

Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday March 20, 2012 at 7:00 p.m. at the Town Hall Lake Katrine New York. The following members were present:

Alan DeForest –Chairman
Karl Allison
Larry Decker
Anna Hayner
Frank Almquist (Alternate)
Alan Sorensen – Planner

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

Panara Bread – Site Plan

Michael Moriello, Ken Westard and Tony DiSanza appeared on behalf of the application for a drive-thru window at Panera Bread. Mr. Sorensen reviewed the outstanding issues with the Board. An upgrade of the rear facade has been requested by Mr. Sorensen; a drawing has been submitted to the Board for their approval. The traffic circulation on the site; a traffic study was completed by Creighton Manning 2 updates letters were also submitted to the Board. Ken Wersted Traffic Engineer from Creighton Manning reviewed other restaurants with drive thru windows that exist in the town noting that they do not have loading zones and delivery trucks have to unload in parking spots, in some case customers have to back into the drive thru lane to get out of the parking space. The Ulster County Planning Board had concerns that the overflow of the drive thru would interfere with traffic on John Clark Drive. A drive thru count was completed at an existing Panera Drive thru; during a 1 hour period there was a maximum queue of 6 vehicles; the propose site plan shows enough room for 10 vehicles. Another concern was the changing the traffic pattern to a one way in the rear of the site; a study showed that a 5 to 10 cars in a 1 hour period entered the front of the site via the rear. Mr. Wersted stated the proposed project may cause some concerns but the magnitude of the concerns are not great enough to impact the site. Mr. Moriello stated the Ulster County Planning Board disapproved this project. Mr. Moriello went on stating a former member of the Town of Ulster Planning Board spoke out against this project without having all the new information that was received in the last three months. It is Mr. Moriello's opinion that the County Planning Board members did not look at the information they received. Mr. Decker stated he felt deliveries to the rear of the building would interfere with the vehicles waiting in line at the drive thru. Mr. DiSanza stated Panera receives all of their deliveries after hours. Mr. Sorensen stated he felt the traffic control issue has been addressed; the last issue would be the recommended modifications on the rear facade. Mr. Sorensen recommended a cornice be placed on the rear facade; at this time the owner of the site does not wish to place the cornice on the rear facade. After a short discussion

Town of Ulster Planning Board

March 20, 2012

Mr. Almquist motioned to require the cornice; Mrs. Hayner seconded the motion with all in favor. Mr. Moriello will rewrite a draft resolution and submit it to the Board prior to the April meeting.

Ulster Gardens – Public Hearing

A motion to open the Public Hearing was made by Mr. Allison with a second from Mrs. Hayner. Peter Romano appeared on behalf of the application. Mr. Romano reviewed the project showing the reserve parking area that was requested by the Zoning Board. The floor was opened to the public.

Robert Barton opposes the 3 story building stating it does not fit in the neighborhood with single family dwellings. Mr. Barton also had concerns with drainage and stormwater as the wetlands have increased.

John Goerke of Sunrise Avenue stated concerns with the water levels that have plagued the neighborhood since the Fox Run project was built. Mr. Goerke stated he is afraid the problem will get worst with the new development.

Mr. Gulnick submitted pictures to the Board Members showing water behind the Fox Run properties. Mr. Gulnick voiced concerns on drainage, noting this project should not be able to place more water into the vicinity of Ledge Road. Mr. Gulnick also opposes the 3 story building stating it does not fit in a single family residential neighborhood; he suggest the applicant plant 3 rows of trees that stay green year round. Mr. Gulnick feels that the Town should require the applicant to update their traffic study to the year 2017.

Mr. Romano responded to Mr. Gulnick's concerns; the applicant is aware of the low depressed area in the vicinity of Ledge Road that has existing drainage issues. This plan will reduce the amount of area draining to this depressed area by modifying the site grade. This will not eliminate the ponding completely. A balloon test was completed on the site and it was difficult to see the balloons even with leaf off conditions. By clustering the project it does limit the visual impact. A revised Traffic Study will be submitted to the Town with a 2018 date as per NYS DOT.

