

*TOWN OF ULSTER
PLANNING BOARD
MARCH 19, 2013*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday March 16, 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 (Late)
Gary Mulligan

A motion to approve the minutes from the February meeting was made by Mr. Mulligan with a second from Mr. Allison. All were in favor.

Landing Woods

Mr. DeForest read a letter requesting a 6 month extension. The private water company that will service the project has been sold the applicant is working on submittals to the Health Department.

Action: A motion to grant a 6 month extension was made by Mr. O’Brien with a second from Mr. Mulligan with all in favor.

Bread Alone

Sharon Leader-Burns appeared on behalf of Bread Alone to request a site plan revision. The changes on the site plan include an addition on the East side of the building for a freezer and boiler room. A Variance was granted by the Zoning Board as the addition will be in the side setback. Ms. Leader-Burns submitted elevations. Mr. Sorensen read the resolution

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Bread Alone* seeking site plan amendment approval to expand the boiler room, which is situated behind the existing building, from 457 sq. ft. to 756 sq. ft.; create a 696 sq. ft. exterior equipment pad; and place exterior freezers with an area of 681.5 sq. ft. behind the existing building;

WHEREAS, the amended Site Plan also calls for two (2) silos in front of the existing building between Loading Dock No. 1 and the Staff Entry to the building as shown on the Site Plan dated February 8, 2013; and

WHEREAS, the subject site is situated within the HC-Highway Commercial District in the Town of Ulster where Light Industry uses are permitted upon approval of a *Special Permit, which was granted by the Town of Ulster Town Board in 2012*; and

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

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- *Existing Conditions Site Plan* prepared by Brinnier & Larios, PC dated January 2013;
- *Site Plan for Bread Alone* prepared by Peter Gluck and Partners Architects dated 2/8/2013;
- *Sanitary Sewer & Pump Station Plan* prepared by Brinnier & Larios, PC dated January 2013;
- *Pretreatment and Pump Station Plan* prepared by Brinnier & Larios, PC dated January 2013; and
- *Pretreatment and Pump Station Plan Details* by Brinnier & Larios, PC dated January 2013.

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 approved Site Plan involves less than 2,500 SF of new gross floor area; and

WHEREAS, the applicant provided revised plans for the Proposed Action, which were reviewed by the Town's planner with a recommendation to the Town of Ulster Planning Board to accept the revised plans; and

WHEREAS, the Town's planner has requested an East Elevation of the building to show the proposed additions along with elevations of the proposed silos, but recommended the provision of the elevation could be a condition of approval; 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 an increase in parking spaces on the site was not required to accommodate the amended Site Plan; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is an *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; and

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 Bread Alone 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. Submission of *East Elevation* of building that are drawn to scale, which shall be subject to review and approval by the Town's consulting planner and Building Inspector;

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5. Prior to the installation of the silos, the owner shall submit elevations and design details, which shall be subject to review and approval by the Town's consulting planner and Building Inspector;
6. Execution of all necessary utility easements shown on the site plan set in a form and manner acceptable to the Board's attorney and professional engineer;
7. Health department approvals for water and septic systems;
8. 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
9. All fees, including consultant fees, shall be paid.

Action: A motion to approve the site plan revision was made by Mr. Mulligan with a second from Mr. Mr. Allison with all in favor.

Catskill Tennis LLC

Mr. Sorensen stated all issues have been resolved. Mr. Sorensen recommended the Board forward the project to the Town Board for approval. Mr. Sorensent read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner and engineer have reviewed an application by Matthew Canzonetti dba The Catskill Tennis Club for *Site Plan* approval to construct a 14,400 square foot (SF) *indoor tennis facility with a 1,440 SF clubhouse on the subject site*, which is located at 470 Old Neighborhood Road; and

WHEREAS, the proposed use is a Special Permit Use within the OM-Office Manufacturing Zoning District and subject to Site Plan Approval by the Town Board; and

