz appeared on behalf of the application for a two-story retail building. Mr. Jankovitz reviewed the site with the Board showing elevations and explaining there will be stairways and an elevator for means of egress. A SWPPP was submitted and the Mr. Jankovitz has met with DOT. A grease trap is included in the plans in the event of a food service tenant. Larger trucks and fire apparatus can go around the building. A short discussion on the cross easement with Kings Mall followed. The applicant will submit a letter stating the Kings Mall has no issues with the cross access. Mr. Sorensen recommended the Board refer the project to the County Planning Board for review.

Action: A motion to review the project to the County Planning Board was made by Mr. Almquist with a second from Mr. Allison with all in favor.

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

Respectfully Submitted,
Mary Secreto, Planning Secretary