

*TOWN OF ULSTER
PLANNING BOARD
MAY 21, 2013*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday May 21, 2013 at 7:00 p.m. at the Town Hall Lake Katrine New York. The following members were present:

Gary Mulligan – Acting Chairman
Karl Allison
Anna Hayner

Alan Sorensen – Planner
Larry Decker
Frank Almquist -Alternate

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

Mr. Mulligan appointed Mr. Almquist as an alternate for Mr. DeForest.

Callanan

Mr. Schultz appeared on behalf of the application for site plan amendment to add a silo to the existing site; the silo is lower than existing silo's and does not change the capacity of the asphalt plant. All permits are in place. Mr. Kovacs reviewed the request with the Board stating the Town has gathered additional information. The asphalt plant received site plan approval in 1996 and went through the SEQRA process at that time. The addition of a silo is not a change of use, this is a minor amendment. The mining aspect of this site is grandfathered in but does not apply to this request. Mr. Kovacs read a letter from the DEC (see exhibit #1). Mr. Kovacs read the resolution

WHEREAS, the Town of Ulster Planning Board and its consultant planner and Town Attorney have reviewed an application by *Callanan Industries, Inc.* seeking Site Plan Amendment approval for an addition of an asphalt mix storage silo adjacent to existing silos, within the existing footprint of the existing silos, which is situated within the OM-Office Manufacturing Zoning District; and

WHEREAS, the Planning Board has the authority to review and approve the Site Plan Amendment application for this action, since the new structure is less than 2,500 square feet; and

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

- *Project Narrative* by Jeff Frani, Asphalt Division GM of Callanan Industries, Inc. dated 3/13/2013;
- *Site Plan Application* prepared by Jeff Frani of Callanan Industries, Inc. dated March 13, 2013;
- *Escrow Agreement* prepared by Jeff Frani of Callanan Industries, Inc. dated March 13, 2013;
- *Site Plan Application* by Jonas E. Havens, P.E., President of Callanan dated March 14, 2013;
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- *SEQR Short EAF prepared by Peter E. Zeh, Callanan Industries, Inc. dated March 6, 2013;*
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- *East Kingston Quarry Site Plan prepared by Jonas E. Havens, P.E., dated March 6, 2013;*
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- *Plant Layout for Silo Traverse and Truck Scale Retrofit by ASTEC, INC. dated March 5, 2013;*
- *Side Elevations for Silo Traverse and Truck Scale Retrofit by ASTEC, INC. dated 12/3/2012;*
- *Correspondence from Law Office of Adam Schultz, P.C. dated May 14, 2013; and*
- *Correspondence from Daniel T. Whitehead, Regional Permit Administrator, NYS Department of Environmental Conservation.*

WHEREAS, the proposed manufacturing use is permitted-by-right subject to Site Plan approval by the Town of Ulster Planning Board in accordance with the Town Code; and

WHEREAS, the Town of Ulster Planning Board granted Site Plan Approval for the placement of the existing asphalt plant on October 21, 1996 following a SEQR Negative Declaration; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found the Current Proposed Action was an Unlisted Action pursuant to Part 617 of State Environmental Quality Review Act (SEQR) Law 6NYCRR Part 617.5 (c) (2) and 617.5 (c) (7); and

WHEREAS, the current proposed action does not exceed any of the thresholds established in the Planning Board's original SEQR negative declaration;

WHEREAS, the Proposed Action does not require 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 is not required to accommodate the Proposed Action; and

WHEREAS, 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

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment approval for an addition of an asphalt mix storage silo adjacent to three (3) existing silos, within the existing footprint of the existing silos pad 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;

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4. Compliance with all NYSDOT and NYSDEC Permits, if applicable; and
5. All fees, including consultant fees, shall be paid.

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

Volkswagen

David Gonzales and Nick Sadler appeared on behalf of the application for an addition to the existing Volkswagen dealership. Revisions have been made to the entrance as per NYS DOT. The signage is a 20' pylon sign that is within code. The applicant is working with the Sewer Department on the water/oil separator. Mr. Sorensen reviewed his memo with the Board stating the fire access has been approved and the lighting will be mounted flush to the pole. The signage complies with code; the Board has no problem with the pole sign. The future easement is marked on the plan; Mr. Kovacs will need to approve the agreement. All Ulster County Planning Board Required Modifications have been addressed. Mr. Sorensen recommended the Board refer the project to the Town Board for conditional approval. Mr. Sorensen read the resolution to the Board.

WHEREAS, the Town of Ulster Planning Board and its consultant planner, Town Engineer (Brinnier & Larios, PC), Water & Sewer Departments have reviewed an application by *Volkswagen of Kingston* seeking *Site Plan approval* to add a new front façade and construct a 2,580 square foot (sf) addition to the front elevation of an existing 16,424 sf Volkswagen Dealership, which is situated within the RC-Regional Commercial Zoning District; and

WHEREAS, the Planning Board has advisory powers in the review of the site plan and makes recommendation to the Town Board and Town of Ulster Town Board has the authority to approve the site plan for this action, since the new building exceeds 2,500 square feet; and

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

- *Site Plan Application* prepared by John F. Capobianco, A.I.A dated February 15, 2013;
- *SEQR Short Form EAF* prepared by John F. Capobianco, A.I.A dated February 15, 2013;
- *Application for Area Variance* by John F. Capobianco, A.I.A dated February 15, 2013;
- *Proposed Alteration Plan* by John F. Capobianco, A.I.A dated February 6, 2013;
- *First Floor Plan* by John F. Capobianco, A.I.A dated February 6, 2013;
- *Elevations* prepared by John F. Capobianco, A.I.A dated February 6, 2013; and
- *Plot Plan* prepared by John F. Capobianco, A.I.A dated February 6, 2013.

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- *Site Plan Application* prepared by John F. Capobianco, A.I.A dated February 15, 2013;
- *SEQR Short Form EAF* prepared by John F. Capobianco, A.I.A dated February 15, 2013;
- *Application for Area Variance* by John F. Capobianco, A.I.A dated February 15, 2013;
- *Proposed Alteration Plan* by John F. Capobianco, A.I.A revised March 29, 2013;
- *First Floor Plan* by John F. Capobianco, A.I.A dated February 6, 2013;
- *Elevations* prepared by John F. Capobianco, A.I.A dated February 6, 2013;
- *Plot Plan* prepared by John F. Capobianco, A.I.A dated February 6, 2013; and
- *Lighting Plan* prepared by Meddenbach & Eggers, P.C. dated April 8, 2013.

- *Map of Survey prepared by Michael F. Vetere, P.L.S dated April 10, 2013;*
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- *Town of Ulster Zoning Board of Appeals (ZBA) Notice of Decision* dated 5/1/2013;
- *Plot Plan* prepared by John F. Capobianco, A.I.A revised May 1, 2013;
- *Foundation Plan* prepared by John F. Capobianco, A.I.A revised May 1, 2013;
- *First Floor Plan* prepared by John F. Capobianco, A.I.A revised May 1, 2013;
- *Elevations* prepared by John F. Capobianco, A.I.A revised May 1, 2013;
- *Details Plan* prepared by John F. Capobianco, A.I.A revised May 1, 2013;
- *Lighting Plan* prepared by Meddenbach & Eggers, P.C. revised May 1, 2013;
- *Landscaping Plan* prepared by Meddenbach & Eggers, P.C. revised May 1, 2013; and
- *Signage Details for Wall and Pole Sign* by Pattison Sign Group dated July 30, 2010.

WHEREAS, the proposed Volkswagen Dealership is permitted-by-right subject to Site Plan approval by the Town of Ulster Town Board in accordance with the Town Code; and

WHEREAS, the Town of Ulster Zoning Board of Appeals granted an area variance to allow the proposed building addition to encroach the front yard setback; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and written comments from the UCPB were provided on April 3, 2013; and

WHEREAS, the UCPB issued several Required Modifications, which were all addressed in subsequent revisions to the Site Plan application; and; and

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

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NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation to issue its own SEQR Determination that the Proposed Action is a SEQR TYPE II Action, for which no further environmental review is required; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends the Town Board grant Site Plan Approval to *Volkswagen of Kingston* to add a new front façade and construct a 2,580 square foot (sf) addition to the front elevation of an existing 16,424 sf Volkswagen Dealership, 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. Applicant shall secure a NYSDOT Highway Work Permit for proposed modifications to site access from U.S. Route 9W;
5. Submission of final sewer details, which complies with the Town's consultant engineers' and Town Sewer Superintendent's required modifications;
6. Easement for future cross access to be provided for Town Attorney's review; and
7. 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
8. All fees, including consultant fees, shall be paid.

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

McDonald's

Brad Bohler appeared on behalf of the application for site plan and a lot line adjustment. The applicant is still working on the dedication of land to place a sidewalk on the McDonalds site. The sidewalk on their site will be constructed but the adjoining sidewalk will need to wait until the dedication is complete; this may take up to 1 year. The sign will be a monument sign that is 72 sq ft; the Board did not have any issues with the size of the sign as it is within code. Mr. Sorensen recommended the Board approve the lot line adjustment and forward the project to the Town Board with the recommendation of approval. The resolution was read by Mr. Sorensen.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by McDonald's USA, LLC seeking Lot Line Adjustment (consolidation) approval pursuant Chapter 161 of the Town Code, to combine Section-

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Block-Lot: 48.08-1-17 & 31, which would result in a 0.952-acre lot encompassing the entire subject site; and

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

- *Cover Letter* prepared by Lauren Monaghan, P.E. Bohler Engineering dated 5/10/2013;
- *Town of Ulster ZBA Notice of Decision* by the Zoning Board of Appeals dated 5/1/2013;
- *Blasting Protocol for McDonalds* by Brad Bohler, PE of Bohler Engineering dated 5/10/2013;
- *Specifications for the Construction of Water Service by Bohler Engineering* dated 5/10/2013;
- *Cover Sheet for Amended Site Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Demolition Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Site Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Grading Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Drainage & Utilities Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Landscape Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Lighting Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Soil Erosion & Sediment Controil Plan* by Bohler Engineering revised 5/10/2013;
- *Drive-Thru and ADA Plan* prepared by Bohler Engineering revised 5/10/2013; and
- *Detail Sheets* prepared by Bohler Engineering revised 5/10/2013; and
- *Lot Line Consolidation prepared by Control Point Associates, Inc. dated 4/25/2013.*

WHEREAS, Proposed Action meets the Town of Ulster Town Code definition of a Lot Line Adjustment and a public hearing is not required to approve such actions, and

WHEREAS, the Lot Line Adjustment is a SEQR Unlisted Action and the Town of Ulster Planning Board is the only agency that can approve the Lot Line Adjustment, and

WHEREAS, the Town of Ulster Planning Board is by default the Lead Agency for the environmental review of the proposed Lot Line Adjustment; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF) found the Proposed Action will not have an adverse impact on the environment; as Lead Agency made a determination of non-significance and issued a Negative Declaration pursuant to Part 617 of SEQR; and

NOW THEREFORE BE IT RESOLVED the 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 Lot Line Adjustment Approval as described above to McDonald's USA, LLC subject to the conditions, limitations and restrictions set forth below.

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1. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
2. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and
3. All fees, including consultant fees, shall be paid.

Action: A motion to approve the lot line adjustment was made by Mr. Allison with a second from Mr. Decker with all in favor.

Mr. Sorensen read the resolution to refer the project to the Town Board.

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

WHEREAS, the Town of Ulster Planning Board and its consultant planner, Town Engineer (Brinnier & Larios, PC), Water & Sewer Departments have reviewed an application by *McDonalds USA, LLC* seeking *Site Plan approval* to demolish an existing 2,730 sq. ft. restaurant and reconstruct a 3,911 sq. ft. McDonald's Restaurant on the 0.952-acre site, which is situated within the RC-Regional Commercial Zoning District; and

WHEREAS, the Planning Board has advisory powers in the review of the site plan and makes recommendation to the Town Board and Town of Ulster Town Board has the authority to approve the site plan for this action, since the new building exceeds 2,500 square feet; and

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

- *Cover Letter* prepared by Lauren Monaghan, P.E. Bohler Engineering dated 3/8/2013
- *Stormwater Management Summary* prepared by Bohler Engineering dated 3/8/2013;
- *Site Plan Application* prepared by McDonald's USA, LLC dated March 8, 2013;
- *Cover Sheet for Amended Site Plan* prepared by Bohler Engineering dated 3/7/2013;
- *Demolition Plan* prepared by Bohler Engineering dated March 7, 2013;
- *Site Plan* prepared by Bohler Engineering dated March 7, 2013;
- *Grading Plan* prepared by Bohler Engineering dated March 7, 2013;
- *Drainage & Utilities Plan* prepared by Bohler Engineering dated March 7, 2013;
- *Landscape Plan* prepared by Bohler Engineering dated March 7, 2013;
- *Lighting Plan* prepared by Bohler Engineering dated March 7, 2013;
- *Soil Erosion & Sediment Controil Plan* by Bohler Engineering dated March 7, 2013;
- *Drive-Thru and ADA Plan* prepared by Bohler Engineering dated March 7, 2013; and
- *Detail Sheets* prepared by Bohler Engineering dated March 7, 2013; and

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- Building Elevations and Floor Plan* prepared by Bohler Engineering dated March 7, 2013;
- *Boundary and Topographic Survey* prepared by Bohler Engineering dated March 7, 2013
- *Cover Letter* prepared by Lauren Monaghan, P.E. Bohler Engineering dated 4/5/2013;
- *SEQR Short EAF* prepared by Bohler Engineering dated 3/7/2013;
- *Trip Generation Analysis* prepared by Atlantic Traffic dated 4/4/2013;
- *Cover Sheet for Amended Site Plan* prepared by Bohler Engineering revised 4/4/2013;
- *Demolition Plan* prepared by Bohler Engineering revised 4/4/2013;
- *Site Plan* prepared by Bohler Engineering revised 4/4/2013;
- *Grading Plan* prepared by Bohler Engineering revised 4/4/2013;
- *Drainage & Utilities Plan* prepared by Bohler Engineering revised 4/4/2013;
- *Landscape Plan* prepared by Bohler Engineering revised 4/4/2013;
- *Lighting Plan* prepared by Bohler Engineering revised 4/4/2013;
- *Soil Erosion & Sediment Controil Plan* by Bohler Engineering revised 4/4/2013;
- *Drive-Thru and ADA Plan* prepared by Bohler Engineering revised 4/4/2013; and
- *Detail Sheets* prepared by Bohler Engineering revised 4/4/2013; and
- *Building Elevations and Floor Plan* prepared by Bohler Engineering dated March 7, 2013;
- *Boundary and Topographic Survey* prepared by Bohler Engineering dated March 7, 2013;
- Northern & Western Elevations for McDonald's by B.A. Bohler Engineering, dated 4/4/13.
- *Cover Letter* prepared by Lauren Monaghan, P.E. Bohler Engineering dated 5/10/2013;
- *Town of Ulster ZBA Notice of Decision* by the Zoning Board of Appeals dated 5/1/2013;
- *Blasting Protocol for McDonalds* by Bohler Engineering dated 5/10/2013;
- *Specifications for Construction of Water Service* by Bohler Engineering dated 5/10/2013;
- *Cover Sheet for Amended Site Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Demolition Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Site Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Grading Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Drainage & Utilities Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Landscape Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Lighting Plan* prepared by Bohler Engineering revised 5/10/2013;
- *Soil Erosion & Sediment Controil Plan* by Bohler Engineering revised 5/10/2013;
- *Drive-Thru and ADA Plan* prepared by Bohler Engineering revised 5/10/2013; and
- *Detail Sheets* prepared by Bohler Engineering revised 5/10/2013; and

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- *Lot Line Consolidation prepared by Control Point Associates, Inc. dated 4/25/2013.*

WHEREAS, the Town of Ulster Planning Board granted Lot Line Adjustment Approval at its May 21, 2013 meeting to allow the combination of 48.08-1-17 and 31; and

WHEREAS, the proposed McDonald's restaurant is permitted-by-right subject to Site Plan approval by the Town of Ulster Town Board in accordance with the Town Code; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and written comments from the UCPB were provided on April 3, 2013; and

WHEREAS, the UCPB recommended Disapproval of any sign variances and a Required Modification that the lighting levels be in compliance with the Town of Ulster Town Code; and

WHEREAS, the Town of Ulster Zoning Board of Appeals, overrode the UCPB Disapproval and Required Modification as cited above and granted an area variance for the wall sign and to allow a lighting level of up to 3.0 footcandles, instead of 2.0 footcandles; and

WHEREAS, the UCPB also recommended Site Plan-specific Required Modifications and upon review of these Required Modifications, the Town of Ulster Planning Board concluded these issues were satisfactorily addressed through plan revisions and recommended conditions on the Site Plan approval; and

WHEREAS, the Town of Ulster Planning Board – due to the request for area variances - recommended classifying the Proposed Action as an Unlisted Action and recommended *Unlisted Action-Uncoordinated Review* to allow the ZBA and Planning Board's to make their SEQR Determination prior to acting on the Area Variances and Lot Line Adjustment approvals respectively, and

WHEREAS, the Town of Ulster ZBA issued a SEQR Negative Declaration on the area variances and the Planning Board a SEQR Negative Declaration on the Lot Line Adjustment; and

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

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NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation to issue its own SEQR Determination of non-significance and issue a Negative Declaration on the Site Plan Application; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends the Town Board grant Site Plan Approval to *McDonald's USA, LLC* to demolish an existing 2,730 sq. ft. restaurant and reconstruct a 3,911 sq. ft. McDonald's Restaurant on the 0.952-acre site, which is situated within the RC-Regional Commercial Zoning District, 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. Applicant to conduct Title Search, Survey Map of lands of PCK (Hudson Valley Mall owners), which is needed to dedicate lands to NYSDOT;
5. Applicant shall secure a NYSDOT Highway Work Permit and post a bond of \$25,000 with NYSDOT, which would be released contingent upon dedication of right-of-way to the NYSDOT for the purpose of allowing sidewalk construction;
6. Applicant to construct sidewalk and crosswalk improvements upon securing appropriate authorization from the PCK and the NYSDOT; and
7. 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
8. All fees, including consultant fees, shall be paid.

Action: A motion to refer the project to the Town Board with the recommendation of approval was made by Mr. Almquist with a second from Mrs. Hayner with all in favor.

DiBella's Pizza

Michael Vetere appeared on behalf of the application for a change of use from an office to a restaurant. Mr. Sorensen reviewed the project with the Board. The plans should show signage details, any lighting and a Parking Analysis Table. There are some issues concerning the parking area that need to be resolved as well as the septic system approval. At this time the site has a private septic but the owner is trying to get approval to tie into the City of Kingston's sewer line. Mr. Sorensen stated that if a site plan showing just the existing parking was submitted the Board could approve the change of use with the condition of 19 seats as that is what would be allowed as per the Health Department. A short discussion of the site and the parking issues followed. Mr. DiBella will submit revised plans. No action was taken by the Board.

Respectfully Submitted,

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Mary Secreto
Planning Secretary