

*TOWN OF ULSTER
PLANNING BOARD
NOVEMBER 19, 2013*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday November 19, 2013 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Alan DeForest-Chairman–
Larry Decker
Anna Hayner -
Alan Sorensen - Planner

Karl Allison
Gary Mulligan

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

Kolts Subdivision – Public Hearing

A motion to open the Public Hearing was made by Mr. Decker with a second from Allison; all were in favor. Mr. Kolts appeared on behalf of the 2 lot subdivision. No one appeared for or against the subdivision. A motion to close the Public hearing was made by Mrs. Hayner with a second from Mr. Allison. Mr. Sorensen stated the applicant has received approval for the driveway location from the Highway Superintendent and the Health Department has given preliminary approval of the septic systems. The structures are above the 100 year flood plain. Mr. Sorensen and the Board reviewed new plans submitted. Mr. Sorensen recommended the Board grant a Negative Declaration and approve the Minor subdivision. Mr. DeForest read the resolution.

WHEREAS, the applicant – Jason Kolts – submitted an application seeking approval to subdivide an existing tax lot within the “*Subdivision of Glenerie Lake Park (1926)*” into two (2) lots as follows: Proposed Lot 1 – consisting of 0.770 acres with a proposed house and subsurface sewage disposal area; and Proposed Lot 2 consisting of 1.343 acres with a proposed subsurface sewage disposal area; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Resubdivision subject to the *Minor Subdivision* approval process, which is subject to the approval of the Town of Ulster Planning Board; and

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

- *Application for Preliminary Subdivision Plat Approval* by Jason Kolts, applicant dated 9/30/13;
- *Short EAF prepared* by Jason Kolts, applicant dated September 30, 2013; and
- *Proposed Subdivision Map* prepared by Christopher J. Zell, P.E. dated September 26, 2013.

WHEREAS, the proposed lots comply with the minimum lot size and dimensional requirements of the R-30 Residential Zoning District; and

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WHEREAS, the *Ulster County Health Department* has granted *preliminary* approval of the septic design for proposed Lots No. 1 and Lot 2; and

WHEREAS, the Ulster County Planning Board chose not to require a referral pursuant to the UCPB Land Use Referral Guide, since the home sites were outside within the 100-year floodplain limits; 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, a *Map of Subdivision* was prepared by Christopher J. Zell, P.E. dated September 26, 2013 and submitted for review to the Planning Board with a recommendation to accept the Map of Subdivision by its consulting planner subject to minor technical revisions; and

WHEREAS, the Planning Board at its October 15, 2013 meeting waived the requirement for a preliminary public hearing and scheduled this matter for a public hearing at its November 19, 2013 meeting; 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

WHEREAS, the Planning Board opened the public hearing on November 19, 2013 during which no controversy was raised concerning the Proposed Action and subsequently closed the public hearing.

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 Resubdivision and Minor Subdivision approval as described above to Jason Kolts subject to the conditions, limitations and restrictions set forth below.

1. Submission of Final Plat with minor technical revisions requested by the Planning Board.
2. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board.
3. Applicant secures *final* approval by the Ulster County Health Department for the on-site septic system design.

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4. 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
5. All fees, including consultant fees, shall be paid.

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

DiBella's Pizza

Michael Vetere appeared on behalf of the application. Mr. Vetere stated the applicant is now seeking approval of a restaurant with 19 seats. He will return to the Planning Board once he purchases the adjoining parcel and the sewer connection is complete. Cut sheet for the lighting have been submitted along with photometric information. The sign will have a brick base with a planter. Mr. Sorensen reviewed his notes recommending the Board approve the project. Mr. Sorensen recommended the applicant utilize the light poles with rectangular cut off fixture. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Renato J. DiBella dba *DiBella's Pizza Shop, Inc.* seeking *site plan approval* to convert an existing 2,400 sq. ft. office building with eight (8) existing off-street parking spaces to Italian Pizzeria and Restaurant; and

WHEREAS, the subject site is situated within the LC-Local Commercial District in the Town of Ulster where such uses are permitted subject to Site Plan Approval by the Planning Board; and

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

- *Site Plan Application* prepared by Michael F. Vetere, Jr. PLS dated May 1, 2013;
- *SEQR Short Form EAF* prepared by Michael F. Vetere, Jr. PLS dated May 1, 2013;
- *Bargain & Sale Deed, with Covenants Against Grantor's Act* dated March 20, 2013;
- *Site Plan for Dibella's Pizza Shop, Inc.* by Michael F. Vetere, Jr. PLS dated May 1, 2013;
- *Site Plan for Dibella's Pizza Shop, Inc.* by Michael F. Vetere, Jr. PLS dated May 20, 2013;
- *Site Plan for Dibella's Pizza Shop, Inc.* by Michael F. Vetere, Jr. PLS revised 9/25/2013;
- and
- *Site Plan for Dibella's Pizza Shop, Inc.* by Michael F. Vetere, Jr. PLS revised 9/25/2013.

