

Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday May 19, 2009 at 7:00 pm. at the Town Hall Lake Katrine New York. The following members were present:

Ozzie Beichert – Chairman  
Frank Almquist –  
Larry Decker  
Renno Budziak  
Scott Ricketson

Alan Sorensen – Planner

A motion to approve the minutes of the April meeting was made by Mr. Almquist and seconded by Mr. Beichert; all were in favor.

**9W Efficiencies – Site Plan Revisions**

Bruce Utter appeared on behalf of the application for site plan revision. The applicant is requesting a revision to the site plan that was approved in 1997 and revised in 2007. The existing site has four one-bedroom apartments and two office spaces; the applicant would like to convert the office into two apartments with a small office. The plan also adds two additional spaces to the site currently there are twelve parking spaces two of which are handicap accessible. Mr. Utter states a Memorandum of Understanding to install sidewalks is currently on file with the Town; a note stating the MOU is on the plan. The property is served by municipal water and sewer. Mr. Sorensen states the changes are minor; the plan does need to be referred to the County Planning Board. A short discussion on conditions of approval followed.

**Action:** A motion to grant a negative declaration as per SEQRA was made by Mr. Decker with a second by Mr. Almquist; all were in favor. A motion to approve with the condition the County Planning Board referral is a comment of “No County Impact” was made by Mr. Almquist and seconded by Mr. Decker. All were in favor

**RESOLUTION  
TOWN OF ULSTER TOWN BOARD**

**Robert Hooper  
Route 9W Executive Efficiencies  
Site Plan Amendment  
S-B-L: 39.019-3-17**

**WHEREAS,** the Planning Board and its consultant planner have reviewed an application by Robert Hooper for a change in use to allow the conversion of two (2)

existing office spaces to residential apartments while retaining a small office for the owner's use;

**WHEREAS**, the Zoning Board of Appeals authorized the existing uses and the Planning Board granted site plan approval for the subject property in 1997; and

**WHEREAS**, materials submitted in support of the proposed action include:

- *Letter of Transmittal* prepared by Bruce Utter, PE Praetorius & Conrad, P.C. dated 5/8/09;
- *Application for Site Plan Approval* prepared by Robert Hooper dated May 8, 2009;
- *SEQRA Short EAF* prepared by Bruce Utter, Praetorius & Conrad, P.C. dated 5/8/09; and
- *Site Plan Amendment* prepared Praetorius & Conrad, P.C. dated May 8, 2009.

**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 Planning Board has referred the proposed action to the Ulster County Planning Board pursuant to GML Section 239, 1 & M; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Short EAF) found that proposed change in use (an Unlisted Action) will not have an adverse impact on the environment; made a determination of non-significance and issued a Negative Declaration pursuant to Part 617 of SEQRA.

**NOW THEREFORE BE IT RESOLVED** that the 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**, that upon full consideration of the above, conditional Site Plan approval to permit a "change in use" allowing the conversion of two (2) existing office spaces to residential apartments while retaining a small office for the owner's use is granted, subject to the conditions, limitations and restrictions set forth below.

1. Receipt of a County Planning Board recommendation of Approval or Local Determination.

**Motioned by:** Mr. Almquist  
**Seconded by:** Mr. Decker

**All in Favor:** Mr. Almquist, Mr. Decker, Mr. Budziak, Mr. Ricketson, Mr. Beichert  
Granted May 19, 2009

## **Filomena Bunocore – Site Plan**

Joseph Pisani appeared on behalf of the application for site plan. Mr. Pisani states the last item to be resolved would be the lighting of the site. Mr. Pisani submitted to Mr. Sorensen a cut sheet for the existing lighting. Mr. Sorensen states that the cut sheet is different from the one that is on the plan. This will need to be changed on the plan. Mr. Beichert states that he was at the site and it is unsightly; there are a number of vehicles and junk stored on the property. This site is one of the first properties that are seen when entering the Town and it needs to be cleaned up. Mr. Beichert goes on to list the items that are on the site. Mr. Beichert asked if Mr. Pisani's client is willing to clean the property up as a condition to final site approval; Mr. Pisani agrees. Mr. Beichert goes on to state final site plan will be signed when the following conditions are met.

1. Removal within 30 days of Euclid dump truck, 2 snow plows, 2 washing machines, 2 pallets of shingles, a pick up truck with trailer full of trash, a second trailer full of trash a truck without a engine, several piles of lumber and a pick up truck with plow that is sunk into the ground.
  2. Materials being stored behind the repair garage must be remove within 30 days to make room for the five (5) parking spaces.
  3. SPEDES Permit from the NYS DEC is submitted to the Planning Department.
- Mr. Beichert states that once the site plan is signed the applicant will have 6 months to complete the site: Mr. Pisani agrees.

**Action:** a motion to grant a Negative Declaration as per SEQRA was made by Mr. Almquist and seconded by Mr. Decker with all in favor. A motion to grant conditional approval was made by Mr. Almquist with a second by Mr. Budziak.

## **RESOLUTION TOWN OF ULSTER PLANNING BOARD**

### **Filomena Buonocore Site Plan Approval S-B-L: 39.15-4-18**

**WHEREAS**, the Planning Board and its consultant planner have reviewed an application for Site Plan approval by Filomena Buonocore in order to remedy existing code violations on the subject site that presently contains a variety of land uses including residential apartments and an existing automotive service garage; and

**WHEREAS**, multiple dwelling apartments are not permitted within the HC-Highway Commercial Zoning District; and

**WHEREAS**, the Zoning Board of Appeals granted a use variance to allow apartments on the subject site within the existing apartment buildings provided the units were brought up to applicable building codes; and

**WHEREAS**, materials submitted in support of the proposed action include:

- *Site Plan Application* prepared by Kenneth M. Keefe, Surveyor dated April 5, 2007;
- *Short-from EAF* prepared by Kenneth M. Keefe, Surveyor dated April 5, 2007;
- *Site Plan* prepared by Kenneth M. Keefe, LLS dated January 24, 2007 and revised April 5, 2007, March 27, 2008, August 14, 2008, September 4, 2008, October 16, 2008, February 25, 2009 and April 7, 2009;
- *Narrative Description* from David K. Rider, P.E., PLLC dated May 4, 2009;
- *Site Plan* prepared by Kenneth M. Keefe, LLS dated April 7, 2009; and
- *Site Plan for Water and Wastewater Systems* prepared by David Rider, P.E., PLLC dated 4/7/09.