Vincent Guido submitted a history of the Ulster Manor/Garden project to the Board. He reminded Mr. Sorensen that the Ulster Garden project was never approved; and he commended the developer on the new project stating it was better than the last proposal. Mr. Guido stated the in the original statement of findings had inconsistencies. There was no investigation of the Karst on the site; all the wetlands have not been identified and there is no account for the discharge of herbicides and pesticides that will be used on the site. Mr. Guido questioned if there would be a supplemental EAF completed?

*Town of Ulster Planning Board
March 20, 2012*

Mr. Tremper questioned if there are any comments from NYS DOT on the road being opened on both sides. Mr. Romano answered; the DOT made the request at a meeting but he would look to see if he had any correspondences stating the request.

Mr. Sorensen stated the Board would be receiving a Draft Amended Finding Statement to review after the Board reviews this document they will decide if more information will be required. This document has the original Finding Statement and new information that has been received. Planning Board has Lead Agency status for the subdivision and allowing the cluster development on this project; once SEQRA is determined the Board will be able to vote on these issues.

A motion to close the Public Hearing was made by Mrs. Hayner with a second from Mr. Almquist.

Grossman Bargain Outlet – Site Plan Amendment

Paul Hakim appeared on behalf of the application for an addition to the existing Grossman Bargain Outlet. Mr. Hakim submitted revised plans to the Board; the sewer lines have been added as well as the double stripping at the end of the parking stalls. DOT's comments have been incorporated into the plan. A note will be placed on the plan stating full cut off lighting will be used. Parking spaces located in front of the rental trucks have been removed. A revised elevation was submitted and approved. The Ulster County Planning Board came back with a "No Decision" as they did not have a quorum; however they did have comments on outdoor storage and the need for a cross easement. Mr. Hakim stated the applicant will have outdoor displays under the covered area and a note will be placed on the plan for a future cross easement. Mr. Sorensen recommended the Board forward the project to the Town Board for approval.

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

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by DHR Properties, LLC (owners) on behalf of Grossman Bargain Outlet (Tenant) seeking *Site Plan Amendment* approval to construct a 7,500 square foot (SF) addition to the existing 13,137 SF *Grossmans Bargain Outlet*, which is located at 1051 Ulster Avenue; and

WHEREAS, the subject site is situated within the RC-Regional Commercial Zoning District where a retail business is permitted by right subject to Site Plan approval; and

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

- *Application for Site Plan Amendment* prepared by Scott Dutton, RA dated 2/7/12;
- *SEQR Short EAF* prepared by Scott Dutton, RA dated 2/7/12;
- *Existing Conditions Plan* prepared by Scott Dutton, RA dated 2/7/12;

***Town of Ulster Planning Board
March 20, 2012***

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- *New Work-Floor Plan and Elevations* prepared by Scott Dutton, RA dated 1/13/12; and
- *Preliminary Site Plan for New Work* prepared by Scott Dutton, RA dated 2/7/12.

- *Existing Conditions Plan* prepared by Scott Dutton, RA revised 2/22/12;
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- *Site Plan for New Work* prepared by Scott Dutton, RA revised 2/22/12; and
- *Sign Specification for Pole Sign* by Poyant Signs dated 2/22/12.

- *Existing Conditions Plan* prepared by Scott Dutton, RA revised 3/19/12;
- *New Work-Floor Plan and Elevations* prepared by Scott Dutton, RA revised 3/19/12; and
- *Site Plan for New Work* prepared by Scott Dutton, RA revised 3/15/12 & 3/19/12; and
- *New Work Elevations for Grossmans* prepared by Scott Dutton, RA revised 3/12/12.

