

*Town of Ulster Planning Board*

The meeting of the Town of Ulster Planning board was held on Monday November 24, 2008 at 7:00 p.m. at the Town Hall. The following members were present:

Chairman                      Gerard Beichert  
   Larry Decker  
   Frank Almquist  
   Renno Budziak  
   George Lucente

The Pledge to the flag was recited and fire exists designated.

A motion to accept the minutes as amended was made by Mr. Lucente and seconded by Mr. Decker with all in favor.

**Waste Management-Site Plan**

Mr. Sorensen states the proposed site plan will convert 4,000 square feet of maintenance shop to office space and construct an 800 square foot wash bay area with 3 catch basins. The applicant has submitted new plans with a stripped crosswalk in the employee parking area and a color rendering has also been submitted. Brinnier & Larios has reviewed the drainage plans for the site and has recommended acceptance. The County Planning Board has recommended the applicant replace the existing lighting with full cut-off luminaries. Mr. Almquist states the lighting on the site cannot be seen from Rt. 32 and do not affect neighboring properties. Mr. Beichert agreed with Mr. Almquist.

**Action:** A motion to grant a negative declaration as per SEQRA was made by Mr. Almquist with a second from Mr. Lucente. A motion to grant site plan approval overriding the county recommendation on lighting, with the condition to provide storm inlet protection on site during construction was made by Mr. Lucente with a second from Mr. Decker. A roll call vote was taken:

Mr. Decker – yes  
Mr. Almquist – yes  
Mr. Lucente – yes  
Mr. Budziak – no  
Mr. Beichert - yes

**RESOLUTION  
TOWN OF ULSTER TOWN BOARD**

**Site Plan Approval  
Waste Management, Inc.  
Section 48.016, Block 3, Lot 18.2**

**WHEREAS**, the Town Board, Planning Board and its consultant planner and engineer's have reviewed an application by Waste Management, Inc. for a Site Plan Approval to convert an existing 4,000 square-foot maintenance shop into office space; to construct an 800 square foot wash bay and install three (3) catch basins and associated drainage piping at its existing East Kingston Facility; and

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

- *Application for Site Plan Review* prepared by Michael L. Aubertine, R.A. dated 10/6/08;
- *Project Narrative* prepared by Michael L. Aubertine, R.A. dated 10/6/08;
- *Short EAF* prepared by Michael L. Aubertine, R.A. dated 10/10/08;
- *Site Plan Existing Conditions* prepared by Spectra Environmental Group., dated 7/21/04;
- *Overall Site Plan for Office Renovation* prepared by Aubertine & Currier dated 10/6/08;
- *Site Plan Details for Office Renovation* prepared by Aubertine & Currier dated 9/5/08;
- *Site Plan Details for Catch Basins* prepared by Aubertine & Currier dated 9/5/08;
- *First Floor Plan for Office Building* prepared by Aubertine & Currier dated 9/5/08;
- *Exterior Elevations for Office Renovation* prepared by Aubertine & Currier dated 9/5/08; and
- *Foundation Plan, Framing Plan & Details* prepared by Aubertine & Currier dated 9/5/08.
- *Project Narrative* prepared by Michael L. Aubertine, R.A. dated October 28, 2008;
- *Overall Site Plan for Office Renovation* prepared by Aubertine & Currier revised 10/28/08; and
- *Exterior Elevations for Office Renovation* prepared by Aubertine & Currier.

**WHEREAS**, the Planning Board referred to the proposed action to the Ulster County Planning Board for their review and comments that were received on November 5, 2008; and

**WHEREAS**, the Planning Board considered of the application materials submitted by the applicant in support of the proposed action, along with the recommendations and 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 SEQRA 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 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 the Planning Board – while incorporating many of the County’s required modifications – *does hereby override the County’s GML 239 recommendation related to replacing existing lighting fixtures on the site since the existing lighting levels are not noticeable along NYS Route 32 due to their setback from the highway*; and

**FURTHER BE IT RESOLVED**, that upon full consideration of the above, the Planning Board hereby grants approval of the Site Plan Application described herein.

**Motioned by:** Mr. Lucente

**Seconded by:** Mr. Decker

**Zises Group – Lot Line Revision**

Mr. Sorensen reviews his memo with the Board stating the revision is a straight forward application. The revision will transfer 11.38 acres from one existing parcel to another. The lots will have 11.90 and 5.92 acres when complete. Mr. Sorensen recommends 3 notes be added to the map.

1. “No offer of dedication on the roads shown hereon is made to the public”
2. The private road shown heron is subject to the terms and provisions of an easement<sup>9</sup>or private road agreement) dated..... April 13, 1984.
3. Future development of lot # 2 will require Ulster County Board of Health approval.

**Action:** A motion to grant a negative declaration as per SEQRA was made by Mr. Almquist with a second by Mr. Decker, all were in favor. A motion to grant approval of the lot line revision with the notes recommended by the Planner was made by Mr. Decker with a second by Mr. Almquist. All were in favor.

**RESOLUTION  
TOWN OF ULSTER TOWN BOARD**

**The Zises Group  
Lot Line Adjustment  
S-B-L: 39.16-5-1.111  
& S-B-L: 39.16-5-35**

**WHEREAS**, the Planning Board and its consultant planner have reviewed an application by The Zises Group for a ‘Lot Line Adjustment’ will involve the transfer of 11.38 acres from SBL 39.16-1-1.111 [17.46-acres existing] to SBL 39.16-1-35 [0.36-acres existing]. The proposed Lot Line Adjustment will result in Lot #1 [aka 39.16-1-35] having an area of 11.90 acres and Lot # 2 [aka SBL 39.16-1-1.111] having an area of 5.92 acres.

