

TOWN OF ULSTER  
PLANNING BOARD  
March 14, 2015

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday March 14, 2015 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Karl Allison- sub-Chairman  
Anna Hayner  
Larry Decker  
Alan Sorensen – Planner

Troy Ashdown  
Andrew Stavropoulos

Excused:  
Gary Mulligan

Frank Almquist

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

### **ShopRite**

Daniel Peveraro appeared on behalf of the application for a 10,250 square foot addition to the existing ShopRite Supermarket along with ancillary vestibule expansion (669 sf), mezzanine (945 sf), and reconfiguration of driveways and on-site parking. Mr. Peveraro stated that all the Ulster County Planning Board comments had been addressed and that the plans had been revised as per PlanIt Mainstreet and Brinnier & Larios' comments. Mr. Sorensen recommended that the Town Board override the Ulster County's Planning Board's modifications. Mr. Sorensen then read his resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by The Lauro Group with the consent of Harold Sutton of CR Kingston Associates, LLC (Owner) seeking site plan amendment approval; and

WHEREAS, Proposed Phase 1 Construction consists of a 10,250 square foot (sf) addition to the existing ShopRite Supermarket along with ancillary vestibule expansion (669 sf), mezzanine (945 sf), and reconfiguration of driveways and on-site parking areas on the subject site. In addition, approximately 36,500 sf of cleared land (which was originally intended for a 15,830 sf building) will be developed for parking for the ShopRite and the parking lot in front of ShopRite will be regraded to bring it into compliance with current ADA requirements. This phase will also include drainage improvements in accordance with NYSDEC standards, replacement of the existing area lights, restriping of the parking area, additional landscaping and various site improvements;

WHEREAS, Phase 2 Construction would consist of the construction of a 30,961 sf retail building on a previously cleared site and another 7,412 sf building on currently paved lands near the Sonic Restaurant. This phase will also include drainage improvements in

TOWN OF ULSTER  
PLANNING BOARD

March 14, 2015

accordance with NYSDEC standards, replacement of the existing area lights, restriping of the parking area, additional landscaping, sidewalks and various site improvements. A second cross access to the adjacent Home Depot site will be constructed in this phase, and will include a pipe culvert and stabilized embankment inside the drainage channel at the north side of the property; and

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

- Written Narrative prepared by The Lauro Group dated November 3, 2016;
- Site Plan Consent Form signed by Harold Sutton of CR Kingston Associates, LLC dated 9/22/16;
- Site Plan Application for ShopRite prepared by Wilson Rugel, Shoprite Supermarkets, dated 9/22/16;
- SEQR Short EAF Part 1 prepared by Wilson Rugel, Shoprite Supermarkets, dated 9/22/16;
- Cover Sheet prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Overall Site Plan prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Site Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Site Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Removals Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Removals Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Grading & Drainage Plan Phase 1 by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Grading & Drainage Plan Phase 2 by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Utility & Sanitary Plan Phase 1 by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Utility & Sanitary Plan Phase 2 by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Lighting Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Lighting Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Landscape Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16; - Landscape Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;
- Soil Erosion & Sediment Control Phase 1 prepared by The Lauro Group dated 10/26/16;
- Soil Erosion & Sediment Control Phase 2 prepared by The Lauro Group dated 10/26/16;
- Detail Sheet 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16;

TOWN OF ULSTER  
PLANNING BOARD

March 14, 2015

- Detail Sheet 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16; and
- Fire Truck Exhibit prepared by The Lauro Group – Diversified Alliances in Land Use dated 10/26/16.
- Cover Sheet prepared by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Overall Site Plan prepared by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Site Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Site Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Removals Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Removals Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Grading & Drainage Plan Phase 1 by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Grading & Drainage Plan Phase 2 by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Utility & Sanitary Plan Phase 1 by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Utility & Sanitary Plan Phase 2 by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Lighting Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Lighting Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 11/28/16;
- Landscape Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Landscape Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Phase 1 & 2 and Stage 1 & 2 SWPPP by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Soil Erosion & Sediment Control Phase 1 prepared by The Lauro Group dated 1/13/17;
- Soil Erosion & Sediment Control Phase 2 prepared by The Lauro Group dated 1/13/17;
- Detail Sheet 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- Detail Sheet 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 11/28/16;
- Fire Truck Exhibit prepared by The Lauro Group – Diversified Alliances in Land Use dated 1/13/17;
- SWPPP for ShopRite Supermarket Additions by DSP Engineering, PLLC dated January 31, 2017; and
- Building Elevations Sheets A-1.1, A-2.1, A-2.2 and A-3.1 by Rand K. Rosenbaum, RA dated 1/30/2017.

