

*TOWN OF ULSTER
PLANNING BOARD
July 12, 2016*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday July, 12, 2016 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

Karl Allison
Larry Decker
Andrew Stavropoulos
Alan Sorensen – Planner

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

Lands of Gavin Muller – Public Hearing

A motion to open the Public Hearing was made by Mr. Decker with a second from Mr. Almquist. Mr. Vetere reviewed the project with the Board. A preliminary public hearing took place in May. No one appeared against the request. A motion to close the public hearing was made by Mrs. Hayner with a second from Mr. Almquist. Mr. Sorensen recommended the Board approve the subdivision conditioned to submitted revised maps. Mr. Sorensen read the resolution.

WHEREAS, the applicant – Gavin Muller – is seeking a Lot Line Revision (Minor Resubdivision) approval involving Town of Ulster Tax Parcels SBL 39.019-1-8 and 9.100 also referred to in deeds as Lots 30 through 32 of the Barent P. Winant (Sr.) Subdivision, filed in 1927 (Filed Map 846); and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Lot Line Revision (Minor Resubdivision), 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:

- Owner’s Consent to File signed by Gavin Muller dated March 22, 2016;
- Application for Lot Line Revision by Gavin T. Muller, owner dated 3/22/16;
- SEQR Short EAF prepared by Michael F. Vetere, Jr, LS; dated March 22, 2016; and
- Map of Lot Line Revision by Michael F. Vetere, Jr, LS dated March 11, 2016.

WHEREAS, the proposed lots comply with the bulk requirements of the R-10 Residential Zoning District; and

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves fewer than 5 lots and access roads and structures are not situated within the 100-year floodplain; 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

WHEREAS, a Map of Lot Line Revision was prepared by Michael F. Vetere, Jr, LS dated March 11, 2016 and submitted for review to the Planning Board with a recommendation by its consulting planner to make minor technical revisions; and

WHEREAS, the Planning Board waived the requirement for a preliminary public hearing and set a public hearing for the Final Plat for its July 12, 2016 meeting.

WHEREAS; the public hearing was held during which no public controversy was raised concerning the Proposed Action; 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 they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and herby issues a SEQR Negative Declaration for the Proposed Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board herby grants Lot Line Revision (Minor Resubdivision) approval as described above to Gavin T. Muller subject to the conditions, limitations and restrictions set forth below.

1. Submission of a Final Plat that addresses requested technical revisions cited in the Town Planner's April 9, 2016 Project Review Notes;
2. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
3. 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
4. All fees, including consultant fees, shall be paid.

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

Lands of Deitz – Public Hearing

A motion to open the Public Hearing was made by Mr. Decker with a second from Mr. Almquist. Mr. Vetere reviewed the project with the Board. No one appeared against the request. A motion to close the public hearing was made by Mr. Almquist with a second from Mrs. Hayner. Mr. Sorensen recommended the Board approve the subdivision as the applicant has addressed all concerns.

WHEREAS, the applicants – Burton & Darryl Deitz– are seeking Major Subdivision approval in accordance with Section 161-10 and of the Town of Ulster Code; and

WHEREAS, the Proposed Action involves the subdivision of the 8.49-acre site

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into four (4) lots as follows: Lot No. 1 consisting of 0.918-acres and containing two (2) metal self-storage buildings; and Lot No. 2 consisting of 3.939-acres containing an existing block building with a 3-bay garage and separate 1-bay garage; Lot No. 3 consisting of 1.784-acres that is configured as a flag lot with a shared access drive from Jockey Hill Road and Lot No. 4 consisting of 1.849-acres that is configured as a flag lot that would utilize a shared driveway with proposed Lot No. 3; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Major Subdivision, 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: Narrative Description of Proposed Subdivision prepared by Michael F. Vetere, Jr. Application for Preliminary Subdivision Plat Approval by Michael F. Vetere, Jr.

- SEQRA Short EAF prepared by Michael F. Vetere, Jr. P.L.S, dated 10/21/14; and
- Map of Subdivision for Burton & Darri Deitz by Michael F. Vetere, Jr. P.L.S, dated 10/4/14.

WHEREAS, the proposed lots comply with the bulk requirements of the HC-Highway Commercial and R-60 Residential Zoning District; and

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves fewer than 5 lots and access roads and structures are not situated within 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 for Burton and Darri Deitz prepared by Michael F. Vetere, Jr. P.L.S, dated 10/4/14 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the Final Plat; and

WHEREAS, the Planning Board held its first public hearing on the Proposed Action at its May12, 2016 meeting; and

WHEREAS; the public hearing was held during which no public controversy was raised concerning the Proposed Action; and

WHEREAS, the Planning Board held its second public hearing on the Proposed Action at its July 12, 2016 meeting; and

WHEREAS; the public hearing was held during which no public controversy was raised concerning the Proposed Action; and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short EAF Part 1 & 2) and Phase 2 Subsurface Investigation of the subject property found the Proposed Action did not pose a potentially significant adverse environmental impact; and

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 (SEQRA) Law and hereby issues a SEQRA Negative Declaration for the Proposed Action; and

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FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Major Subdivision approval as described above to Burton & Darryl Deitz 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 approve the subdivision was made by Mr. Almquist with a second from Mrs. Hayner with all in favor.

Mannocchi & Provanzano – Public Hearing

A motion to open the Public Hearing was made by Mr. Decker with a second from Mr. Allison with all in favor. No one appeared for or against the request. A motion to close the public hearing was made by Mr. Almquist with a second from Mrs. Hayner with all in favor. Mr. Sorensen recommended the Board grant a negative declaration and approve the subdivision. Mr. Sorensen read the resolution.

