

*TOWN OF ULSTER  
PLANNING BOARD  
June 16, 2015*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday May 19, 2015 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan-Chairman-  
Larry Decker  
Anna Hayner  
Alan Sorensen - Planner

Karl Allison  
Tim O'Brien  
Frank Almquist

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

#### LANDS OF HELMBOLD

Mr. Mulligan stated the lot line revision was approved in April of 2014 but was not filed. The applicant is requesting reapproval.

**Action:** A motion to reapprove the lot line revision was made by Mrs. Hayner with a second from Mr. Decker with all in favor.

#### BEGNAL MOTORS

Mr. Larios appeared on behalf of the application for site plan. Mr. Larios stated a more detail plan has been submitted to the Board. The SWPPP was completed and is being reviewed by Pretorius & Conrad. The applicant is currently working with DOT on the timing of the signal at the site. Mr. Sorensen stated there are two minor items that need to be submitted; the dumpster detail and signage. Both issues will be noted as conditions of approval. Mr. Sorensen recommended the Board refer the project to the Town Board for Conditional Approval. Mr. Sorensen read the resolution.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner along with its alternative consulting engineers have reviewed an application by Begnal Realty, LLC with the consent of Wky Wong, Inc. (owner) seeking *Site Plan* approval to develop a automotive sales and service center on the subject site, which is located at 129-131 NYS Route 28; and

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

- *Site Plan Narrative* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 2/5/2015;
- *Site Plan Application* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 2/5/2015;
- *Site Plan Consent Form* signed by Wky Wong Inc., dated February 4, 2015;
- *SEQR Full EAF Part 1* by Brian Begnal, Member Begnal Realty, LLC. dated 2/5/2015;
- *Site Photographs* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 2/5/2015;
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- *Existing Conditions Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C., 2/5/2015;
- *Proposed Site Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 2/5/2015; and
- *Proposed Grading Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 2/5/2015.
  
- *Cover Sheet* by Brinnier & Larios (B&L), Engineering & Land Surveying, P.C. dated April 2015;
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- *Existing Conditions Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated April 2015;
- *Demolition Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated April 2015;
- *Phase 1-3 – Site Layout* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated April 2015;
- *Phase 1-3 – Grading Plan* by Brinnier & Larios, Eng. & Land Surveying, P.C. dated April 2015;
- *Phase 1&3 – Site Utilities* by Brinnier & Larios, Eng. & Land Surveying, P.C. dated April 2015;
- *Phase 1 – Erosion & Sediment Control* by B&L, Eng. & Land Surveying, P.C. dated April 2015;
- *Site Lighting/Photometric Layout* by B&L, Engineering & Land Surveying, P.C. dated April 2015;
- *Fire Apparatus Access Plan* by B&L, Engineering & Land Surveying, P.C. dated April 2015;
- *Details prepared* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated April 2015;
- *Floor Plan prepared* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated April 2015;
- *Architectural Elevations* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated April 2015
- *Landscaping Plan prepared* by B&L, Eng. & Land Surveying, P.C. dated April 2015;
- *Vehicle Evacuation Plan prepared* by B&L, Eng. & Land Surveying, P.C. dated May 2015;
- *Site Lighting/Photometric Layout* by B&L, Engineering & Land Surveying, P.C. dated May 2015; and
- *Segmented Retaining Wall Profile* by B&L, Eng. & Land Surveying, P.C. dated May 2015.
- *Cover Sheet* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated June 2015;
- *Demolition Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated June 2015;
- *Phase 1-3 – Site Layout* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated June 2015;
- *Phase 1-3 – Grading Plan* by Brinnier & Larios, Eng. & Land Surveying, P.C. dated June 2015;
- *Phase 1&2 – Site Utilities* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated June 2015;
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- *Phase 1-3 – Erosion & Sediment Control* by B&L, Eng. & Land Surveying, P.C. dated June 2015;
- *Site Lighting/Photometric Layout* by B&L, Engineering & Land Surveying, P.C. dated June 2015;
- *Site Landscaping Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated June 2015;
- *Fire Apparatus Access Plan* by B&L, Engineering & Land Surveying, P.C. dated June 2015;
- *Detail Sheet* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated June 2015;
- *Wall Profile* prepared by B&L, Engineering & Land Surveying, P.C. dated June 2015;
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- *Floor Plan* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated June 2015;
- *Vehicle Evacuation Plan prepared* by B&L, Eng. & Land Surveying, P.C. dated May 2015; and
- *Architectural Elevations* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated June 2015.
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**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 Board at its February 19<sup>th</sup> meeting 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 System Modifications), NYSDEC (General Permit for Construction Activities, SWPPP and SPDES Permit); Zoning Board of Appeals (Lighting Level Issue); and the NYSDOT (Site Access); 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 Begnal Motors application; and