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

- *Project Narrative* prepared by the applicant Matthew Canzonetti dated January 2, 2013;
- *Site Plan Application* by Matthew Canzonetti dated January 2, 2013;
- *SEQR Short EAF* by Matthew Canzonetti dated January 2, 2013;
- *Site Plan for The Catskill Tennis Club* by Robert J. Dupont, RA dated January 2, 2013; and *Comment Letter by Frank Petramale* – Highway Superintendent – dated January 8, 2013.
- *Comment Letter prepared by John Rose Water Superintendent dated 1/24/13 and 2/11/13;*
- *Site Plan for The Catskill Tennis Club* by Robert J. Dupont, RA revised January 15, 2013;
- *Erosion & Sediment Control Plans* by Christopher R. DeChiaro, P.E. dated 1/3/2013;
- *Water, Sewer, Utility Plans* prepared by Christopher R. DeChiaro, P.E. dated 1/3/2013;
- *Stormwater Management prepared* by Christopher R. DeChiaro, P.E. dated 1/3/13;
- *Photometric Plan prepared* by Christopher R. DeChiaro, P.E. dated 2/4/13; and
- *Clubhouse Plan, Section and South Elevation* by Robert J. Dupont, RA dated 1/15/2013.

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- *Project Review Notes* by Brinnier & Larios, Engineers and Land Surveyors dated 3/7/2013;
- *Town of Ulster Zoning Board of Appeals Notice of Decision* dated March 6, 2013;

- *Site Plan for The Catskill Tennis Club* by Robert J. Dupont, RA revised February 28, 2013;
- *Erosion & Sediment Control Plans* by Christopher R. DeChiaro, P.E. revised 2/19/2013;
- *Water, Sewer, Utility Plans* prepared by Christopher R. DeChiaro, P.E. revised 2/27/2013;
- *Stormwater Management prepared* by Christopher R. DeChiaro, P.E. revised 2/19/13;
- *Photometric Plan prepared* by Christopher R. DeChiaro, P.E. dated 2/19/13; and
- *Clubhouse Elevation & Sign Plan prepared* by Robert J. Dupont, RA dated March 4, 2013.

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 and Town Department Heads 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 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 except for the sidewalk connecting the tennis club to the sidewalk on Enterprise Drive; and

WHEREAS, the Planning Board in consultation with the Highway Superintendent found the UCPB required sidewalk connection was not practical and the Town of Ulster Planning Board *recommended the Town Board override the UCPB required modification to construct the sidewalk connection*; and

WHEREAS, the Zoning Board of Appeals granted an area variance on March 6, 2013 to allow the building placement within a portion of the front yard setback; 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 and Elevation set most recently revised February 28, 2013 and March 4, 2013; 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 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 has determined the Town has complied fully with the procedural requirements of Part 617 of the SEQR Law; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board recommends the Town Board take the following actions:

1. Issue a SEQR Negative Declaration on the Proposed Action; and
2. Hold a public hearing on the Special Permit application.

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board herby recommends (following the public hearing) the Town Board grant a waiver to allow parking closer than 10 feet from the front property line and thereafter grant Special Permit and Site Plan approval to Matthew Canzonetti subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations and Department Head requirements for water and sewer connections;
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 planner's recommendation was made by Mrs. Hayner with a second from Mr. Mulligan. All were in favor.

Canal Deli

Beth Murphy appeared on behalf of the application for the Canal Deli. There was a question on the ownership of the parking area. This has been resolved and the applicant will provide the Jason Kovacs with a survey and legal description of the property. A Quick Claim Deed will be filed giving the applicant ownership. Mr. Sorensen recommended the Board grant approval with the condition the Town Attorney review and approve the survey and legal description of the adjoining property, Town Board approval of a quick claim deed.

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

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed and application by Beth A. Murphy dba The Canal Deli & Cafe seeking *Site*

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Plan approval to establish a deli within an existing mix use building, which is located at 1547 Creek Locks Road (CR25); and

WHEREAS, the Deli-Café is permitted subject to Site Plan approval by the Planning Board; and

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

- *Site Plan Application* by Beth A. Murphy dated January 3, 2013;
- *SEQR Short EAF* by Beth A. Murphy dated January 3, 2013;
- *Legal Description of Property* provided by the applicant Beth A. Murphy;
- *Site Plan for Beth Murphy* by John J. Post, Jr. dated January 2, 2013; and
- *Site Plan for Beth Murphy* by John J. Post, Jr. revised 2/27/13 and 3/17/13.

