

*TOWN OF ULSTER
PLANNING BOARD
March 8, 2016*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday March 8, 2016 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan-Chairman
Larry Decker
Andrew Stavropoulos
Troy Ashdown

Karl Allison
Anna Hayner

Alan Sorensen - Planner

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

Walmart

Dan Backstrom appeared on behalf of the application for a color change to Walmart. Mr. Backstrom stated the local store is going to be remodeled and would like to change the colors of the façade from tan to gray. There will be no other changes to the façade. The Board reviewed the request.

Action: A motion to grant the request to change the color of the façade from tan to gray was made by Mrs. Hayner with a second from Mr. Allison will all in favor.

Camp Belly Rub

Lynn Pino appeared on behalf of the application of a change of use for 853 Flatbush Road. Ms. Pino reviewed the proposed Doggy Day Care with the Board stating there will be no changes to the exterior of the building. They will be using the existing freestanding sign. Mr. Sorensen stated the revised plans have addressed his comments and recommended the Board grant site plan approval. Mr. Sorensen read the resolution.

WHEREAS, the applicant – *Lynn Pino with the Consent of Anthony Cecelia (Property Owner)* – is seeking approval for a *Site Plan Amendment* for a *Change in Use* to convert an existing 2,800 square-foot (sf) vacant building to a *dog daycare business*; and

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

- *Written Narrative* prepared by Anothony Cecelia, property owner dated 1/4/2016;
- *Site Plan Consent Form* signed by Anothony Cecelia, property owner dated 2/16/2016;
- *Site Plan Application* prepared by Lynn Pino, applicant dated 2/16/2016;
- *SEQR Short EAF* prepared by Lynn Pino, applicant dated 2/16/2016;
- *Sign Specifications* prepared by Lynn Pino, applicant undated; and
- *Site Plan* prepared by Marie T. Welch, LLS of Welch Surveying, dated February 19, 2016, and revised March 3, 2016.

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WHEREAS, pursuant to Section 145-2 of the Town Code, the Planning Board has the authority to approve the Site Plan application since the Proposed Action involves a change in use to an existing building; and

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

WHEREAS, the Town of Ulster Planning Board as Lead Agency found the Proposed Action was a SEQR *Type II Action* for which no further environmental review was required; and

NOW THEREFORE BE IT RESOLVED the Planning hereby finds the Site Plan application complete; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan approval to Lynn Pino to conduct a dog daycare business 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. Dog daycare business shall contract with an outside vendor to dispose of animal waste on a daily basis to an off-site location;
5. Hours of operation shall be from 6:30 am to 6:00 pm;

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

Bridgeview Storage

Chris Zell appeared on behalf of the application for 1100 Faltbush Road. Mr. Zell stated the site plan was approved January 17, 2000 but only one building was constructed. The applicant would now like to construct the second building. The new building will 8,000 sq ft. the exterior will match the existing structure. There will be no changes to the site the lighting will be wall packs. Mr. Sorensen stated the project will need to be forwarded to the Town Board and the Ulster County Planning Board.

Action: A motion to forward the project to the UCPB was made by Mr. Decker with a second from Mr. Allison with all in favor.

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Lands of Hudson River Heights & Michael Smith

Bill Eggers appeared on behalf of the application for a minor subdivision. Mr. Eggers stated the applicant would like to transfer 1.75 acres from Tax map 40.13-1-22.131 to 40.13-1-21. Mr. Sorensen stated the request is minor; the Board should schedule a public hearing for April 12th.

Action: A motion to schedule a public hearing was made by Mr. Decker with a second from Mrs. Hayner with all in favor.

Stewarts

Steve Kinley appeared on behalf of the application for 1872 Ulster Avenue. Mr. Kinley stated the applicant is proposing a new 3,897 sq ft Stewarts with 6 fuel pumps. The applicant is in the process of purchasing the neighboring property; both existing structures will be demolished. The applicant has contacted NYS DOT and will be meeting with representatives of the Holiday Inn Express to discuss the access; DOT would like the access points to be directly across from each other. Mr. Kinley will be submitting more detailed plans in the future. Mr. Sorensen stated he recommended Planning Board declare intent to serve as Lead Agency as there is a lot line adjustment included in the application.

Action: A motion to declare intent to be Lead Agency was made by Mr. Stravopoulos with a second from Mrs. Hayner with all in favor.

Equipment Rental and Supplies Inc.

Mardin Bathrick and Wayne Grimm appeared on behalf of an application for a change of use. Mr. Sorensen stated the revised plan have addressed his comments. The County Planning Board comments require a shared access with the adjoining property (American Printing) but DOT has requested the access be curbed. This will require an override from the Board. The freestanding sign will be moved to the side property line as per the DOT. Mr. Sorensen recommended the Board override the County comments on the access grant conditional approval. The conditions were read by Mr. Sorensen.