**WHEREAS**, based upon the Town of Ulster Town Board’s thorough review of the SEQR Full EAF Part 1 (prepared by applicant) and Full EAF Part 2 (prepared by the Town Planner); along supporting Site Plan drawings and details; determined the Proposed Action would require the preparation of a full Stormwater Pollution Prevention Plan (SWPPP) to mitigate potentially significant adverse impacts along with compliance with all applicable regulations concerning development within a designated floodplain; and

**WHEREAS**, the Town of Ulster Town Board determined the Proposed Action would not have a significant effect on the environment and that a Draft Environmental Impact Statement would not be prepared; and

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**WHEREAS**, the Town Board, at its May 21, 2015 meeting issued a SEQR *Conditioned Negative Declaration* with the condition requiring the preparation and acceptance of a SWPPP for the Proposed Action and compliance with all applicable regulations concerning development within a designated floodplain; and

**WHEREAS**, as of the June 2015 submission, the applicant has addressed most of the completeness issues identified by the Planning Board, Town Planner and alternate consulting engineers or advanced the Plan Set and supplemental documentation to the level where only minor technical revisions for various agency or department approvals are anticipated.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation to the Town Board to grant Site Plan approval to Begnal Realty, LLC with the consent of Wky Wong, Inc. (owner) to develop a automotive sales and service center 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 final site plan, design plans and all details as cited herein;
4. Applicant addresses all requirements of *Central Hudson Gas & Electric* for development within its easements over the subject site;
5. The applicant addresses minor technical revisions to the Site Plan set and SWPPP to address any remaining *incomplete* issues or required *technical revisions* cited by the Town's consulting planner, alternate consulting engineer; and Ulster County Health Department (as may be applicable);
6. Compliance with all applicable regulations concerning development within a floodplain;
7. Compliance with any requirements of the NYSDOT concerning site access;
8. Compliance with Section 190-27 (i) (3) of the Town Code [i.e. Parking Lot Lighting Curfew].
9. The Town's consulting planner, engineer 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.

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

**NORWICH MANAGEMENT LLC / SEVEN GREENS**

Craig Tripp appeared on behalf of the application for site plan/special use permit. Mr. Tripp stated elevation plans along with lighting and landscaping plans. Mr. Sorensen stated the applicant has addressed all outstanding issues and recommends the Board refer the project to the Town Board to grant a Negative Declaration and approval of Special Use Permit & Site Plan. Mr. Sorensen read the resolution.

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**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Norwich Management, LLC (with the consent of Ulster Senior Citizen Associates (owner)) seeking *site plan amendment* and *special use permit* approval to develop 24 new residential units (8 units in one building and 16 dwelling units in another building) on the 15-acre site, which presently contains 125 low-income senior residential units with associated parking spaces and pedestrian walkways throughout the complex; and

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

- *Site Plan Application* prepared by Chazen Engineering & Surveying, P.C, dated 3/16/15;
- *Written Narrative* prepared by Chazen Engineering & Surveying, P.C, dated 3/16/15;
- *Site Improvement Narrative* prepared by Chazen Engineering & Surveying, P.C, dated 3/16/15;
- *SEQRA Short EAF Part 1* prepared by Chazen Engineering & Surveying, P.C, dated 3/16/15;
- *Site Plan Consent Form sign by David Carlen, Managing Member of Owner* dated 3/16/15;
- *Map of Existing Conditions* prepared by Chazen Engineering & Surveying, P.C, dated 10/31/14;
- *Site Demolition Plans* prepared by Chazen Engineering & Surveying, P.C, dated 12-4-2014;
- *Site Layout and Landscaping Plans* by Chazen Engineering & Surveying, P.C, dated 12-4-2014;
- *Site Grading Plans* prepared by Chazen Engineering & Surveying, P.C, dated 12/4/14; and
- *Proposed Bldg. Addition Overall Layout Plan* by Chazen Eng. & Surveying, P.C, dated 12/4/14.
  
