

*TOWN OF ULSTER PLANNING BOARD
OCTOBER 16, 2012*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday October 16, 2012 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
Tim O’Brien

A motion to approve the minutes from the September was made by Mr. O’Brien with a second from Mr. Allison.

A roll call was taken with Mr. Almquist, Decker and De Forest absent.

Mr. O’Brien will take the place of Mr. DeForest.

Kingston Kingdom of Jehovah’s Witness –

Scott Lucas appeared on behalf of the application for site plan. Mr. Lucas stated the stormwater plan has been approved by Praetorius & Conrad and all other issues have been resolved. Mr. Sorensen recommended the Board refer the project to the Town Board with a recommendation of approval. The SEQRA was completed during the subdivision review and is complete. Mr. Sorensen read the resolution:

WHEREAS, the applicant – Scott R. Lucas on behalf of Kingston Kingdom Hall of Jehovah’s Witnesses and the Maggiore Testamentary Trust – is seeking Site Plan Approval for the purpose of constructing a 4,900 square-foot “*house of worship*” with off-street parking for 50 vehicles and access from Barbarosa Lane, which will be served with central water and an on-site septic system; and

WHEREAS, pursuant to Section 145-2 (A) (2) of the Town Code, the Site Plan is subject to the approval of the Town of Ulster Town Board; and

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

- *Narrative Description* by Scott R. Lucas representing Kingdom Hall of Jehovah’s Witnesses;
- *Application for Preliminary Plat Approval* by Scott R. Lucas dated May 1, 2012;
- *Short EAF* prepared by Scott R. Lucas – Applicant - dated April 21, 2012;
- *Site Plan Consent Form* by Gilda Bach – Trustee Maggiore Testamentary Trust dated March 22, 2012;
- *Site Plan for Kingston Kingdom Hall* by David Rider, P.E., PLLC dated February 22, 2011, and
- *Preliminary Plat for Minor Subdivision* prepared by Marie T. Welch, L.S. dated April 25, 2012.

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- *Preliminary Plat for Minor Subdivision* prepared by Marie T. Welch, L.S. revised June 1, 2012;
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- *Site Plan for Kingdom Hall of Jehovah's Witnesses* by David Rider, P.E., PLLC dated 5/24/2012;
- *Septic Plan for Kingdom Hall of Jehovah's Witnesses* by David Rider, P.E., PLLC dated 5/24/2012;
- *Stormwater and Erosion & Sediment Control Plan* by David Rider, P.E., PLLC dated 5/24/2012;
- *Site Plan for Kingdom Hall of Jehovah's Witnesses* by David Rider, P.E., PLLC 5/24/2012; and
- *Landscaping Plan and Details* prepared by David Rider, P.E., PLLC dated 5/24/2012; and
- *Building Elevations* for West Kingston Cong. Of Jehovah's Witnesses dated 6/1/2012.

