

TOWN OF ULSTER
PLANNING BOARD

July 11, 2017

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, July 11, 2017 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan-Chairman
Troy Ashdown
Andrew Stavropoulos
Alan Sorensen – Planner

Karl Allison
Larry Decker
Frank Almquist

Absent:
Anna Hayner

A motion to approve the minutes from the June meeting was made by Mr. Almquist with a second from Mr. Allison; all in favor.

A roll call followed.

Gardener Cheese Company – Site Plan Review

Joe Deegan and Michael Schwartz appeared on behalf of the application for a site plan review for 100% vegan cashew-cheese processing, packaging, and distribution facility to be placed in 20,000 square feet of an existing vacant building on 575 Boices Lane. The company is about three and a half years old, and would have approximately 14 employees. The business would be open 9am-5pm, with extended hours if product was in high demand. The cashew cheese is currently made in Kingston with over 2,500 stores in 48 states that carry and sell it, and are made out of Brazilian cashews. They are currently located in mid-town Kingston, but have outgrown that location, which was 10,000 square feet. The best location to find this cheese in our area would be at Mother Earth, and it goes by the brand name “Treeline Cheese.” Mr. Schwartz described this project as light manufacturing; they crush, culture and package the product on-site, with almost no waste left. Mr. Schwartz explained that they get a cashew delivery about five times a week from a fifty-four foot trailer, and they would process and send pallets of cheese approximately three times a week. The grease traps will be cleaned out every two weeks.

Mr. Sorensen stated that this is an allowed use in this zone, and it has ample parking with a dedicated loading dock for this space. Mr. Sorensen stated that as per SEQRA regulations, this project is a Type II action Mr. Sorensen stated that he sees no issues with the traffic circulation at this location. Mr. Sorensen told the applicants that if they wanted a sign, they would need it to be reviewed, to which Mr. Schwartz stated they have no plans at this time to have a sign, since they do not sell directly to the public. Mr. Sorensen read the resolution.

Action: A motion to grant conditional site plan approval was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

TOWN OF ULSTER
PLANNING BOARD
July 11, 2017

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by The Gardener Cheese Company with the consent of Owner (Thomas R. Kennedy for 935 Associates, LLC) seeking Site Plan Amendment approval for a change-in-use within an existing 99,897.6 square-foot (sf) building to establish a 20,000 sf food processing facility with ancillary offices for The Gardener Cheese Company, Inc; and

WHEREAS, the materials submitted in support of the Proposed Action includes:
- Written Narrative prepared by applicant received by the Building Department on June 28, 2017;
- Site Plan Consent Form signed by representative of 935 Associates, LLC, dated June 23, 2017;
- Site Plan Application signed by Thomas R. Kennedy, 935 Associates, LLC. dated June 23, 2017;
- SEQR Short EAF Part 1 prepared by Michael Schwarz, Gardener Cheese dated June 27, 2017; and
- Site Plan for The Gardner Cheese Company, Inc. by Brinnier & Larios, PC dated June 16, 2017.

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 does not result in new gross floor area; and

WHEREAS, the Site Plan provides for sufficient off-street parking and loading spaces for the intended mix on uses on the Subject Site; 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 change in use; 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 The Gardener Cheese Company, 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;

TOWN OF ULSTER
PLANNING BOARD

July 11, 2017

3. Compliance with site plan, design plans and all details as cited herein;
4. Compliance with Town Water and Sewer Department requirements;
5. Compliance with State and federal requirements for operation of food processing facility;
6. 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
7. All fees, including consultant fees, shall be paid.

Cypress Creek – Special Use/Site Plan Review

Ann Waling, Zoning Manager for Cypress Creek in New York State, appeared on behalf of the application to construct a 21 acre solar farm to be located in the quarries on Old Route 32. This area is in an R-60 zone, and this project would be considered a special permit utility use. The solar farm would produce approximately 2 megawatts of power. Ms. Waling stated that they have seven fully permitted projects in this area, one of which is in Kingston which is close to being fully permitted. Ms. Waling said that the company is speaking with the land owner about two other possible properties for the farms. Mr. Sorensen stated that the Planning Board would be the advisory Board, and that since the project was over 2,500 square feet, the Town Board would be the approving Board.

