

THE OF ULSTER PLANNING BOARD

January 15, 2013

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday January 15, 2013 at 7:00 p.m. at the Town Hall Lake Katrine New York. The following members were present:

Alan DeForest - Chairman
Karl Allison
Anna Hayner

Alan Sorensen – Planner
Larry Decker
Gary Mulligan

A motion to appoint Gary Mulligan as Vice Chairman was made by Mr. Decker with a second from Mrs. Hayner with all in favor.

A motion to appoint Mary Secreto as Planning Board Secretary was made by Mr. Mulligan with a second from Mr. Allison with all in favor.

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

Lands of Minahan, Public Hearing

A motion to open the public hearing was made by Mrs. Hayner with a second from Mr. Mulligan with all in favor.

George Williams appeared on behalf of the application for a minor subdivision. The applicant would like to resubdivide two existing lots into three. The Ulster County Health Department has approved the septic and the plat has been updated per the Planner's comments. The Town Attorney will need to approve the shared driveway agreement. Mr. Sorensen recommended the Board grant a Negative Declaration and approve the final plat with the conditions of approval of the shared driveway agreement by Town Attorney and approval of the final plat by the Planner. The resolution was read by Mr. DeForest. No one appeared against the subdivision.

A motion to close the public hearing was made by Mr. Decker with a second from Mrs. Hayner with all in favor.

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

WHEREAS, the applicant – Eileen M. Minhan – submitted an application seeking approval to re-subdivide two (2) existing lots (consisting of 0.84-acre and 45.894-acres) into three(3) lots as follows: Lot No. 1 with 3.236 acres (created entirely from SBL 39.1-4-8), Lot No. 2 with 19.635 acres (created entirely from SBL 39.1-4-8) and Lot No. 3 with 23.023 acres being comprised of the Remaining Lands of SBL 39.1-4-8 consolidated with SBL 39.1-4-5; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a

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Resubdivision subject to the *Minor Subdivision* approval process, 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:

- *Application for Subdivision Plat Approval* prepared by George Williams, LLS dated 11/4/12;
- *Short EAF* prepared by Eileen Minihan – Applicant - dated November 3, 2012;
- *Deeds for Subject Parcel* provided by Eileen Minihan – Applicant – various 1959 and 1963;
- *Preliminary Map of Subdivision* prepared by George Williams, LLS dated 12/3/12.

WHEREAS, the proposed lots comply with the minimum lot size and dimensional requirements of the R-60 Residential Zoning District; and

WHEREAS, the *Ulster County Health Department* has approved the septic design on proposed Lot No. 1 and the existing cabin on Lot 2 is served by an on-site septic system; and

WHEREAS, referral to the Ulster County Planning Board is not required pursuant to the UCPB Land Use Referral Guide, since there are fewer than 5 lots and no lots are in the 100-year floodplain; 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 Subdivision* was prepared by George E. Williams, Jr., PLS dated December 3, 2012 and submitted for review to the Planning Board with a recommendation to accept the Map of Subdivision by its consulting planner subject to minor technical revisions; and

WHEREAS, the Planning Board at its December 18, 2012 meeting waived the requirement for a preliminary public hearing and scheduled this matter for a public hearing at its January 15, 2013 meeting; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF) found the Proposed Action will not have an adverse impact on the environment; as Lead Agency made a determination of non-significance and issued a Negative Declaration pursuant to Part 617 of SEQR; and

WHEREAS, the Planning Board opened the public hearing on January 15, 2013 during which no controversy was raised concerning the Proposed Action and subsequently closed the public hearing.

NOW THEREFORE BE IT RESOLVED the 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

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Resubdivision and Minor Subdivision as described above to Eileen M. Minihan subject to the conditions, limitations and restrictions set forth below.

1. Town Attorney approval of all *shared driveway agreements in connection to the Proposed Action*.
2. Submission of Final Plat with minor technical revisions requested by the Planning Board.
3. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
4. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing

Kenco

Bill Kennedy appeared on behalf of the application for site plan revision. Mr. Sorensen reviewed the project with the Board stating the minor revisions that had been requested were on the plans. The Health Department has approved the septic. The applicant will apply to the board if the signage is changing. The UCPB required modifications have been satisfied. Mr. Kennedy showed the Board a picture of a statue of a bear that he would like to put in the front of his building. Mr. Sorensen will review the code and get back to Mr. Kennedy on what approvals he would need. There will no change to the lighting in the parking area. Mr. Sorensen read the resolution;

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – William Kennedy dba Kenco Holding Company – for *Site Plan Amendment* approval to construct a 2-story 3,668 square foot addition (1,834 sq. ft. per floor) to the existing 8,881 sq. ft. KENCO establishment, which is located at 1000 Hurley Mountain Road; and

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

- *Narrative Description* prepared by William Kennedy dated September 12, 2012;
- *Site Plan Application* prepared by William Kennedy dated September 12, 2012;
- *SEQR Short EAF* prepared by William Kennedy dated September 12, 2012;
- *Escrow Agreement signed by William Kennedy* dated September 13, 2012;
- *Site Plan* prepared by Maria DeFranco, Architect dated October 30, 2012; *and*
- *Building Elevations* prepared by Maria DeFranco, Architect dated October 10, 2012.

