

Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday July 1, 2009 at 7:00 pm. at the Town Hall Lake Katrine New York. The following members were present:

Ozzie Beichert – Chairman  
Frank Almquist –  
Larry Decker  
Renno Budziak

Alan Sorensen – Planner

A motion to approve the June minutes with the correction of the fence color in regards to the O2 Day Spa project was made by Mr. Budziak. Mr. Almquist seconded with all in favor.

**N&D Restaurant/ Olive Garden – Change in Use Site Plan**

Mr. Robert Young appeared on behalf of the application for the change of use. Mr. Young states that all plans now match; details for the lighting bases and speed humps have been placed on the plan. A Memorandum of Understanding will be signed by the owner of the mall in regards to the sidewalk. The MOU will be reviewed by the Town Attorney. The MOU will state that the owner will install a sidewalk along 9 W with connecting sidewalks to the mall. Mr. Sorensen states that the applicant has provided the Board with all the information requested and recommends the Board approve the change of use and issue a decision of a Negative Declaration. A discussion on the County Planning comments in regards to the requiring upgrades on curbing, landscaping and traffic control in the future. The Board cannot legally bind another board's decision therefore the required modification needs to be overridden. Mr. Decker states he will be voting yes on this project because it meets the criteria for parking but he believes the criteria needs to be looked at. Mr. Sorensen states the parking criteria is being revised, Mr. Zweben and Mr. Beichert agree stating the draft is written and being reviewed.

**Acton:** A motion to issue a Negative Declaration was made by Mr. Almquist with a second by Mr. Budziak; all were in favor. A motion to approve the plan with the condition of the sidewalks be placed on the final plan and the MOU is approved by the Town Attorney was made by Mr. Budziak with a second from Mr. Almquist. All were in favor.

**RESOLUTION  
TOWN OF ULSTER TOWN BOARD**

**Site Plan Approval  
Olive Garden  
560 Kings Mall Court**

**S-B-L: 48.042-3-5**

**WHEREAS**, the Planning Board and its consultant planner have reviewed an application by - N & D Restaurants, Inc. dba Olive Garden - for Site Plan Approval to establish a 7,656.40 square foot (sf<sup>2</sup>) Olive Garden restaurant in the northwest corner of the Kings Mall; and

**WHEREAS**, proposed site improvements include the construction of curbed landscape islands to better direct traffic flow; crosswalks to improve pedestrian safety; new downlit lighting fixtures to reduce glare; and additional landscaping that will improve the aesthetics of the Kings Mall; and

**WHEREAS**, materials submitted in support of the proposed action include:

- *Architectural Site Plan* prepared by The Roberts Group, PSC revised July 7, 2009;
- *Refuse Area and Site Detail* prepared by The Roberts Group, PSC revised July 7, 2009;
- *Architectural Site Details* prepared by The Roberts Group, PSC revised July 7, 2009;
- *Dimensioned Site Plan* prepared by The Roberts Group, PSC revised July 7, 2009;
- *Site Grading Plan* prepared by The Roberts Group, PSC revised July 7, 2009;
- *Site Utility Plan* prepared by The Roberts Group, PSC revised July 7, 2009;
- *Electrical Site Plan* prepared by The Roberts Group, PSC revised July 7, 2009;
- *Seating & Floor Finishing Plan* prepared by The Roberts Group, PSC revised July 7, 2009;
- *Exterior Elevations* prepared by The Roberts Group, PSC revised July 7, 2009;
- *Point-by-point Footcandle Plot* prepared by Electric Lighting Systems dated July 16, 2009; and
- *Kings Mall Site Plan* prepared by Robert Young Associates - Architect revised July 1, 2009; and July 14, 2009.

**WHEREAS**, the Planning Board referred to the proposed action to the Ulster County Planning Board for their review and comments pursuant to GML Sections 239 l & m and their comments were received on July 1, 2009; 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 consultant planner, engineer and traffic engineer made via memoranda (which memoranda are incorporated herein by reference) along with recommendations from the Ulster County Planning Board; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Short EAF) found that the proposed Site Plan Amendment to situate an "Olive Garden" within existing space at the Kings Mall along with associated site improvements 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 SEQRA.