Mr. Sorensen stated that the proposed site has quite a bit of existing vegetation, and that there is a forestry provision within the Town Code, so they would need a tree clearing plan submitted. Ms. Waling stated that there is quite a bit of wetlands also on the site, and they will avoid them, but if need be they will get Army Corp. permits. Mr. Sorensen stated that because of the amount of land disturbance, this project would be considered a SEQRA Type I action.

Action: A motion to refer to the Town Board was made by Mr. Almquist, with a second from Mr. Ashdown; all in favor.

Burlington Plaza Parking Lot – Site Plan Review

Dave Barbuti, of Barbuti Architecture, appeared on behalf of the application. Mr. Barbuti stated that they would like to make some improvements to the site and the parking lot. The application proposes to restripe and rotate the parking lot. The application had been forwarded to the Ulster County Planning Board last month, and Mr. Barbuti had asked for feedback from the Town Planning Board. Mr. Barbuti stated that they rectified the issues with ponding in the parking lot, emergency access, double lot lines, and pedestrian crossings. There will be curbs at the entrance by Ulster Avenue, as well as off of John Clark Drive, with landscaping. The entrance into Burlington will have no stop sign, but the exit to leave the property, will have stop signs in all directions. There are existing LED lighting in the 25 foot light poles that are pre-existing. Mr. Sorensen read the Ulster

TOWN OF ULSTER
PLANNING BOARD

July 11, 2017

County Planning Board comments with the Board to make a decision to concur or override. Brief discussions regarding the comments followed.

Action: A motion to declare this proposal a SEQRA Negative Declaration and grant conditional site plan approval was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Gibraltar Management Co., Inc. with the Consent of GBR Neighborhood Road Limited Liability Company (Owner) – seeking Site Plan Amendment approval for the reconfiguration of driveway aisles and the on-site parking lot on the subject site. In addition, accessibility improvements will be made on the subject site to ensure compliance with current Americans with Disabilities Action (ADA) requirements; and

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

- Escrow Agreement signed by Richard Schweitzer, Gibraltar Mngt., Co., dated 4/17/17;
- Site Plan Consent Form signed by Loomis Grossmand, Manager GBR dated April 17, 2017;
- Site Plan Application prepared by David A. Barbuti, Architect, PC, dated April 17, 2017;
- SEQR Short EAF Part 1 prepared by David A. Barbuti, Architect, PC, dated April 17, 2017;
- Existing Conditions Site Plan prepared by Christophet J. Zell, P.L.S., dated October 28, 2008;
- Proposed Site Demolition Plan prepared by David A. Barbuti, Architect, PC, dated April 21, 2017;
- Proposed Site Construction Plan prepared by David A. Barbuti, Architect, PC, dated April 21, 2017;
- Proposed Site Parking Lot Re-Stripping by David A. Barbuti, Architect, PC, dated April 21, 2017; and
- Site Details prepared by David A. Barbuti, Architect, PC, dated April 21, 2017.

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 does not result in new gross floor area; and

WHEREAS, the Site Plan provides for sufficient off-street parking for the intended mix on uses on the Subject Site; and

WHEREAS, the Proposed Action required further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster and the

TOWN OF ULSTER
PLANNING BOARD

July 11, 2017

UCPB issued required modifications, which the Planning Board considered, but found impracticable; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is a Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and issued a SEQR Negative Declaration.

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 overrides the Ulster County Planning Board's required modifications as cited in their June 7, 2017 memorandum; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to Gibraltar Management Co., 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. Burlington Coat Factory
4. Compliance with site plan, design plans and all details as cited herein;
5. Site Plan is revised in accordance with the Planning Board's required modifications as discussed at the July 12th, 2017 meeting;
6. The applicant addresses all technical comments by the Town Designated Engineers (TDE) Brinnier & Larios, PC;
7. 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
8. All fees, including consultant fees, shall be paid.