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, dated 04/16/15;
- *Site Demolition Plan* prepared by Chazen Engineering & Surveying, P.C, dated 04/16/15;
- *Site Layout and Landscaping Plans* by Chazen Engineering & Surveying, P.C, 04/16/15; and
- *Site Grading, Drainage and Utility Plan* by Chazen Engineering & Surveying, P.C, dated 04/16/15.
  
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, dated 05/07/15;
- *Site Removals Plan* prepared by Chazen Engineering & Surveying, P.C, dated 05/07/15;
- *Site Layout and Landscaping Plans* by Chazen Engineering & Surveying, P.C, 05/07/15;
- *Site Grading, Drainage and Utility Plan* by Chazen Engineering & Surveying, P.C, dated 05/07/15;
- *Site and Landscaping Details* by Chazen Engineering & Surveying, P.C, dated 05/07/15;
- *Storm Water Details* prepared by Chazen Engineering & Surveying, P.C, dated 05/07/15;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, dated 05/07/15;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, dated 05/07/15; and
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, dated 05/07/15.
  
- *Project Narrative* prepared by The Chazen Companies, dated June 2 & 3, 2015;
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- *Revised SEQR Short EAF* prepared by The Chazen Companies, dated 12/4/14 and revised 6/3/15;
- *Map of Existing Conditions* by Chazen Engineering & Surveying, P.C, dated 10/31/14;
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, dated 06/03/15;
- *Site Removals Plan* prepared by Chazen Engineering & Surveying, P.C, dated 06/03/15;
- *Site Layout Plans* prepared by Chazen Engineering & Surveying, P.C, 06/03/15;
- *Site Grading, Drainage and Utility Plan* by Chazen Engineering & Surveying, P.C, dated 06/03/15;
- *Site Landscape and Lighting Plan* by Chazen Engineering & Surveying, P.C, dated 06/03/15;
- *Site and Landscape Details* by Chazen Engineering & Surveying, P.C, dated 05/19/15;
- *Storm Water Report & Details* prepared by Chazen Engineering & Surveying, P.C, dated 06/03/15;
- *Sanitary Sewer Profiles* prepared by Chazen Engineering & Surveying, P.C, dated 06/03/15;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, dated 05/19/15;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, dated 05/19/15; and
- *Building Elevations* prepared by 3t Architects dated 4/15/15.

**WHEREAS**, the Town of Ulster Town Board has the authority to approve the Site Plan Amendment since more than 2,500 SF of new gross floor area is proposed with this action; and

**WHEREAS**, the Town of Ulster Town Board has the authority to approve the Special Permit request for this action and as Lead Agency held the required public hearing on this matter at its April 2, 2015 meeting during which no public controversy was raised concerning the Proposed Action and subsequently closed the public hearing; and

**WHEREAS**, the Town of Ulster Planning Board under its *advisory role* to the Town Board for this Unlisted Action-Coordinated Review studied the SEQR Short EAF Part 1 and 2, Building Elevations and Stormwater Report along with comments of the Town Engineer, Water and Sewer Departments and found the Proposed Action would not pose any potentially significant environmental impacts based upon studies provided and the mitigation measures being employed in the design of the proposed development and recommends the Town Board make a SEQR Determination of Non-Significance (Negative Declaration); and

**WHEREAS**, the Planning Board Determined the Town had complied with the procedural requirements of SEQR and also found the application was complete and ready for Town Board approvals.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation that the Town Board issue a SEQR Determination of Non-Significance (Negative Declaration); and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby recommends the Town Board grant Norwich Management, LLC Site Plan & Special

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Permit approval to construct the above referenced development 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 final site plan, design plans and all details as cited herein;
4. Final approval by the Town Engineer and Sewer & Water Departments;
5. No tree clearing between April 1<sup>st</sup> to September 30<sup>th</sup> to protect Indiana bat or NLEB;
6. The Town's consulting planner, engineer 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.