TOWN OF ULSTER  
PLANNING BOARD  
March 14, 2015

- Cover Sheet prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/28/17;
- Overall Site Plan prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Site Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Site Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Removals Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Removals Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Grading & Drainage Plan Phase 1 by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Grading & Drainage Plan Phase 2 by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Grading & Drainage Plan Detail Sheet 1 by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Grading & Drainage Plan Detail Sheet 2 by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Utility & Sanitary Plan Phase 1 by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Utility & Sanitary Plan Phase 2 by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Lighting Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Lighting Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Landscape Plan Phase 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Landscape Plan Phase 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- SWPPP Phase 1, Stage 1 & 2 by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- SWPPP Phase 2, Stage 1 & 2 by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Detail Sheet 1 prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Detail Sheet 2 prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17;
- Fire Truck Exhibit prepared by The Lauro Group – Diversified Alliances in Land Use dated 2/16/17; and
- Sign Details and area compilation by Lewis Sign Company dated 1/25/2017 and 1/30/2017.

TOWN OF ULSTER  
PLANNING BOARD

March 14, 2015

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

WHEREAS, The Town of Ulster Town Board – as Lead Agency – adopted a SEQR Negative Declaration prior to approving the Site Plan Amendment for the ShopRite Plaza in 2008; and

WHEREAS, The Town of Ulster Town Board initiated Unlisted Action-Coordinated Review to reaffirm its status as Lead Agency for the review of the amended Site Plan application; and

WHEREAS, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide; and

WHEREAS, this matter was referred to the Ulster County Planning (UCPB) and discussed at their March 1, 2017 meeting and written comments were received on March 20, 2017 as follows: 1) The applicant should be required to provide compelling evidence of the need to restrict turning movement at the eastern-most curb cut prior to this being permitted. Prior to any restriction being put in place the traffic study should be revisited to ensure that the signalized intersection could handle the increase volume of left turning movements, 2) The UCPB supports this cross-access easement as proposed and recommends it be included as a condition of site plan approval. The UCPB also recommends that the existing eastern cross access be eliminated as it has difficult turning radii and blind spots; 3) We strongly suggest the Town reconsider the pedestrian environment associated with the project through designing a better means of access to and from store entrances as discussed above. In addition, the sidewalks along Miron Lane need to be designed and included in the plans rather than just noted for future development. Furthermore, these sidewalks should be incorporated into the construction phases rather than wait until adjacent sidewalks are developed. The portion east of the lighted intersection should be incorporated into the first phase of development and the portion west of the lighted intersection should be incorporated as part of the second; 4) Landscaping for building # 3 should be shown or approvals should require that when constructed in the future a landscaping plan will be required. Similarly, sidewalk details along Miron Lane should include landscaping or require this issue to be revisited once they are required to be constructed; 5) All signage should conform to the standards of the Town's zoning statute and a master signage plan for buildings, wayfinding, and directional signage should all be provided to the Town for review; and 6) The UCPB recommends that the strip commercial style design proposed for the multi-tenant building and smaller retail building be avoided. While consistency of design is encouraged, a design that does more to break up the mass and scale and provides for public space, including outdoor seating and bicycle racks should be provided; and

WHEREAS, the Town of Ulster Planning Board finds the following in response to the County's required modifications: 1) (Override): A traffic study update is not warranted since there has not been a significant increase in traffic volume in the vicinity of the project since the SEQR Negative Declaration was granted for the original plan to expand

TOWN OF ULSTER  
PLANNING BOARD

March 14, 2015

the ShopRite Plaza in 2008 and less square footage is proposed with the Current Proposed Action; 2) (Condition of Approval): The cross-access easement is recommended to be a condition of Site Plan approval; 3) (Override): the Phase 2 Site Plan provides for an internal system of sidewalks from Home Depot to Miron Lane, and future connections along Miron Lane and U.S. Route 9W are best covered by the Town's Sidewalk Memorandum of Understanding (MOU); 4) (Condition of Approval): the applicant will be required to provide a landscape plan for building No. 3 and to provide for landscaping along sidewalks along Miron Lane once they are required to be constructed in accordance with the Sidewalk MOU; 5) The proposed signs are in compliance the Town's zoning statues or with prior approvals granted by the ZBA; and 6) (Override): the Town of Ulster Planning Board recommends the Town Board override this required modification.