- *Site Plan* prepared by Maria DeFranco, Architect revised December 2, 2012;
- *Site Plan for Sewage Disposal* by Chris Zell, PE Brinnier & Larios, PC dated 11/19/12;
- *Building Elevations* prepared by Maria DeFranco, Architect dated December 5, 2012.

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

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

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

WHEREAS, the applicant will employ basic Sediment & Erosion Control measures during construction including the installation of a silt fence and other measures; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found the Proposed Action was an *Unlisted Action* pursuant to Part 617 of State Environmental Quality Review Act (SEQR) and the Town Board was subsequently designated the Lead Agency for the environmental review; and

WHEREAS, the Town of Ulster Planning Board referred the Proposed Action to the Ulster County Planning Board for review pursuant to NYSGML Section 239 l and m; and

WHEREAS, the Ulster County Planning Board (UCPB) issued its written response, which included required modifications, which were addressed by the applicant through plan revisions and Ulster County Health Department approval of septic design modifications; and

WHEREAS, the Town of Ulster Planning Board determined its Site Plan specific required modifications have been adequately addressed by the applicant through revisions to the Site Plan set most recently revised December 2, 2012; and

WHEREAS, the proposed building addition encroaches on the required 30-foot front yard setback [i.e. 30 feet required – 10 to 28 feet proposed] necessitating an area variance from the Zoning Board of Appeals; and

WHEREAS, *the Zoning Board of Appeals* has scheduled this matter for a public hearing at its February 6th meeting; and

WHEREAS, the Town Board cannot take final action on the Site Plan until the Zoning Board of Appeals approves the requested area variance; and

WHEREAS, the Town of Ulster Planning Board has determined the Town has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board recommends the Town Board issue a SEQR Negative Declaration on the Proposed Action; and

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FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends Proposed Action be referred to Town Board for consideration of granting Site Plan Amendment approval subject to the Zoning Board of Appeals granting the requested area variance; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends the Town Board grant Site Plan Amendment approval to – William Kennedy dba Kenco Holding Company – 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. 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
4. All fees, including consultant fees, shall be paid.

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

The Canal Deli/Cafe

Beth Murphy appeared on behalf of the application for site plan revision. The applicant would like to reopen a deli located at 1547 Creeks Lock Road. The site also contains two apartments. Mr. Sorensen reviewed the site with the Board. The applicant has contacted NYS DOT regarding the issue of getting a right of way for parking. The site requires 7 parking spaces 4 for the apartments and 3 for the deli. A long discussion on the parking and the need to revise the plan or go to the Zoning Board of Appeals for a variance was discussed. No action will be taken until the parking issues in Mr. Sorensen’s review notes have been resolved.

Catskill Tennis Club

Robert Dupont and Matthew Canzonetti appeared on behalf of the application for a tennis club that will be located on Old Neighborhood Road. The applicant is proposing a 1,435 sq ft indoor tennis facility that will have 2 tennis courts and a small clubhouse area. The site is located at the end of Old Neighborhood Road which has been abandoned; the applicant has obtained an easement from the Town. There will be no dumpster on site, the lighting will be 2 flood lights on the building and the signage will be limited to one wall sign and lettering on the awning. There is a row of maple trees on the West side of the site; these will remain and additional plantings will be placed on the Old Neighborhood Road side. The site will be open on all four sides giving access to the fire department. The driveway into the site will be 15 feet wide and maintained by the Tennis Club. A parking space in the front of the building will require a waiver from the Town

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Board; this can be accomplished when the project is referred to the Town Board. The applicant is currently before the ZBA requesting an area variance. The only involved agency is the Town Board; they will have final approval. Mr. Canzonetti stated that the Tennis Club does not have rights to the property at the end of the road therefore they cannot construct a cul-de-sac. The applicant will submit updated engineer drawing.

Shamrock Motors

Bruce Murphy appeared on behalf of the application for a used car dealership located at 187 Rt.28. The applicant is converting a vacant office to a used car dealership. Signage will comply with the Town Code. Mr. Sorensen recommended the Board grant approval of the change of use. Mr. Sorensen read the resolution.

WHEREAS, the applicant – Bruce Murphy dba Shamrock Motors – submitted an application seeking *Site Plan* approval to establish a *automotive sales business* on the subject site, which is located at 187 NYS Route 28; and

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 Planning Board; and

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

- *Site Plan Application* by Bruce Murphy dated January 11, 2013;
- *SEQR Short EAF* by Bruce Murphy dated January 11, 2013; and
- *Sketch Plan for Shamrock Motors* by Michael J. Parrella, PLS dated January 7, 2013.

WHEREAS, referral to the Ulster County Planning Board is not required pursuant to the UCPB Land Use Referral Guide, since the site has channelized access and an increase in parking spaces on the site is not required to accommodate the proposed use; 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 *Sketch Map* was prepared by Michael J. Parrella, PLS dated January 7, 2013 and submitted for review to the Planning Board; and

WHEREAS, the Planning Board has received a recommendation to accept the Sketch Map by its consulting planner; and

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WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found the Proposed Action was a Type 2 Action pursuant to Part 617 of State Environmental Quality Review (SEQR) law.

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 Approval to Bruce Murphy dba Shamrock Motors to establish an *automotive sales business* at 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; and
3. All fees, including consultant fees, shall be paid.

Action: A motion to accept the planner's recommendation and grant site plan approval was made by Mr. Decker with a second from Mr. Allison with all in favor.

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

Respectfully Submitted,

Mary O'Bryan- Secreto
Planning Secretary