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

- *Application for Site Plan* prepared by Robert Zises dated August 7, 2008;
- *Short EAF prepared by Robert Zises* dated August 7, 2008; and
- *Map of Boundary Line Adjustment between Lands of Robert Zises* prepared by J. Paul Crocker, P.L.S. dated October 29, 2008.

**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**, proposed action meets the Town Code definition of a Lot Line Adjustment; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Short EAF) found that the lot line adjustment (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, the Planning Board hereby grants approval of the Lot Line Adjustment proposed by Robert Zises aka The Zises Group subject to the following conditions:

1. The Map of Boundary Line Adjustment should be revised so that the label of SBL 39.16-5-1.111 is situated on Lot 2; and
2. Notes be added to the Map of Boundary Line Adjustment that state the following:
  - i. "No offer of dedication on the roads shown hereon is made to the public."
  - ii. The private road shown hereon is subject to the terms and provisions of a easement [or private road agreement] dated ..... April 13, 1984...."
  - iii. Future develop of a residence on Lot #2 will require the design of an on-site septic system that meets Ulster County Health Department requirements.

**Motioned by:** Mr. Almquist

**Seconded by:** Mr. Decker

**All in Favor:**

Ozzie Beichert, Chairman  
Larry Decker  
Renno Budziak

Frank Almquist, Vice Chairman  
George Lucente

### **Paul Korczak – Minor Subdivision**

Michael Vetere appeared on behalf of the application of a subdivision for 4 acre parcel. The parcel will be split into 2 lots; Lot#1 will be 2.280 acres with an existing two family dwelling. The applicant will be required to provide sight distance information for the

proposed driveway on Lot#2. Ulster County Board of Health approval is needed for the new septic system. A short discussion on payment in lieu of parkland followed.

**Action:** A motion to hold a Public Hearing was made by Mr. Almquist and seconded by Mr. Decker with all in favor.

### **Michael & Kathleen Smith – Minor Subdivision**

Edward Sprague appeared on behalf of the application of a subdivision of a 20.31 acre parcel. This parcel will be divided into 5 lots ranging in size from 2.04 acres to 11.8 acres. Driveways for lots 1 & 2 will be from Ulster Landing Road; lots 3&4 will be from Hudson View Circle. Mr. Sorensen reviewed the project stating the driveways on the County road will need highway permits. The applicant will need to provide estimated limits of disturbance for each building lot along with the proposed drainage improvements. Mr. Sorensen also suggested the applicant maintain the tree line between lot #1 and the LHV Precast site. Brinnier & Larios will need to review the stormwater aspects of the subdivision. The Board requested a \$1000 escrow account be set up to cover planning and engineering cost. No action was taken by the Board.

### **Suita/Roth – Timber Harvest**

Michael Roth appeared on behalf of the application for timber harvest. Mr. Sorensen states Mr. Zweben has reviewed the proposed action does meet the definition of commercial logging operation; therefore the Board has no authority to approve or deny the application. Mr. Roth was instructed to contact the Highway Superintendent in reference to his memo stating a bond would be needed. No Action was taken by the Board.

### **United Martial Arts/Rodney Batista**

Rodney Batista appeared on behalf of the application for a change of use. Mr. Batista states he would like to move his existing martial arts school to vacant space on the second floor of 1094 Morton Blvd. This space is currently empty and has been empty for some time. Mr. Batista states the new use will have sufficient parking. Following a short discussion on signage the Board directed Mr. Batista to the Building Department for clarification on the size sign he would be allowed to have. Mr. Sorensen states the plan is minor and he recommends approval of the site plan.

**Action:** A motion to grant approval of the site plan for change of use was made by Mr. Lucente and seconded by Mr. Decker with all in favor

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

**Batista - Change in Use  
1094 Morton Boulevard  
Section 48.42, Block 3, Lot 21**

**WHEREAS**, the Town of Ulster Planning Board has received an application for a change in use by Rodney Batista aka United Martial Arts Center (applicant) to establish a “School of Learning” within vacant space on the second floor of an existing commercial building located at 1094 Morton Boulevard.

**WHEREAS**, the subject property is located on the easterly side of Morton Avenue, as designated on the Tax Map of the Town of Ulster Section 48.42, Block 3, Lot 21, within an LC-Local Commercial Zoning District of the Town of Ulster; and

**WHEREAS**, the proposed change in use will occur within an existing 2-story retail center with twenty-four (24) off-street parking spaces; and

**WHEREAS**, the proposed site plan is minor and does not require approval by the Town Board or referral to the Ulster County Planning Board; and

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

- *Application for Site Plan Review* prepared by Rodney Batista dated 11/13/08;
- *SEQRA Short EAF* prepared by Rodney Batista dated 11/13/08; and
- *Site Plan* prepared by Walter Priede, RA dated November 14, 2008.

**WHEREAS**, the proposed action [interior alterations to an existing building and business expansion] will not have an adverse impact on the environment and is a Type II Action; and

**WHEREAS**, the Planning Board has considered the application materials submitted by the applicant in support of the proposed action, has considered the comments of the Board’s consultants made via memoranda (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board’s meetings.

**NOW THEREFORE BE IT RESOLVED**, that upon full consideration of the above, the Planning Board hereby finds that the application for a change in use by Rodney Batista to establish a School of learning on the second floor of the existing retail center is consistent with the provisions of the Zoning Code of the Town of Ulster and said plan is hereby approved

Motion to adjourn was made by Mr. Lucente with a second by Mr. Decker.

Respectfully Submitted,

Mary Secreto  
Planning Secretary