WHEREAS, the applicant – *Equipment Rentals & Sales, Inc. with the Consent of 881 – Owners, LLC* – is seeking *Site Plan* approval for a change-in-use to establish an equipment rentals & sales business, automotive detailing shop and warehouse on the subject site, which is located at 881 Flatbush Avenue (New York State Route 32).; and

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

- Site Plan Application* prepared by Kenneth Keefe, LS, dated 1/21/2016;
- *SEQR Short EAF* by Mark Bathrick, President of Equip. Rentals, Inc. dated 1/27/2016;
- *Cree LED Lighting Specifications for Wall Packs* by applicant submitted 1/27/2016;
- *Survey Map & Site Plan* by Kenneth M. Keefe, LLS, dated 1/26/16, revised 2/16/16; and

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- *Building Elevation* by Mark Bathrick, President of Equipment Rentals dated 1/27/2016.

WHEREAS, pursuant to Section 145-2 of the Town Code, the Planning Board has the authority to approve the Site Plan application since the Proposed Action involves a change in use to an existing building; and

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

WHEREAS, the Planning Board referred this matter to David Corrigan, Permit Engineer with the NYSDOT who issued a letter requiring the applicant to remove an existing freestanding sign within the NYSDOT right-of-way and delineating access to the property to the south; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board and comments were received that included a required modification concerning site access that was contrary to the NYSDOT's requested modifications; and

WHEREAS, the Town of Ulster Planning Board motioned to override the UCPB's required modification concerning site access since it was contrary to the NYSDOT's requested modifications and the NYSDOT has jurisdiction over this State Highway; and

WHEREAS, the Town of Ulster Planning Board as Lead Agency found the Proposed Action was a SEQR *Type II Action* for which no further environmental review was required; and

NOW THEREFORE BE IT RESOLVED the Planning hereby finds the Site Plan application complete; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan approval to *Equipment Rentals & Sales, Inc.* to conduct a equipment rentals & sales business, automotive detailing shop and warehouse 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. The applicant shall comply with all NYSDOT required modifications including the removal of the freestanding sign within the NYSDOT right of way and submit a revised Site Plan showing the delineation of access from the property to the south;

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5. Applicant submits a revised Site Plan addressing minor technical revisions cited in the Town Planner’s March 1, 2016 Project Review Notes;
6. 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;
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 Mrs. Hayner with all in favor.

Begnal Motors

Dennis Larios appeared on behalf of the application for a site plans amendment. Mr. Larios reviewed the changes in the plan; a 4,125 sq ft addition, losing 33 parking spaces and the removal of some of the retaining wall. The County Planning Board reviewed the changes and came back with a “No county impact”. Mr. Sorensen recommended the Board forward the project to the Town Board for approval with conditions. Mr. Sorensen read the conditions.

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

Ulster County SPCA

Dennis Larios appeared on behalf of the application for site plan approval. The applicant is proposing a 2,430 s.f. addition for a dog kennel. No other changes will be made on the site. The Ulster County Planning Board recommendation stating the applicant will need to request a variance was discussed. Mr. Larios stated the addition does not constitute a substantial improvement as per the definition in the Town Code. Mr. Sorensen recommended the Board override the County Recommendation and approve the project with conditions. Mr. Sorensen read the conditions.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application – Adam Saunders, Director of Ulster County SPCA –seeking *site plan amendment* approval to construct a 45’ x 54’ or 2,430 square-foot (sf) building addition to the south end of the existing 9,750 sf Ulster County SPCA facility at 20 Wiedy Road; and

WHEREAS, under the Town Code, the Planning Board retains the authority to approve the Site Plan Amendment application since the new building addition is less than 2,500 square feet; and

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

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- *Site Plan Consent Form* by Adam Saunders, Director of Ulster County SPCA dated 10/26/15;
- *Site Plan Application* by Adam Saunders, Director of Ulster County SPCA dated 10/26/15;
- *SEQRA Short EAF Part 1* Adam Saunders, Director of UCSPCA dated 10/26/15;
- *Existing Conditions Plan* prepared by Brinnier & Larios, PC dated January 2016; and
- *Site Plan for UCSPCA* prepared by Brinnier & Larios, PC dated January 2016.

WHEREAS, the Town of Ulster Planning Board, upon review of the application materials determined the Proposed Action was a *Type II Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, Interested Agencies would include the Ulster County Planning Board and the City of Kingston; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board (UCPB) by the Town of Ulster Planning Board pursuant to Section 239 l and m of NYS General Municipal Law *and written comments were received on March 2, 2016, which included a required modification for the applicant secure a variance from the Town of Ulster ZBA for development within the floodplain; and*

WHEREAS, upon review of the Town of Ulster Town Code in the context of the UCPB's required modification it was determined the need for a variance was not applicable to the Proposed Action since it did meet the definition of "substantial improvement" in accordance with Section 87-4 of the Town Code; *and*

WHEREAS, the Town of Ulster Planning Board motioned to override the UCPB's required modification; and

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

NOW THEREFORE BE IT RESOLVED the Planning Board – upon receipt of the additional application materials as requested by the Town of Ulster Planning Board at its February 2016 meeting – hereby finds the Site Plan application complete; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan approval 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;

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3. Compliance with site plan, design plans and all details as cited herein;
4. Compliance with all applicable regulations concerning development within a floodplain;
5. Approval of the modification of septic design by the UCHD and approval of site access modifications (if requested) by the Ulster County DPW;
6. 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
7. All fees, including consultant fees, shall be paid.