- *Narrative Description* by Kingston Congregation of Jehovah's Witnesses dated 7/2/12;
- *Cover Letter* by Scott R. Lucas representing Kingston Congregation of Jehovah's Witnesses 7/2/12;
- *Preliminary Plat for Minor Subdivision* prepared by Marie T. Welch, L.S. revised June 22, 2012;
- *Site Plan for Kingdom Hall of Jehovah's Witnesses* by David Rider, P.E., PLLC revised 6/20/2012;
- *Septic Plan for Kingdom Hall Jehovah's Witnesses* by David Rider, P.E., PLLC revised 6/20/2012;
- *Landscaping Plan and Details* prepared by David Rider, P.E., PLLC revised 6/20/2012;
- *Lighting Photometric Plan* prepared by Ruud Lighting Direct dated June 19, 2012; and
- *Building Elevations* for West Kingston Cong. Of Jehovah's Witnesses dated 6/1/2012; and
- *Main Floor Plan* prepared by Jason T. Anderson, RA dated May 2, 2012.
- *Preliminary Plat for Minor Subdivision* prepared by Marie T. Welch, L.S. revised June 22, 2012;
- *Cover Letter* by Scott R. Lucas of Kingston Congregation of Jehovah's Witnesses 7/31/12;
- *Site Plan for Kingdom Hall of Jehovah's Witnesses* by David Rider, P.E., PLLC revised 7/24/2012;
- *Septic Plan for Kingdom Hall Jehovah's Witnesses* by David Rider, P.E., PLLC revised 7/24/2012;
- *Stormwater, Erosion and Sediment Control Plan* by David Rider, P.E., PLLC revised 7/24/2012;
- *Landscaping Plan and Details* prepared by David Rider, P.E., PLLC revised 7/24/2012;
- *Lighting Photometric Plan* prepared by Ruud Lighting Direct dated June 19, 2012;
- *Main Floor Plan* prepared by Jason T. Anderson, RA dated May 2, 2012; and
- *Exterior Elevations* for West Kingston Cong. Of Jehovah's Witnesses dated 6/1/2012.
- *Cover Letter* by Scott R. Lucas representing Kingston Congregation of Jehovah's Witnesses 9/5/12;
- *Site Plan for Kingdom Hall of Jehovah's Witnesses* by David Rider, P.E., PLLC revised 9/1/2012;
- *Septic Plan for Kingdom Hall of Jehovah's Witnesses* by David Rider, P.E., revised 9/1/2012;
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- *Stormwater, Erosion and Sediment Control Plan* by David Rider, P.E., PLLC revised 9/1/2012;
- *Landscaping Plan and Details* prepared by David Rider, P.E., PLLC revised 9/1/2012;
- *Lighting Photometric Plan* prepared by Ruud Lighting Direct dated June 19, 2012;
- *Main Floor Plan* prepared by Jason T. Anderson, RA dated May 2, 2012; and
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- *Exterior Elevations* for West Kingston Cong. Of Jehovah's Witnesses dated 6/1/2012.

- *Site Plan for Kingdom Hall of Jehovah's Witnesses* by David Rider, P.E., PLLC revised 10/2/2012;
- *Drainage Analysis and Stormwater Management Plan for Kingdom Hall* dated October 2012; and
- *SWPPP Review Letter by Bruce D. Utter, P.E. with Praetorius and Conrad, P.C.* dated 10/11/2012.

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 subject site complies with the minimum lot size and dimensional requirements of the OM-Office Manufacturing District Zoning District; and

WHEREAS, the Ulster County Health Department has approved the septic design for the subject site and proposed use; and

WHEREAS, the applicant has revised the Site Plan, Landscaping Plan, Lighting Plans and SWPPP in accordance with Planning Board required modifications and revisions; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board who issued two required modifications, which were addressed by the applicant through revisions to the plan set; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Long Form EAF Part 1 & 2, which covered the Subdivision and Site Plan requests) found the Proposed Action would not have an adverse impact on the environment; and

WHEREAS, the Planning Board as Lead Agency made a determination of non-significance and issued a *Negative Declaration* pursuant to NYCRR Part 617 of SEQR; and

WHEREAS, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of NYCRR Part 617 of the State Environmental Quality Review (SEQR) Law; and

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WHEREAS, the Planning Board is required under Chapter 145 of the Town Code to make an advisory recommendation to the Town Board, which has the final authority to approve the Site Plan Application.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board finds the applicant has submitted a complete application which complies with the bulk requirements of the Town of Ulster's OM-Office Manufacturing Zoning District regulations; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board does hereby refer this matter to the Town Board with the recommendation the Town Board approve the Site Plan application *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, 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;
4. All fees, including consultant fees, shall be paid.

Action: A motion to accept the planner's recommendation was made by Mrs. Hayner with a second from Mr. Allison with all in favor.