**WHEREAS**, in accordance with the County Planning Board's required modification, the Planning Board has required the applicant to enter into a Memorandum of Understanding with the Town to provide for the future installation of sidewalks along Route 9W; and

**NOW THEREFORE BE IT RESOLVED**, that the 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**, that the Planning Board – while incorporating many of the County's required modifications – does hereby override the County's GML 239 recommendation related to *"requiring upgrades to curbing, landscaping, and traffic safety through the use of raised pedestrian medians within the site as old uses leave and new tenants/occupants are added to the King's Mall"* since this recommendation is legally impossible for the Town to enforce; and

**FURTHER BE IT RESOLVED**, the application by - N & D Restaurants, Inc. dba Olive Garden - for Site Plan Approval to establish a 7,656.40 square foot (sf<sup>2</sup>) Olive Garden restaurant in the northwest corner of the Kings Mall and associated site improvements is hereby approved, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with zoning and building laws, rules and regulations.
2. Submission of a final Site Plan showing sidewalks from the Kings Mall to the proposed Route 9W sidewalk system (at both signalized entrances) with a note stating that such sidewalks shall be constructed concurrently with the future construction of the Route 9W sidewalk system.
3. Execution of a Memorandum of Understanding (MOU) with the Town of Ulster for the future installation of sidewalks along Route 9W. The MOU shall be in a form as approved by the Town Attorney.

**Motioned by:** Mr. Budziak

**Seconded by:** Mr. Almquist

**All in Favor:** Mr. Beichert, Mr. Budziak, Mr. Almquist and Mr. Decker

Mr. Beichert left the meeting; Mr. Almquist took over as Chairman.

**The Barnyard Feed & Pet Supply – Site Plan**

Deborah Noble appeared on behalf of the application Mr. Sorensen states the County Planning Board had no comments of the project. The application is for the addition of a storage building on an existing site. There are no changes on lighting or parking. Mr. Sorensen states the applicant has satisfied the Boards requests and recommends approval with 3 conditions; the storage building shall be constructed in accordance with the Morton Building Inc. elevation as provided during Site Plan review. The outdoor storage of materials on front porch will be prohibited and existing storage material will be removed prior to a Certificate of Occupancy is issue on the new building. The existing storage trailers on site are removed when the new structure is complete.

**Action:** A motion to issue a Negative Declaration was made by Mr. Decker with a second from Mr. Almquist. A motion to grant approval with the 3 conditions stated by Mr. Sorensen was made by Mr. Decker with a second from Mr. Budziak; all were in favor.

**RESOLUTION  
TOWN OF ULSTER PLANNING BOARD**

**Site Plan Amendment  
The Barnyard Feed & Pet Supply.  
462 NYS Route 28  
S-B-L: 47.2-4-20.100**

**WHEREAS**, the applicant - The Barnyard Feed & Pet Supply - submitted an application for Site Plan Amendment approval to expand their existing commercial use by constructing a 1,480 square-foot storage building; and

**WHEREAS**, materials submitted in support of the proposed action included:

- *Application for Site Plan Review* prepared by Deborah Nobel dated May 28, 2009;
- *SEQRA Short EAF* prepared by Deborah Nobel dated May 28, 2009; and
- *Site Plan* prepared by Robert M Kristensen, P.E. dated May 28, 2009.

**WHEREAS**, the Planning Board considered the application materials submitted by the applicant in support of the proposed action, along with the comments of its consultant planner & engineers made via memoranda (which memoranda are incorporated herein by reference); and

**WHEREAS**, pursuant to General Municipal Law Section 239 l & m the Town of Ulster Planning Board referred the proposed application to the Ulster County Planning Board for their review and recommendation; and

**WHEREAS**, the County Planning Board determined that the proposed action was a matter for local determination; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Short EAF) found that the proposed Site Plan Amendment to erect a 1,480 square-foot storage building 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 SEQRA.

**NOW THEREFORE BE IT RESOLVED** that the 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 application by - The Barnyard Feed & Pet Supply - for Site Plan Amendment approval to erect a 1,480 square-foot storage building is granted, subject to the conditions, limitations and restrictions set forth below.

1. The storage building shall be constructed in accordance with the Morton Building, Inc. elevation for "The Barnyard - Chris & Deb Noble" as provided by the applicant during the Site Plan review process.
2. The outdoor storage of materials on the front porch of the exiting business shall be prohibited and any materials being stored on the front porch shall be removed before a *Certificate of Occupancy is granted for the new storage building*.
3. The existing storage trailers on site need to be removed when new structure is complete.

### **Kennedy Chicken -Site plan**

Joseph Mesuda appeared on behalf of the site plan application for a Kennedy Chicken. The applicant is requesting a change of use for a portion of a building located at 900 Ulster Avenue. Mr. Mesuda states he would like to convert 1,050 sq ft of retail space to a Kennedy Chicken franchise. This is a take out restaurant that will have 2 tables each seating 2. The applicant had submitted a sign detail that would need Zoning Board approval; the applicant has agreed to reduce the signage to meet Town standards. Mr. Zweben states he reviewed the easement that is shown on the property; he has tried to contact the person named on the easement but has not heard back. Mr. Zweben goes on to state the easement will not effect the change of use. The last outstanding issue will be the County Planning Board comments; these will be to the Board before the August meeting. No action was taken by the Board.