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

1099 Ulster Avenue

Scott Dutton appeared on behalf of the application for site plan revision for 1099 Ulster Avenue. Mr. Dutton reviewed the revised plans with the Board. As per the request by NYS DOT the site will be right in right out with signage and striping to reinforce the signage. A drywell will be installed for drainage. Ulster County Planning Board required modifications included the submittal of landscaping and lighting plans; these are included with in the revised plans. The County Planning Board also requested a cross access that would start at the Office Depot Plaza and run behind the parcels. After a short discussion the Board determined that this was not a feasible idea. Mr. Dutton stated the applicant will be returning to the Planning Board when the signage design is approved. Mr. Sorensen recommended the Board override the required modifications for a cross access and forward the project to the Town Board for conditional approval. Mr. Sorensen read the conditions.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Lillian & Arthur Nazginov seeking Site Plan Amendment approval to construct a 3,797.2 square foot (sf) addition to an existing 6,522.8 sf commercial building along with associated improvements to parking, access, landscaped areas and utility infrastructure; and

WHEREAS, the applicant is proposing establish a *retail furniture store* on the subject site, which is permitted by right subject to Site Plan Review; and

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

- *Written Narrative* by Dutton Architecture, PLLC dated January 29, 2016;
- *Site Plan Consent Form* by Lillian Nazginov, *unsigned and undated*.
- *Site Plan Application* by Scott Dutton, RA of Dutton Architecture, PLLC *undated*;
- *SEQR Short EAF Part 1* by Scott Dutton, RA of Dutton Architecture, PLLC 1/29/2016;
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- Existing Site Plan* prepared by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
- *Proposed Site Plan* prepared by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
 - *Proposed Landscaping Plan* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
 - *Proposed Topography* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
 - *Site Details* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
 - *Existing Conditions Floor Plans* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
 - *Existing Conditions Elevations* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
 - *Proposed First Floor Plans* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016; and
 - *Proposed Basement Plan* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016; and
 - *Proposed Elevations* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016.

 - *Proposed Elevations* by Scott Dutton, RA of Dutton Architecture, PLLC dated 2/9/2016;
 - *Proposed Landscaping Plan* by Scott Dutton, RA of Dutton Architecture, PLLC 2/9/2016;
 - *Existing Site Plan* by Scott Dutton, RA of Dutton Architecture, PLLC dated 3/8/16;
 - *Proposed Site Plan* prepared by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/16;
 - *Proposed Site Plan* prepared by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016
 - *Proposed Landscaping Plan* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
 - *Proposed Topography* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
 - *Proposed Site Lighting* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
 - *Site Details prepared* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
 - *Existing Conditions Floor Plans* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
 - *Existing Conditions Elevations* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
 - *Proposed First Floor Plans* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016; and
 - *Proposed Basement Plan* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016; and
 - *Proposed Elevations* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016.

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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, upon a favorable recommendation from the Town of Ulster Planning Board; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board (UCPB) by the Town of Ulster Town Board pursuant to Section 239 1 and m of NYS General Municipal Law *and written comments were received on March 2, 2016, which included required modifications; and*

WHEREAS, upon review of the required modifications the Town of Ulster Planning Board determined the applicant's revised Plan Set complied with the lighting and landscaping requirements, but did not address the UCPB's request for additional cross access easements; *and*

WHEREAS, the Town of Ulster Planning Board motioned to recommend to the Town Board to override the UCPB's required modification concerning cross-access; and

WHEREAS, the Town of Ulster Planning Board, referred this matter to the Town of Ulster Zoning Board of Appeals, which scheduled a public hearing for April 6, 2016 to consider an area variance to allow the applicant to construct a new addition within a portion of the required Front Yard Setback, since the proposed addition would not project closer to the front yard than the existing building; and

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

NOW THEREFORE BE IT RESOLVED, the Planning Board – upon receipt of the additional application materials as requested by the Town of Ulster Planning Board finds the Site Plan application complete; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends that the Town of Ulster Town Board grants Conditional Site Plan approval for the Proposed Action 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. The applicant secures an area variance from the Zoning Board of Appeals;
5. The applicant consents to reappearing before the Planning Board to secure approval for its wall and freestanding sign once such plans are ready for review;

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6. 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
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. Mulligan with all in favor.

KINGSWOOD PLAZA

Paul Jankoviitz appeared on behalf of the application for site plan. Mr. Jankoviitz reviewed easement documents that were submitted to the Board. Mr. Kovacs stated the applicant does have a legal cross easement with the Kings Mall property. Discussion on access, turning restrictions and cross access to the property to the North of site followed. The applicant will provide detailed plans at a later date.

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

Respectfully Submitted,
Mary Secreto, Planning Secretary