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

WHEREAS, the Planning Board has considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants and Town Department Heads made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Planning Board in consultation with the Highway Superintendent found the Town-owned right-of-way adjacent to the subject site was not needed for Town purposes and recommended the Town Board convey the abandoned r-o-w to the adjoining landowner; and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF)) found the Proposed Action was a *Type II*

Action pursuant to 6NYCRR Part 617 Section 617.5 (c) of the SEQRA regulations and no further review was required pursuant to 6NYCRR Part 617; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan approval 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. Town Attorney's review of survey and legal description of right-of-way prior to Town Board conveyance of abandoned right-of-way to the adjoining landowner;
4. 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;
5. Possible permissive referendum regarding Town Board resolution conveying the abandoned right-of-way to adjoining landowners; and
6. All fees, including consultant fees, shall be paid.

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Kirchhoff Development/ Tractor Supply

Kyle Kirchhoff and Larry Boudreau appeared on behalf of the application for a Tractor Supply store. Mr. Boudreau stated the applicant will be requesting ODA designation from the Town Board. There have been some minor changes in the plan that affects the

SWPPP; an updated SWPPP will be submitted. Mr. Kirchhoff reviewed the conceptual elevations with the Board stating he is working with Tractor Supply on a final elevation. The lighting will be changed as per the Town's request. A short discussion on the elevations and sidewalk upgrades followed. Mr. Boudreau stated the applicant will be submitting an application for a lot line adjustment for review at next months meeting. Mr. Sorensen recommended the Board waive the Preliminary Plat Public Hearing and schedule a Public Hearing for the lot line adjustment.

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

Volkswagen of Kingston

Albert Spada appeared on behalf of the application for an addition and facade change. Mr. Sorensen reviewed his memo. The applicant will increase the green space, and will look at the lighting on the site. The signage will be with in code. A short discussion on cross access took place; the applicant would like a cross access in the rear of the site. The applicant is before the Zoning Board requesting a variance in the front setback. Mr. Sorensen recommended the Board forward the plans to the Ulster County Planning Board.

Action: A motion to forward to the Ulster County planning Board was made by Mr. Allison with a second from Mr. Mulligan; all were in favor.

Kyriacou/Carbone Timber Harvest

Anthony DeVescovo appeared on behalf of a timber harvest. The applicant is proposing a selective timber harvest on 153 acres. The landing area will be off of Stickles Terrace. Mr. Sorensen stated a bond would need to be put in place to cover damage to town roads. Mr. Sorensen recommended the Board forward the project to the Ulster County Planning Board for review and the Town Board to schedule a Public Hearing.

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

Lands of Alt Timber Harvest

Michael Arnold appeared on behalf of the application for a timber harvest. The applicant is proposing a selective timber harvest of 45.7 acres. The request is similar to the previous request. Mr. Sorensen Recommended the Board forward the project to the Ulster County Planning Board and to the Town Board to schedule a Public Hearing.

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

McDonald's

Brad Bohler appeared on behalf of the application for McDonald's. The applicant is proposing demolition and rebuilding the existing restaurant. The landscaping on the site will be upgraded. The site will have less parking spaces and a double lane drive thru. The applicant will be reaching out to NYS DOT and the Hudson Valley Mall in rearguards to placing a sidewalk. The lighting levels are above town standards; Mr. Bohler stated the applicant feels a higher lighting level is needed for safety reasons. Customers will have to walk across the aisles to get to the building with lower lighting levels this could be dangerous. Mr. Sorensen requested the pole sign be changed to a monument sign, Mr. Bohler will discuss with the applicant. The project is located on two parcels; McDonald's does not own the parcels but will ask the owner's if they would be willing to consolidate the lots. If the lots are not going to be consolidated a variance will be required for the building setback. The applicant will be appearing before the Zoning Board of Appeals next month. Mr. Sorensen recommended the Board forward the project to the Town Board to declare Lead Agency and the Ulster County Planning Board for review.

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

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

Respectfully Submitted,
Mary Secreto
Planning Secretary