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

### **LAND OF LOUIS & RUTH LANE**

Michael Vetere appeared on behalf of the application for a 2 lot subdivision. Lot # 1 will be 9.325 acres, lot # 2 will be 2.33 acres. A new home is being constructed on lot #2. Driveways for both lots have been approved by the Highway Department. Lot #2 has Health Department approval for well and septic. Mr. Sorensen stated the subdivision requires 2 Public Hearings; he recommended the Board waive the Preliminary Public Hearing and schedule a Public Hearing for July 21<sup>st</sup>.

**Action:** A motion to waive the Preliminary Hearing and schedule a Public Hearing for July 21<sup>st</sup> was made by Mr. Almquist with a second from Mrs. Hayner with all in favor.

### **HANNAFORD**

J. Lord appeared on behalf of the application for a grocery pick up location located in the Hannaford parking lot. Mr. Lord stated the pick up location will be in the South end of the parking lot. The customer will drive into the lane to a call box and notify the store of their arrival; the groceries will be delivered and the customer drives away. Average turnaround time is 5 minutes. The site will still have 329 parking spaces. There will be minor lighting under a gull wing canopy but no changes in internal traffic patterns. After a short discussion it was decided that the applicant would revise the plans eliminating the remaining parking spaces to the east of the Grocery Pickup and add stop bas and stop signs at the cross walk. Mr. Sorensen recommended the Board grant a negative declaration and conditional approval of site plan with the condition of new plans submitted with revisions.

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

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**DURCAN'S GOLF CENTER**

John Durcan appeared on behalf of the application for a 36'x80' prefab building that will house 4 golf simulators, the snack bar and pro shop. The snack bar and pro shop will be moved from a smaller building on site. The existing site has the required Health Department approvals. Mr. Sorensen stated there are no concerns with site access or building design. A handicap space with signage and ramp should be added to the plan along with a parking schedule and sediment control notes. Parking spaces should be delineated on the plan. A short discussion of the sites grading and flood plain issues followed. Mr. Sorensen reviewed the EAF form with the Board and recommended the Board refer the project to the Town Board for conditional approval with the conditions being:

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. Submission of revised Site Plan, which includes a parking analysis table; delineates on-site parking spaces; provides for a handicap accessible parking space, sign and access to clubhouse; erosion and sediment control notes, and verification of the flood elevation;

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

**LAND OF HENNINGER/KARATE SCHOOL**

Robert Henninger appeared on behalf of the application for a change of use from retail to a martial arts school. Board members voiced concerns on lack of parking. Mr. Henninger stated that if parking becomes an issue there is alot across the street that could be used for overflow parking. The Board informed Mr. Henninger if that occurs he will need to return to the Planning Board. Mr. Henninger via a phone conversation with tenant verified the hours of operation and class size. Most classes have 5 to 10 students, ages range from 5-adult. Primary hours of operation are 5-8 PM with some classes between 9 and 11 AM. Morning classes are 2 to 3 times a week. There will be no changes to the lighting. After a lengthy discussion members of the Board requested a space be designated for employee parking. Due to parking concerns the Board agreed any approval will be for 1 year; if at that time there are no parking issues the approval can be reauthorized. Mr. Sorensen recommended the Board grant a negative declaration.

**Action:** A motion to grant a negative declaration was made by Mr. Decker with a second from Mr. Almquist with all in favor. Mr. Almquist motioned to grant site plan approval with the following conditions:

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant (see attached);
3. Compliance with site plan, design plans and all details as cited herein;
4. Submission of revised Site Plan, which provides for an additional (employee only) parking space in the vicinity on the Site Plan that is labeled "Blacktop



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- Parking” in front of the loading dock with a sign reading “Employee Parking Only”; and
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;
  6. Approval shall be subject to Planning Board review and reauthorization in one year; and
  7. All fees, including consultant fees, shall be paid.

Mrs. Hayner seconded the motion with all in favor.

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

Respectfully Submitted,

Mary Secreto, Planning Secretary