**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 considered the nature of the proposed uses and determined that it would place restrictions on the automotive service garage to ensure it will be harmonious with the orderly development of the area and not be detrimental to adjacent properties; and

**WHEREAS**, the Planning Board determined that the future use of an existing 554 square foot building is a "change in use" that shall require Site Plan Approval.

**WHEREAS**, the proposed action was referred to the NYSDOT for a highway access permit and the NYSDOT has issued a conditional highway access permit subject to the applicant making the improvements in accordance with access plan approved by NYSDOT and shown on the *Site Plan & Details for Road Access* prepared by David Rider, P.E., PLLC dated 4/7/09.

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Short EAF) found that proposed Site Plan & Road Access Improvements (an Unlisted Action) will not have an adverse impact on the environment; made a determination of non-significance and issued a Negative Declaration pursuant to Part 617 of SEQRA.

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**NOW THEREFORE BE IT RESOLVED** that the 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**, that upon full consideration of the above, Conditional Site Plan approval to permit proposed improvements to the site and road access improvements is granted, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with zoning and building laws, rules and regulations.
2. Compliance *Site Plan & Details for Road Access* prepared by David Rider, P.E. dated December 28, 2008 and revised April 7, 2009 *including the construction of the road access improvements approved by NYSDOT and securing the SPDES Permit from the NYSDEC.*
3. Prior to signing the Site Plan, the applicant's surveyor - Kenneth M. Keefe, P.L.S. - shall provide a revised Site Plan replacing the M-400 Luminaries specification with the M-250-R2 Cutoff Optic Luminaries specification.
4. Compliance with *Site Plan for Filomena Buonocore* prepared by Kenneth M. Keefe, P.L.S. dated April 7, 2009 and revised in accordance with condition #4 above.
5. There shall be no outdoor storage permitted behind the garage and any materials being stored behind the garage must be removed within thirty (30) days of the Site Plan Approval to make room for the five (5) off-street parking spaces for the garage.
6. All state licenses required to operate the proposed repair garage shall be current and the operation of the repair facility shall be in strict compliance with applicable state requirements. No unlicensed, unregistered, inoperable, or damaged vehicles shall be stored outside of the repair garage and no vehicles shall be parked in front of the garage.
7. The future occupancy of the vacant 554 square-foot "office building" constitutes a "Change in Use" that shall be subject to compliance with applicable building codes and Site Plan review by the Planning Board.
8. The following items must be removed from the northern part of the property within thirty (30) days in order to receive a final Site Plan Approval: Euclid dump truck; 2 snow plows; 2 washing machines; 2 pallets of shingles; pick up truck with trailer full of trash; a second trailer full of trash; a fenced in area with a truck without an engine; several piles of lumber and a pick up truck with plow attached that is sunk in the ground.
9. All buildings on site shall be inspected and determined to be in full compliance with applicable building codes. Building Permits shall be obtained by the Town of Ulster Building Department.
10. All site improvements shall be completed within six (6) months.

Mr. Budziak states he has concerns about the site and he hopes Mr. Pisani's client will clean the site up and comply with the conditions of the approved site plan.

**Motioned by:** Mr. Almquist

**Seconded by:** Mr. Budziak

**All in Favor:** Mr. Almquist, Mr. Budziak, Mr. Beichert, Mr. Decker, Mr. Ricketson  
Granted May 19, 2009

### **Club Pet – Site Plan Revision**

Bob Oaks appeared on behalf of the application for site plan revision. Mr. Oaks states he would like to move the stormwater retention pond from behind the site to the side. Mr. Beichert states the site was approved in 2000 but never completed and does not have a Final Certificate of Occupancy. Mr. Oaks states he could not place the fence as it needed a variance. After a short discussion it was decided Mr. Sorensen would conduct a site visit and report back to the Board. No action was taken.

### **Boice’s Mining –Revision of Special Use Permit**

Ed Sprague appeared on behalf of a change for Boice’s Mining. The changes consist of a modification to blasting and addition to on site storage. After a long conversation about the site it was decided the applicant would need to submit details on the screening device that will be on site along with the height of the storage piles. The Board will refer to the Town Board when information is received.

**Action:** A motion to refer to the Town Board when details of modifications are submitted was made by Mr. Beichert with a second by Mr. Decker. All were in favor.

### **Town of Ulster 5<sup>th</sup> Fire District – Site Plan**

Mr. Donald Brott appeared on behalf of the application for site plan. The applicant is proposing a 40’ x100’ pavilion with kitchen, and bathrooms. The pavilion will be located behind the fire house, the water and sewer will be coming from the fire house. Mr. Brott has submitted a revised page two showing a change in the sewer and a grease trap. Lighting will be canopy lighting that will be nested above the bottom trusses; two wall mounted lights will be shielded. The pavilion will be used on weekends; most parties will end before 10p.m. Mr. Sorensen states the plan will need to be referred to the County Planning Board and the Town Board.

**Action:** The Board referred the project to the Town Board and the County Planning Board.

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

Respectfully Submitted,

Mary Secreto  
Planning Secretary