WHEREAS, the Town of Ulster Town Board retains the authority to approve the site plan for this Proposed Action since more than 2,500 SF of new gross floor area is proposed; and

WHEREAS, the Planning Board and its consulting planner have determined the Proposed Action is an *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) with the Town of Ulster Town Board and New York State Department of Transportation as Interested Agencies; and

WHEREAS, the Town Board initiated SEQR Unlisted Action-Coordinated review by circulating its Notice of Intent to be Lead Agency at its March 1, 2012 Board Meeting; and

WHEREAS, the applicant provided detailed plans for the Proposed Action, which were reviewed by the Town's planner, water department, sewer department and New York State Department of Transportation; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 1 and m of NYS General Municipal Law and written comments from the UCPB were provided on March 19, 2012; and

WHEREAS, upon review the Ulster County Planning Board issued a *Notice of No Decision*, but recommended a cross access easement in the northwest corner of the subject site; and

WHEREAS, the applicant and Town of Ulster Planning Board agreed with this recommendation and asked the applicant to show cross access easement note on Site Plan; and

***Town of Ulster Planning Board
March 20, 2012***

WHEREAS, the NYSDOT has recommended the addition of striping on the edge of the existing driveway, which is shown on the revised Site Plan; and

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

NOW THEREFORE BE IT RESOLVED the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation of a SEQR Determination of Non-Significance (Negative Declaration) upon the Town Board assuming its Lead Agency Status; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends the Town Board grant Site Plan Approval to *DHR Properties, LLC* - on behalf of Grossman Bargain Outlet - to construct a 7,500 square foot (SF) addition to the existing 13,137 SF *Grossmans Bargain Outlet* 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 NYSDOT required striping of existing driveway on the subject site;
4. Submission of revised Site Plan with a note showing future a *cross access easement* in the northwest corner of the subject site;
5. Submission of revised Site Plan with sewer service located on the drawings where it enters the building;
6. Compliance with Town Sewer Department requirements;
7. Compliance with Town Water Department requirements; and
8. All fees, including consultant fees, shall be paid.

Bank of America – Site Plan Amendment

Tim Ponton appeared on behalf of the application for a freestanding ATM, Mr. Ponton reviewed the project with the Board; the applicant is proposing to add a freestanding ATM to the existing site on Ulster Avenue. The project was reviewed by the Board in January and was sent to the ZBA for variance request on signage and lighting. The lighting was revised since the last review and is now lower but still needed a variance to meet the NYS requirements for ATM lighting; this request was granted by the Zoning Board of Appeals. The signage on the ATM also required a variance of approximately 1 sq ft and that was also granted. The applicant agreed to re-stripe the parking lot. Mr. Sorensen recommended the Board approve the site plan amendment with the condition the ZBA Chairman reviews the lighting plans before it is signed. Mr. DeForest read the resolution.

*Town of Ulster Planning Board
March 20, 2012*

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

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Bank of America* – is seeking Site Plan Amendment approval to allow them to remove an existing handicap accessible ramp and sidewalk, construct a stand-alone drive-up ATM kiosk with a *canopy* in its place and construct a new handicap accessible ramp to the west of the proposed ATM; and

WHEREAS, the subject site is situated within the RC-Regional Commercial Zoning District where a bank is permitted by right subject to Site Plan approval; and

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

- *Site Plan Amendment Application* by Charles D. Olivio, PE., dated 12/27/2011;
- *SEQR Short Environmental Assessment Form* by Charles D. Olivio, PE dated 12/27/11;
- *Cover Sheet* for ATM Upgrades by Stonefield Engineering and Design revised 3/13/12;
- *Existing Conditions Plan* prepared by Stonefield Engineering and Design revised 3/13/12;
- *Demolition Plan* prepared by Stonefield Engineering and Design revised 3/13/12;
- *Site Plan* prepared by Stonefield Engineering and Design revised 3/13/12;
- *Grading & Utility Plan* prepared by Stonefield Engineering and Design revised 3/13/12;
- *Lighting Plan* prepared by Stonefield Engineering and Design revised 3/13/12;
- *Lighting Details* prepared by Stonefield Engineering and Design revised 3/13/12; and
- *Details and Notes* prepared by Stonefield Engineering and Design revised 3/13/12.