McDonalds

Steve Wygoda appeared on behalf of the application proposing a complete interior and exterior remodel including minor site improvements to accommodate a dual order point for the drive-thru portion of the restaurant and a new wayfinding sign program for the McDonalds located at 1232 Ulster Avenue. Mr. Sorensen declared this proposal a

TOWN OF ULSTER
PLANNING BOARD

July 11, 2017

SEQRA Type II action. The applicant had come back with revised plans and also had comments from the Ulster County Planning Board returned. Mr. Sorensen stated that all the proposed signage is compliant with the Town Code, and that the light fixtures in the parking lot are in the process of being upgraded to LED lighting, as per Alan Roscoe, Core Estates. The Board and the County requested upgrading the current pole sign to a monument sign, to coincide with the 9W Corridor Enhancement Plan, but was met with hesitation. The owner of this specific McDonalds was just looking to modernize the building itself. The “M” logo of McDonalds is the iconic staple of the business, and to construct a monument sign would be costly for the owner. The Board had a brief discussion and gave Mr. Wagnoda a choice to bring to the owner - a monument in place of the Pole sign, or to bring the existing sign down to 20 ft. to make it Town Code compliant. A brief discussion regarding Ulster County Planning Board Required Modifications followed.

Action: A motion to accept the resolution, contingent with a monument sign or 20’ pole sign, was made by Mr. Decker, with a second from Mr. Allison; all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by McDonald’s USA, LLC seeking Site Plan Amendment approval to refurbish the exterior of an existing 2,730 square foot (sf) restaurant along with minor ancillary site improvements on the 0.952-acre site, which is situated within the RC-Regional Commercial Zoning District.; and

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 does not result in new gross floor area; and

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

- Site Plan Application prepared by Alan Roscoe, P.E., Core States dated 5/2/2017;
- SEQRA Short EAF Part 1 prepared by Alan Roscoe, P.E., Core States dated 5/2/2017;
- Proposed Elevations by Core States Architecture and Engineering dated 5/1/2017; and
- Building Reconstruction Plan Set by Core States Architecture and Engineering dated 1/5/2017.
- Cover Sheet prepared by Core States Architecture and Engineering dated 4/17/17;
- General Notes prepared by Core States Architecture and Engineering dated 4/17/17;
- Demolition Plan prepared by Core States Architecture and Engineering dated 4/17/17;

TOWN OF ULSTER
PLANNING BOARD

July 11, 2017

- Site Plan prepared by Core States Architecture and Engineering dated 4/17/17;
- Grading & Utility Plan prepared by Core States Architecture and Engineering dated 4/17/17;
- Conduit Site Plan prepared by Core States Architecture and Engineering dated 4/17/17; and
- Construction Details (C7-C11) by Core States Architecture and Engineering dated 4/17/17.
- Ulster County Planning Board Recommendation by Robert A. Leibowitz, AICP dated 7/5/17;
- Brinnier & Larios, P.C. Memorandum prepared by Joe Mihm, P.E. dated June 28, 2017;
- Sign Specifications prepared by Everbrite Identity System Division dated 6/14/12; and
- Elevations with Sign Specifications by Core States Architecture and Engineering dated 1/5/17.