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, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose any potentially significant adverse environmental impact; and

WHEREAS, the Planning Board determined it had complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and thereby reaffirms its SEQR Determination of non-significance for the Current Proposed Action and recommends the Town Board reaffirms its SEQR Negative Declaration for the Proposed Action; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board recommends the Town Board override UCPB conditions No. 1, No. 3 and No. 6 as cited above, but require the applicant to enter into agreements as cited above to address required modifications No. 2 and No. 4; and

FURTHER 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 conditional Site Plan approval to The Lauro Group with the consent of Harold Sutton of CR Kingston Associates, LLC (Owner) to amend the Site Plan as described above 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 technical comments by the Town Designated Engineers Brinnier & Larios, PC;
5. The applicant/owner shall provide a landscape plan for building No. 3 prior to Phase 2 construction and for the sidewalks along Miron Lane once they are required to be constructed in accordance with the Sidewalk MOU;

TOWN OF ULSTER  
PLANNING BOARD

March 14, 2015

6. The applicant/owner shall describe the 2nd cross-access easement and finalize the easement agreement with the Town Attorney prior to the issuance of Building Permit for Phase 2 construction;
7. The applicant/owner shall coordinate with UCAT to provide a location for a UCAT bus shelter on the subject site prior to the issuance of Building Permit for Phase 2 construction;
8. 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
9. All fees, including consultant fees, shall be paid.

**Action:** A motion to amend the Planners resolution to include a UCAT bus shelter on site was made by Ms. Hayner with a second from Mr. Ashdown with all in favor.

The projected is being forwarded to the Town Board for review.

### **Starry Night's Studios**

Juanita Hotchkiss appeared as the applicant. Mr. Sorensen reviewed the project with the Board stating Ms. Hotchkiss was applying for a change of use from a karate studio to an art studio that served food and beverages, which is allowed in the RC zone. Mr. Sorensen noted that there is adequate parking space, her signs will be compliant, and there will be no renovations to the facade. Mr. Sorensen recommended that the Board grant approval. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Jaime DiDonna dba Starry Night Studio seeking approval for a Site Plan Amendment and Change in Use of a 1,677 SF school of learning (Karate School) to a eating and drinking establishment, which includes and arts sip and paint studio; and

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

- Project Narrative prepared by Juanita Hotchkiss dated February 23, 2017;
- Consent Form sign by the property owner James DiDonna dated February 23, 2017;
- Application for Site Plan Review prepared by Juanita Hotchkiss dated February 23, 2017;
- SEQRA Short EAF prepared by Juanita Hotchkiss dated February 23, 2017; and
- Starry Nights Studio, LLC sample Menu.

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

TOWN OF ULSTER  
PLANNING BOARD

March 14, 2015

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 Jaime DiDonna dba Starry Nights Studio 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 Town Sewer Department requirements; 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. Applicant provides an update of the parking compliance table showing existing tenant mix and corresponding off-street parking requirements; and
7. All fees, including consultant fees, shall be paid.

**Action:** A motion to accept the Planners recommendation was made by Mr. Ashdown with a second from Mr. Stavropoulos with all in favor.

### **Marky Mark's Tattoo and Piercing**

Larry Decker appeared on behalf of the applicant. Mr. Sorensen reviewed the project with the Board stating that Marky Mark's was applying for a change of use from an office to a tattoo and piercing shop, which is allowed in the RC zone. Mr. Sorensen noted that there is adequate parking space and his recommendation that the Board grant approval. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner, have reviewed an application by Lake Katrine Shopping Center, LLC seeking site plan amendment approval for a change in use from "office" to a "personal service establishment" MarkyMark Tattoo; and



TOWN OF ULSTER  
PLANNING BOARD

March 14, 2015

WHEREAS, the Town of Ulster Planning Board is the only agency with the authority to approve the Proposed Action; and

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

- Site Plan Application by Ann Decker and Margaret Almquist dated 7/2/14, received 2/24/17;
- SEQR Short Form EAF prepared by McKinsey Lachenbachek dated February 24, 2017;
- Site Plan for Enterprise Rent-A-Car dated February 7, 1992.

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF) found the Proposed Action was a Type II Action pursuant to Part 617 of SEQRA and further determined there no further SEQR review was required.

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues a SEQR Negative Declaration; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan approval for a change in use to Lake Katrine Shopping Center, LLC 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. 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;
4. Applicant provides an update of the parking compliance table showing existing tenant mix and corresponding off-street parking requirements; and
5. All fees, including consultant fees, shall be paid.

**Action:** A motion to approve Mr. Sorensen's recommendation was made by Mr. Ashdown with a second from Mr. Stravropoulos, with all in favor.

### **Ruby Estates MHP**

Robert Hagiopan appeared on behalf of the application for a change of use. Mr. Hagiopan stated the applicant is proposing a six lot addition to the existing fifteen lots for a total of twenty one lots in his mobile home park. The applicant will be providing two new roadways from South Road to access new homes. Mr. Sorensen stated that his recommendation would be to forward this project to Brinnier and Larios for review due to the involved wetlands.

**Action:** A motion to forward the application to Brinnier & Larios was made by Mr. Decker with a second from Mr. Ashdown; all were in favor.

TOWN OF ULSTER  
PLANNING BOARD

March 14, 2015

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary