

*TOWN OF ULSTER  
PLANNING BOARD  
November 18, 2014*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday November 18, 2014 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan, Chairman  
Anna Hayner –  
Karl Allison  
Larry Decker  
Frank Almquist  
Alan Sorensen - Planner

A motion to approve the minutes from the October meeting was made by Mr. Mulligan with all in favor.

**1571 Ulster Properties LLC – Retail/Bank Building**

Kyle Kirchhoff and Larry Boudreau appeared on behalf of the application for a retail, bank building. Mr. Kirchhoff stated elevations have been submitted as well as signage details. The facade will match the Tractor Supply Building with the stone being a beige color. Mr. Boudreau stated the plan has been updated the handicapped parking and the dumpster has been relocated to the West side of the building. The applicant is working with the Town Engineer to resolve any remaining technical issues. Mr. Kirchhoff requested the Board add a restaurant use to the approval as the site contains a grease trap. There are no plans at this time for a restaurant. Mr. Sorensen stated that he could revise the resolution adding the restaurant use if the board agrees. No one opposed the request. Mr. Sorensen requested the plans be revised with a note stating the proposed restaurant use. Mr. Sorensen also requested additional landscaping around the dumpster; Mr. Boudreau agreed to the request. A short discussion on two (2) wayfinding signs followed. The larger sign will be lit and will be placed at the Grant Avenue entrance the smaller signage will be place within the site. Mr. Sorensen stated the signage will compliment the site. There were no UCPB comments. Mr. Sorensen recommended the Board forward the project to the Town Board with the recommendation of approval with conditions stated within the resolution Mr. Sorensen read the resolution.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner, Town Engineer (Brinnier & Larios, PC), Water and Sewer Departments have reviewed an application by *MHMG – KM Kingston, LLC* – seeking *Site Plan Amendment approval* to develop 11,710 square-foot retail/bank/restaurant building on Outparcel No. 6 that was reserved for such use on the *Overall Master Site Development Plan*, which was approved by the Town Board in 2012; and

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

- *Cover Letter* by Larry Boudreau, RLA, Chazen Engineering & Surveying, P.C, dated 10/9/2014;
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- *Site Plan Consent Form* by Jeff Kane agent for 1561 Ulster Properties, LLC dated 10/9/2014;
- *Site Plan Application* by Jeff Kane agent for 1561 Ulster Properties, LLC dated 10/9/2014;
- *Floor Plan and Building Elevations* by Syvertsen-Rigosu, Architects, PLLC dated 10/8/2014;
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, dated 10/8/2014;
- *Overall Master Site Development Plan* by Chazen Engineering & Surveying, P.C, dated 10/8/2014;
- *Demolition Plan* prepared by Chazen Engineering & Surveying, P.C, dated 10/9/2014;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated 10/9/2014;
- *Grading, Drainage and E&SC Plan* by Chazen Engineering & Surveying, P.C, dated 10/9/2014;
- *MSM Utility Plan* by Chazen Engineering & Surveying, P.C, dated 10/8/2014;
- *Landscaping Plan and Details* by Chazen Engineering & Surveying, P.C, dated 10/9/2014;
- *Lighting Plan* by Chazen Engineering & Surveying, P.C, dated 10/8/2014;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, dated 10/8/2014;
- *Sanitary Sewer System Details* prepared by Chazen Engineering & Surveying, P.C, dated 10/8/2014;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, dated 10/8/2014;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, dated 10/8/2014; and
- *Stormwater Details* prepared by Chazen Engineering & Surveying, P.C, dated 10/8/2014.
  
- *Cover Letter* by Larry Boudreau, RLA, Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Overall Master Site Development Plan* by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Demolition Plan* prepared by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Grading, Drainage and E&SC Plan* by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Utility Plan* by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Landscaping Plan* by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Lighting Plan* by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Sanitary Sewer System Details* prepared by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Stormwater Details* prepared by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Landscaping Details and Notes* by Chazen Engineering & Surveying, P.C, dated 11/5/2014;
- *Floor Plan and Building Elevations* by Syvertsen-Rigosu, Architects, PLLC dated 10/8/2014; and
- *Allowable Sign Plan* by Syvertsen-Rigosu, Architects, PLLC dated 11/12/2014; and
- *Signage Plan* prepared by Chazen Engineering & Surveying, P.C, dated 4/22/13.

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Town Board upon recommendation from the Town of Ulster Planning Board since the Proposed Action involves more than 2,500 sf of new building area; and

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**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 1 and m of NYS General Municipal Law by the Town of Ulster Planning Board and written comments from the UCPB were received that concluded the matter was one for local determination; and

**WHEREAS**, the Town of Ulster Planning Board has reviewed its original SEQR Negative Declaration statement along with comments of the its consulting planner and engineers, along with the comments of its Water and Sewer Departments and finds the *Current Proposed Action* would not pose any potentially significant environmental impacts based upon detailed studies provided and the mitigation measures being employed in the design of the proposed site plan amendments; and

**WHEREAS**, the Town of Ulster Planning Board finds the *Current Proposed Action* does not exceed any of the thresholds established under the original SEQR Negative Declaration, thus no further SEQR review is required; and

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board hereby recommends the Town Board reaffirm its SEQR Determination of Non-Significance (Negative Declaration) on the Overall Master Site Development Plan; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby recommends the Town Board grant Site Plan Amendment approval to *MHMG – KM Kingston, LLC* for the actions described above and shown on the most recent amended Site Plan set 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. There are no required modifications to the SWPPP by the Town's consulting engineers Brinnier & Larios, which would be unacceptable to the applicant and thereby require the applicant to reappear before the Town of Ulster Planning Board;
5. There are no required modifications to the *grease trap design* by the Town's consulting engineers Brinnier & Larios and the Town Sewer Superintendent, which would be unacceptable to the applicant and thereby require the applicant to reappear before the Town of Ulster Planning Board;
6. 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
7. All fees, including consultant fees, shall be paid.

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

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**Wolf-Tech Inc. and Whitman Electric**

Chris Zell appeared on behalf of the application for a Lot Line Adjustment. Mr. Zell stated the applicant is requesting a transfer of .033 acres from a lot in the Town of Ulster to a lot in the City of Kingston. The original submission included a 3<sup>rd</sup> lot owned by the Town of Ulster but that plan is no longer being pursued. Mr. Sorensen stated the request is a Lot Line Adjustment; it would not require a public hearing but does require notification to the City of Kingston Clerk. Due to the previous plans to develop an access driveway across the Town of Ulster property (which is no longer being pursued) Mr. Sorensen recommended the Board document a permissive segmentation.

Mr. Sorensen read the following statement:

The Planning Board recognizes that the applicant may seek to construct an alternative access driveway to N.Y.S. Route 9W at some time in the future. The Board determines that its environmental review of this particular Lot Line Adjustment application is no less protective of the environment than environmental review of potential development including a future access driveway across lands of the Town of Ulster, because: (1) the subject site are served by existing driveways that are already used by properties, separately owned, and that meet the current needs of the subject lots; and (2) the Town of Ulster owns the parcel of land through which the only feasible access to N.Y.S Route 9W could be developed and there is no guarantee the Town Board would sell such lands for the purpose of constructing an a new driveway to Wolf-Tec, Inc. The Planning Board is not aware of any potential issues or impacts, cumulative or otherwise, that would hamper proper development planning for the balance of the property or hamper the Board's environmental review of such development. The Board will require, and the applicant has agreed, that no approval will be given to any further development of the property, or Lot Line Adjustment involving said lands, except after submission and review appropriate applications for any future actions.”

Mr. Sorensen stated the request should be forwarded to NYS DOT and the City of Kingston Planning Board.

**Action:** A motion to declare a Negative Declaration was made by Mr. Almquist with a second from Mr. Decker with all in favor.

**Lang Media**

Mr. Lang and his attorney appeared on behalf of an application for a billboard. Mr. Lang’s attorney stated that his client would like a chance to work with the Town and reduce the size of the sign face and the height of the sign. Mr. Kovacs stated the Board had two options; the first option would be declaring a positive declaration per SEQRA therefore asking the applicant to provide additional information, the second option would be to deny the application without going through the SEQRA process. Mr. Kovacs stated based on case law that he reviewed the Board has the right to deny the request. Mr. Lang’s attorney requested a chance to sit down with the Board and draft a revised

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Scoping Document. Mr. Mulligan stated he was not in favor of the sign. Mr. Lang stated he would be willing to look at other sites; if the Board would direct him on where they felt a billboard would be allowed.

**Action:** A motion to deny the application was made by Mr. Mulligan with a second from Mrs. Hayner. All were in favor.

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

Respectfully Submitted,  
Mary Secreto  
Planning Secretary