WHEREAS, the Zoning Board Appeals approved variances for site lighting and signage on the ATM Kiosk at its March 7, 2012; and

WHEREAS, the applicant submitted revised plans in accordance with the ZBA's approvals; and

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

NOW THEREFORE BE IT RESOLVED, the Town of Ulster 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 Town of Ulster Planning Board does hereby grant Site Plan Amendment approval to *Bank of America* to allow them to remove an existing

Town of Ulster Planning Board
March 20, 2012

Handicap accessible ramp and sidewalk, construct a stand-alone drive-up ATM kiosk with a *canopy* in its place and construct a new handicap accessible ramp to the west of the proposed ATM 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. Sign off by the ZBA Chairman that lighting levels and signage comply with conditions set by the ZBA; and
4. All fees, including consultant fees, shall be paid.

Carpet Garage – Site Plan Amendment

Robert Godwin and Andrew Bahl appeared on behalf of the application for a change of use, site plan amendment. Mr. Godwin stated the space was previously an office and will now be a second hand store. Revised plans were submitted to the Board; the planters on the site will be replanted. Mr. Bahl stated he would like to keep the existing pole sign that is on the site. Mr. Decker questioned how many storage containers will be on the site. After a short discussion it was decided there would be 2 storage containers; one next to the building and the tractor trailer that is used for carpet recycling. Mr. Godwin will place the location of the trailers on a revised plan. A discussion on the handicapped ramp and entrance to the building followed. The Board reviewed the sign ordinance and the placement of the sign Carpet Garage property; after a short discussion it was decided that if the sign will be removed from the site. Mr. Sorensen recommended the Board approve the plan with conditions of the removal of the sign, and the placement of 1 storage container and the tractor trailer on the site plan.

Action: Mrs. Hayner motioned to accept the planner's recommendation with a second from Mr. Allison with all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Robert Godwin, RA agent for Andrew Bahl (owner) for *Site Plan Amendment* approval for a change in use from office to retail within an existing commercial building located at 925 Ulster Avenue; and

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

- *Site Plan Application for Change in Use* prepared by Robert Godwin, RA dated 1/24/12;
- *Narrative Description by Roundout Architecture & Planning, PLLC* dated 2/6/2012;
- *SEQR Short EAF* prepared by Robert Godwin, RA dated 1/24/12;
- *Site Plan & Floor Plan* prepared by Robert Godwin, RA dated 2/4/12; and
- *Amended Site Plan* prepared by Robert Godwin dated February 17, 2012.

***Town of Ulster Planning Board
March 20, 2012***

WHEREAS, the Proposed Action complies with the off-street parking requirements of the Town Code and otherwise comply with the bulk requirements of the Highway Commercial Zoning District; and

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

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

NOW THEREFORE BE IT RESOLVED, the Town of Ulster 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 Town of Ulster Planning Board does hereby grant Robert Goodwin, RA agent for Andrew Bahl (owner) for *Site Plan Amendment* approval for a change in use from office to retail within an existing commercial building located at 925 Ulster Avenue 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 NYSDOT required modifications to existing driveways on the subject site; a
4. Removal of non-conforming pole sign on site pursuant to Section 190-34 (D) of Town Code;
5. One storage container is permitted on site as shown on Site Plan revised 2/17/12;
6. Submission of revised Site Plan showing general location where tractor-trailer used for carpet recycling will be placed on the subject site;
7. Submission of revised Site Plan with handicap accessible parking space and access details, which comply with Chapter 11 of the Building Code of New York State;
8. Code Enforcement Officer approval of condition No. 6 and No. 7 before Site Plan signed;
9. All fees, including consultant fees, shall be paid.