WHEREAS, the Town of Ulster Planning Board has the authority to approve the Site Plan for the proposed Change in Use from office to restaurant; and

WHEREAS, the applicant provided revised plans for the Proposed Action, which were reviewed by the Town's planner with a recommendation to the Town of Ulster Planning Board to accept the revised plans subject to minor technical revisions and submission of a revised Site Plan; and

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WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster; and

WHEREAS, the Ulster County Planning Board concluded the seating should be limited to 19 seats and any increase in seating would require further UCHD approval; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is an *Type II Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster 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 Site Plan Amendment Approval to - Rinato J. DiBella dba *DiBella's Pizza Shop, Inc* - 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 revised and cited herein;
4. The restaurant is limited to seating for 19 patrons in accordance with the Ulster County Health Department's ruling, until such time the site connects into the central sewer system;
5. 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
6. All fees, including consultant fees, shall be paid.

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

Lands of Ferraro

Chris Zell appeared on behalf of the application for a Lot Line Revision. Mr. Zell stated the applicant would like to straighten out issues with four existing family lots. Three of the lots are surrounded by one lot. The revision will give lot# 2, #3 & 4 road frontage and lot # 1 will share a driveway with lot # 2. A plat showing easements and water and sewer lines will be submitted for the next meeting. Mr. Sorensen recommended the Board waive the Preliminary Hearing and schedule a Public Hearing for December 17th. Mr. Sorensen requested the applicants consider requested a zoning change on the parcels

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as they will be in two zones (R-10 and OM). Mr. Zell stated that would be up to the applicant and attorney but he would bring the request back to them.

A motion to waive the Preliminary Hearing and schedule a Public Hearing for December 17th was made by Mr. Mulligan with a second from Mr. Decker with all in favor.

Crossfit Ulster – Site Plan Amendment

Paul Hakim appeared on behalf of the application for site plan amendment for a 5,000 sq ft fitness center. Mr. Hakim stated there are no changes to the site; the parking table has been update. The sign inventory has also been updated. Mr. Sorensen reviewed the submitted plans and recommended the Board grant site plan approval. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner, have reviewed an application by *Johnson Route 28, LLC* seeking *site plan amendment approval* for a change in use within the former Central Hudson Building (120 State Route 28) from automotive service to a health club; and

WHEREAS, the Town of Ulster Planning Board is the only agency with the authority to approve the Proposed Action; and

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

- *Site Plan Application* prepared by Paul H, Johnson, CEO dated November 1, 2013;
- *SEQR Short Form EAF* prepared by Paul Hakim, Agent dated October 31, 2013;
- *Cover Sheet for Plan Set* prepared by Brinnier & Larios, PC dated November 18, 2013;
- *Existing Conditions Plan* prepared by Brinnier & Larios, PC dated November 18, 2013;
- *Proposed Improvements Plan* by Brinnier & Larios, PC dated November 18, 2013;
- *Existing Sign Plan* prepared by Brinnier & Larios, PC dated November 18, 2013;
- *and*
- *Wayfinding & Proposed Sign Plan* by Brinnier & Larios, PC dated November 18, 2013.

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF) found the Proposed Action was a *Type II Action* pursuant to Part 617 of SEQRA and further determined there no further SEQR review was required.

NOW THEREFORE BE IT RESOLVED, 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 hereby issues a SEQR Negative Declaration; and

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FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment approval to *Johnson Route 28, LLC* 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. 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
4. All fees, including consultant fees, shall be paid.

Fully Loaded Auto Sales –Site Plan

Bruce Utter appeared on behalf of the application for a used car dealership. Mr. Utter stated the applicant is proposing a used car dealership with a 2,500 sq ft gravel parking area. There will be no new lighting, and the existing sign will be utilized. Dave Corrigan has been contacted and the applicant is working with NYS DOT on revisions to the curb cut. The building was a commercial use prior so it does not require a handicapped ramp. There is vacant mobile home on the lot; there are no plans to rent it and the applicant will put a note on the plan stating it will remain vacant. There are no changes to the exterior of the building. A short discussion on signage followed with Mr. Sorensen requesting a monument sign; the applicant feels that a monument sign would block the neighboring signage and may impede the sight distance. A motion to send the project to the County Planning Board was made by Mr. Mulligan with a second from Mr. Decker with all in favor.

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

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