### **Kingston Tires – Site Plan**

Scott Grower appeared for the application for a change of use at 763 Ulster Avenue The applicant is requesting a change of use for a 2,175 sq ft Tire Service Center. The space was formerly a Wrestling School. The applicant has revised the plans as requested by

Mr. Sorensen. All storage of tires will be internal; there will be no outside storage. The revised plan will be sent to the County Planning Board for review. No action was taken.

### **Sorensen – Lot Line Revision**

Michael Vetere appeared on behalf of the application for a Lot Line Revision, the proposed revision is the transfer of .562 acres from one lot to another. The revision will increase the square footage of an existing non conforming lot. Access to lot is an existing shared driveway. Mr. Sorensen states the Lot Line Revision is straight forward and meets all the codes of the town. He recommends approval of the project and a SEQRA determination of non-significance.

**Action:** A motion to issue a negative declaration as per SEQRA and approval was made by Mr. Decker with a second by Mr. Budziak

### **Berardi – 2-Lot Minor Subdivison**

Paul Jankovitz appeared on behalf of the application for a 2 lot subdivision. Mr. Jankovitz states the lot is a 7.2 acre lot that will be divided into 2 lots; one lot will be 4.31 acres and the second 2.89 acres both lots will have a single family dwelling. The applicant has applied to the Board of Health for Septic approval. The applicant would like access from Maddy Lane; this is a private road that does not have an easement. The applicant is looking into the road maintenance agreement for Maddy Lane. Mr. Sorensen states the plan will need to be reviewed by the Town’s consulting engineer as there is a stream on the property and the driveway will cross the stream; the applicant will need to submit Health Department approval of the septic system. Mr. Sorensen recommends Sketch Plan approval.

**Action:** A motion to grant Sketch Plan approval was made by Mr. Decker and seconded by Mr. Budziak with all in favor.

### **Hinchey – 3 Lot Minor Subdivision**

Richard Rothe appeared for the application for a 3 lot subdivision in an R-30 zone with private water and septic. The lots will have access from Kings Highway; the applicant has applied t the County Highway Department for driveway permits and is working with them on the issue of reducing the number of curb cuts. The Ulster County Health Department has issued preliminary approval of the septic systems. The lot does have an existing gas line; the applicant will check with Central Hudson on any requirements they may have with building setbacks. Mr. Sorensen recommends sketch plan approval.

**Action:** A motion to grant Sketch Plan approval was made by Mr. Decker with a second from Mr. Budziak; all were in favor.

### **Johnson Ford/Quick Lane – Site Plan**

Donald Brott appeared on behalf of the application for site plan/change of use for Johnson Ford. The applicant is proposing the change of the old Central Hudson building to a Quick Lane Tire & Service Center. The applicant is also requesting a change of use to operate a car dealership in the same building. The two uses will occupy 33,600 square feet of the building the remaining 11,200 square feet will remain vacant. The applicant has submitted application to the Zoning Board as the two signs they have purchased are oversized; a Public Hearing will be held in October. A condition of a previous site plan was a master sign plan; this was never completed. Mr. Budziak states he felt the site needed better traffic control. After a lengthy discussion on the site the Board requested more information on the signage at the site and referred the project to the County for review.

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

Don Brott and Dan Shuster appeared on behalf of the application for site plan; the applicant proposes an enclosed recycling center on Rt. 32. Mr. Shuster states the applicant would like to introduce the project to the board with the hopes they will refer the project to the Town Board to start the SEQRA process. The project is a state of the art completely enclosed recycling center. The site is 39 acres of densely wooded land that has 5 federal wetlands. The site buildings on the site will be 300 feet from the nearest house on Rt. 32 and 1000 feet from the nearest house on Ulster Landing Road. The buildings will be placed in the rear of the site so the site can be insulated from the surrounding uses. The applicant anticipates 75 vehicles will be at the site on a daily basis. Balloons designating the building height (65ft) have been flown; they were not visible above the treetops. The hours of operation will be 7-4:30 Monday – Friday, 7-12 on Saturday. A discussion on the operation and shredding process followed. Mr. Shuster requested the Board forward the application to the Town Board; the Town Board will need to declare intent of Lead Agency. The applicant anticipates a Scoping Session to be held in September.

**Action:** A motion to forward the project to the Town Board to start the SEQRA process was made by Mr. Almquist.

A motion to adjourn was made by Mr. Almquist with a second by Mr. Decker; all were in favor.

Respectfully Submitted,

Mary Secreto  
Planning Secretary