WHEREAS, the Proposed Action required referral to the Ulster County Planning Board (UCPB) issued several Required Modifications, which were partially addressed through revisions to the Site Plan application and conditions provided below; 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 McDonald's USA, 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. Compliance with NYSDOT and Town Sewer Department required modifications;
5. Compliance with Town Designated Engineer (TDE) Brinnier & Larios required modifications as cited in their June 28, 2017 memorandum;
6. The applicant shall sign a Sidewalk Memorandum of Understanding subject to the Town Attorney's approval and diligently pursue necessary approvals by NYSDOT and easements by Hudson Valley Mall to allow for sidewalk construction;
7. The existing pole sign on the subject site is replaced with a monument or pole sign that complies with Section 190-33 of the Town Code;

TOWN OF ULSTER
PLANNING BOARD

July 11, 2017

8. Once approvals by NYSDOT are in place to construct sidewalk, the applicant shall submit a revised Site Plan to the Town of Ulster Planning Board with a detailed Landscape Plan that includes the provision of street trees and a Lighting Plan to bring lighting into compliance with the Town Code;
9. 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
10. All fees, including consultant fees, shall be paid.

Lia Honda

Dennis Larios, Brinnier and Larios, appeared on behalf of the application. Mr. Larios stated that few modifications were made; a dumpster was relocated, the parts storage had been changed, and that they had also reached out to Subaru regarding easements and grading, but have not received a response. Mr. Larios stated that the only missing plan information at the moment is Stormwater Management and Electric systems, which is in the final completion stages. Mr. Larios stated that a Percolation test was done on site, and the soil came back in excellent condition. Mr. Larios stated that the NYSDOT, as well as the ZBA application for sign variance, has been submitted. Mr. Sorensen stated that there is a DOT drainage pipe on the site that does not have an easement, to which Mr. Larios clarified that there are two drainage pipes on the site with no easements that have been there a long time and that Lia will collect and bring them into their Stormwater easement. Mr. Sorensen stated that at the previous Planning Board meeting, due to a lot line deletion on the proposed site, that the Planning Board would be considered Lead Agency, and Notices for same were circulated and that the project should be forwarded to the County. Mr. Sorensen and Mr. Larios discussed a possible sidewalk on 9W, but the sidewalk would be in the DOT Right-Of-Way and if needed, in the future, the Lia Family wouldn't be opposed to doing so. Mr. Sorensen stated that this proposal is listed as a SEQRA Type II action.

Action: A motion to refer to the Ulster County Planning Board for further review was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

Ulster-Greene ARC

Dennis Larios was present to discuss ARC's proposal. Mr. Sorensen had stated that the Board had received an updated Site Plan, but that he had wanted to see a Parking Analysis Table on this plan. Mr. Sorensen stated that this was a SEQRA Type II action, and his recommendation would be to approve the project. Mr. Sorensen read the resolution.

Action: A motion to accept the resolution as amended was made by Mr. Ashdown, with a second from Mr. Almquist; all in favor.

TOWN OF ULSTER
PLANNING BOARD

July 11, 2017

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Dutton Architecture with the consent of the ARC of Ulster-Greene Inc. – is seeking Site Plan Amendment approval to improve their on-site parking area by adding forty-eight (48) parking spaces along with minor grading to improve drainage around the existing Palmer Center building; and

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

- Site Plan Application prepared by Dutton Architecture, PLLC, dated June 2, 2017;
- Short EAF prepared by J. Christopher Smailer, RA with Dutton Architecture dated June 2, 2017;
- Site Plan Consent Form signed by John McHugh, Exec. Director ARC of Ulster-Greene, Inc. 6/2/17;
- Site Plan Reoccupation of Former Palmer Center Bldg. by Brinnier & Larios revised 6/23/17; and
- Details for Site Plan prepared by B&L, P.C. Engineers & Land Surveyors dated June 2011.

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 does not result in new gross floor area; and

WHEREAS, the Site Plan provides for sufficient off-street parking for the intended mix on uses on the Subject Site; 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 change in use; 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 ARC of Ulster-Greene 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;

TOWN OF ULSTER
PLANNING BOARD

July 11, 2017

3. Compliance with site plan, design plans and all details as cited herein;
4. Site Plan is revised to show a Parking Analysis Table for all uses on subject site;
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 adjourn was made by Mr. Allison, with a second from Mr. Almquist; with all in favor.

Respectfully Submitted,
Gabrielle Perea
Planning Secretary