WHEREAS, the applicants – Kristy and Fred Mannocchi/Michael Provanzano—are seeking *Minor Resubdivision* approval in accordance with Section 161-10 and of the Town of Ulster Code; and

WHEREAS, the Proposed Action involves the transfer 8.15-acres from S-B-L 56.9-1-2.109 in the Town of Ulster from Provanzano to Mannocchi; leaving Provanzano with 3.08-acres; and

WHEREAS, the Proposed Action also involves the transfer S-B-L 56.9-8-50 (4.93-acres) in the Town of Hurley from Provanzano to Mannocchi with the Mannocchi lot increasing from 0.51-acres to 13.59-acres; and

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

- *Escrow Agreement* signed by Fred & Kristy Mannocchi dated June 10, 2016;
- *Consent to File Form* signed by Michael J. Provanzano dated June 9, 2016;
- *Preliminary Subdivision Application* prepared by Michael Provanzano dated May 19, 2016;
- *SEQR Short EAF* prepared by William Eggers, LS dated May 19, 2016;
- *Survey Map Showing Lot Line Adjustment* by Medenbach & Eggers, P.C. dated May 20, 2016; and
- *Map of Resubdivision of the Cedar Ridge Subdivision* by Medenbach & Eggers, P.C. dated 7/6/16.

WHEREAS, the proposed lots comply with the bulk requirements of the R-60 Residential Zoning District; and

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, *since the Proposed Action involves fewer than 5 lots and access roads and structures are not situated within the 100-year floodplain*; 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

WHEREAS, a *Survey Map Showing Lot Line Adjustment* was prepared by Medenbach & Eggers, P.C. dated May 20, 2016 and submitted for review to the Planning Board with a recommendation by its consulting planner to make minor technical revisions; and

WHEREAS, a revised map of Resubdivision was prepared by Medenbach & Eggers, P.C. dated July 6, 2016, which was reviewed by the Town Planner with a recommendation to accept the Final Plat; and

WHEREAS, the Planning Board waived the requirement for a preliminary public hearing and set a public hearing for the Final Plat for its July 12, 2016 meeting.

WHEREAS; the public hearing was held during which no public controversy was raised concerning the Proposed Action; 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 they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and herby issues a *SEQR Negative Declaration* for the Proposed Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board herby grants Minor Resubdivision approval as described above to *Kristy and Fred Mannonchi/Michael Provanzano* 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 approve the subdivision/lot line revision was made by Mrs. Hayner with a second from Mr. Almquist with all in favor.

Felton/Fiore

Dan McCarthy appeared on behalf of the application for a Minor Subdivision (Lot Line Revision). The applicant is proposing the transfer of 1.80acres from the Fiore property to the Felton property. Mr. Sorensen stated the request required a public hearing. A motion to schedule a public hearing was made by Mr. Almquist with a second from Mr. Allison with all in favor.

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All Space Storage

Shawn Curran appeared on behalf of the application for site plan. Mr. Currren stated this application is Phase II of a project that was approved in 2014. There will be 4 new storage buildings place on site. Mr. Sorensen stated there was no water or sewer connection and all utilities are underground. The Town Board will have final approval. Mr. Sorensen recommended the Board forward the project to the Ulster County Planning Board and the Town Board to declare intent to be lead agency.

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

ZZAAM Restaurant

Chang Kim appeared on behalf of the application for a change of use. Mr. Chang reviewed his project with the Board; the restaurant will have 30 seats, there will be no changes to the exterior of the building. Mr. Sorensen stated request is straight forward, there is sufficient parking. The applicant will need to clarify the grease trap details with the Sewer Department. Mr. Sorensen stated the Board could approve the request with the conditions of revising the plans which address the technical detail requested in his review and reducing the signage to 42’ square feet.

Action: A motion to grant a negative declaration and approve the request with conditions was made by Mr. Almquist with a second from Mrs. Hayner. All were in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – Chang Kim - CEO of SBIA II, LLC – for *Site Plan* approval for a change-in-use to establish a Zzaam Fresh Korean Grill restaurant establishment on the subject site, which is located at 1100-1104 Ulster Avenue (U.S. Route 9W) and situated within the RC-Regional Commercial Zoning District; and

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

- *Site Plan Consent Form* signed by Mark Catalinotto dated June 27, 2016;
- *Site Plan Application* signed by Mark Catalinotto and Chang Kim dated June 27, 2016;
- *SEQR Short EAF Part 1* prepared by Chang Kim dated July 1, 2016;
- *Proposed Sign Details* by Brinnier & Larios, P.C. dated June 29, 2016; and
- *Site Plan* prepared by Brinnier & Larios, P.C. dated June 29, 2016.

WHEREAS, the Planning Board has the authority to review and approve the Proposed Action in accordance with Chapter 161 of the Town of Ulster Code; and

WHEREAS, the applicant submitted a complete application for the Proposed Action; 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

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WHEREAS, the Planning Board upon review of the entire record (including State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form Part 1 and Part 2 found the Proposed Action was a Type II Action pursuant to NYCRR Part 617 of SEQRA.

NOW THEREFORE BE IT RESOLVED the Planning Board has determined they have complied fully with the procedural requirements of NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA); and

FURTHER BE IT RESOLVED, the application by Chang Kim - CEO of SBIA II, LLC - for Site Plan Amendment approval as described above is granted, 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, building elevations and all details as cited herein;
4. The applicant submits a revised Site Plan, which addresses the minor technical revisions requested by the Town's consulting Planner in his Project Review Notes dated 7/8/2016;
5. The wall sign for the business shall be reduced from 48 sq. ft. to 42 sq. ft. to comply with the Town Code permitted sign area;
6. Applicant submits revised Site Plan and Details to address technical issues raised by the Town of Ulster Water & Sewer Departments; and
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.

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

Respectfully Submitted,
Mary Secreto, Planning Secretary