*Town of Ulster Planning Board
March 20, 2012*

Honest Foods & Stuff (Peacebomob) Site Plan

Nadine Carney appeared on behalf of the application for a retail site that consists of 2 geodesic domes; one dome will be for retail sales the other a greenhouse. Ms. Carney stated the stormwater plan has been submitted and forwarded to Praetorius & Conrad and the New York State DOT for review. Plantings have been added to the plan; the shed will be included in the next submittal. The Ulster County Planning Board's required modification's include; Health Department approval., elevations, easements noted on the plan, additional landscaping and full cut-off fixtures on lighting. Ms. Carney stated the applicant is still working on the easement issues and is waiting to hear back from the Health Department, the lighting and landscaping has been submitted. A discussion on if the project should be forwarded to the Town Board followed. It was decided the applicant should submit elevations and have comments on the stormwater before the project is forwarded to the Town Board. No action was taken.

Dena Marie Plaza – Site Plan Amendment

David Kaplan and Craig Tripp appeared on behalf of the application for a facade change for the Dena Marie Plaza. Mr. Sorensen stated that in his review he requested the signage be reduced but after speaking to the applicant he realized the signage was consistent with the variance that was granted for the site. Mr. Sorensen recommended approval of the facade change. A motion to approve the request was made by Mr. Decker with a second from Mr. Almquist with all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Kaplan Realty Group seeking *Site Plan Amendment* approval to make façade renovations to a portion of the front of the existing retail building to accommodate signage and corporate image/logos for a new tenant “Five Below;” and

WHEREAS, the subject site is situated within the RC-Regional Commercial Zoning District where a retail business is permitted by right subject to Site Plan approval; and

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

- *Cover Letter for Facade Renovation* prepared by Chazen Companies dated March 14, 2012;
- *Application for Site Plan Amendment* prepared by Chazen Companies dated March 13, 2012;
- *SEQR Short EAF* prepared by Chazen Companies dated March 13, 2012;
- *Sketch for Rear Ramp Modifications* prepared by Chazen Companies dated 3/13/12;
- *Preliminary Storefront Design for Five Below by Kaplan Realty Group dated 2/7/2012;*
and
- *Sign Details by Anchor Sign Company dated 1/19/2012.*

***Town of Ulster Planning Board
March 20, 2012***

WHEREAS, the Proposed Action complies with conditions set forth by the Zoning Board Appeals related to the size of the proposed signs; and

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

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

NOW THEREFORE BE IT RESOLVED, the Town of Ulster 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 Town of Ulster Planning Board does hereby grant Site Plan Amendment Approval to Kaplan Realty Group to allow them to make façade renovations to a portion of the front of the existing retail building to accommodate signage and corporate image/logos for a new tenant “Five Below.

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Landing Woods – Site Plan/ Special Use/ Subdivision

Chris La Pine appeared on behalf of the application for a townhouse community. Mr. Lapine reviewed the revisions with the Board. A lighting plan has been submitted, the landscaping plan has been revised changing lilacs to white spruces. The plan now shows the realignment of buildings that border Alder Ct. A copy of the new plan was mailed to the Mr. Sickles (adjoining neighbor) and his attorney; Mr. Sickles has not responded to the revised plan that was sent in February. Mr. Sorensen stated Mr. LaPine was looking for an approval from the Board on the new design; Mr. DeForest stated he like the plan and noted the applicant has made a concerted effort to improve the issues. Mr. LaPine reviewed the architectural plans with the Board. The Board approved the elevations. The applicant is waiting on approval from DOT. A long discussion on road detail with Frank Petramale, Mr. LaPine and the Board followed. Mr. Petramale noted his review letter stated that all roads should be built to meet the minimum road standards but as they are private roads the Town cannot mandate the standards. Mr. Petramale also requested all construction vehicles use the Rt. 32 access. Mr. Lapine stated he was looking for approval of the plan as submitted so he could move forward with other details on the plan. The Board agreed that they were comfortable with the plans as submitted. No action was taken by the Board.

*Town of Ulster Planning Board
March 20, 2012*

Ulster Garden SEQRA

Members of the Board received a copy of the Draft Statement of Findings. Mr. Sorensen reviewed what was in the Draft Statement of Findings and explained that the Planning Board should be looking for anything in the Ulster Gardens project that has a potential adverse environmental impact that was not addressed in the prior project.

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

Respectfully Submitted
Mary Secreto
Planning Secretary