Prestige Toyota

Rob Dupont appeared on behalf of the application for an addition for a new facade. Mr. Dupont stated the applicant is going to reduce the size of the signage therefore it will meet town code. The second story will be used for storage of parts. Mr. Sorensen reviewed the project with the Board stating all issues have been addressed. The water department will need to be notified prior to construction. The Ulster County Planning Board requested no unloading signage be placed at the front of the site. These signs will need to be approved by NYSDOT. Mr. Sorensen recommended the Planning Board refer the project to the Town Board with the recommendation of approval with conditions. Mr. Sorensen read the resolution to the Board.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – *Prestige Automobiles, Inc.* – seeking Site Plan Amendment Approval to construct a 2,480 square-foot (SF) addition (first floor) plus the expansion of the mezzanine floor along with related interior and exterior façade renovations to an existing 32,325 SF Prestige Toyota Auto Dealership located on the east side of the East Chester Bypass; and

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

- *Site Plan Review Application* prepared by Robert J. Dupont, Architect, LLC dated 8/1/12;
- *SEQR Short EAF* prepared by Robert J. Dupont, Architect, LLC dated August 1, 2012;

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- *Escrow Agreement* executed by H. Jonathan Brauer for Prestige dated August 1, 2012;
- *Project Narrative* prepared by Robert J. Dupont, Architect, LLC dated August 1, 2012;
- *Existing Conditions Site Plan* by Robert J. Dupont, Architect, LLC dated 8/1/12;
- *Existing Conditions Floor Plans* by Robert J. Dupont, Architect, LLC dated 8/14/12;
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- *Proposed Floor Plans* for First Floor & Mezzanine by Robert J. Dupont, RA dated 8/14/12;
- *Proposed Site Plan* prepared by Robert J. Dupont, Architect, LLC dated August 1, 2012;
- *Proposed Elevations* by Robert J. Dupont, Architect, LLC dated 9/7/12, revised 10/3/12; and
- Proposed Sign details prepared by Robert J. Dupont, Architect, LLC dated October 3, 2012.

WHEREAS, the Town of Ulster Zoning Board of Appeals granted a variance for the front yard setback to allow the proposed addition at its July 11, 2012 meeting; and

WHEREAS, the Proposed Action otherwise complies with the bulk requirements of the RC-Regional Commercial Zoning District; and

WHEREAS, the Planning Board considered 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 of Ulster Planning Board determined the applicant submitted a complete application; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found that the Proposed Action was a Type 2 Action pursuant to NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and is statutorily exempted from SEQR review.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined that the Town has complied fully with the procedural requirements of NYCRR Part 617 of the State Environmental Quality Review (SEQR) Law; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board, which issued a required modification as follows: 1) Signage prohibiting parking, standing and the unloading of delivery vehicles are to be placed along the frontage; and

WHEREAS, the jurisdiction for the installation of signage along the frontage of NYS Route 9W prohibiting parking, standing and the unloading of delivery vehicles rests with the NYSDOT.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends the Town of Ulster Town Board grant *Site Plan Amendment approval* to *Prestige Automobiles, Inc.* to construct a 2,480 square-foot (SF) addition (first floor) plus the expansion of the mezzanine floor along with related interior and

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exterior façade renovations to an existing 32,325 SF Prestige Toyota Auto Dealership located on the east side of the East Chester Bypass 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. Signage prohibiting parking, standing and the unloading of delivery vehicles are to be placed along the frontage - if approved and authorized by the NYSDOT;
4. Compliance with any modifications to the water service, which may be required by the Town of Ulster Water Department; and
5. All fees, including consultant fees, shall be paid.

Action: A motion to accept the planner's recommendation was made by Mr. O'Brien with a second from Mr. Allison with all in favor.

Star Gas Products Inc.

Michael Vetere appeared on behalf of the application for a site plan revision. The applicant would like to add 1 bulk propane storage tank to the site and extend the fence enclosure. There will be no change on the signage on site. Mr. Sorensen reviewed his memo with the Board stating the additional tank will not infringe on the traffic circulation on the site and is not visible from Rt. 32. Mr. Sorensen recommended the Board approve the action. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – *Richard Muellerleile dba Star gas Products, Inc.* – seeking *Site Plan Amendment approval* to add an additional bulk propane storage tank to the existing KOSCO Site, which is located at 867 Flatbush Road; and

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

- *Application for Site Plan Amendment* prepared by Michael F. Vetere, Jr. P.L.S dated 10/9/12;
- *SEQR Short EAF* prepared by Michael F. Vetere, Jr. P.L.S dated 10/9/12; and
- *Map of Site Plan* prepared by Michael F. Vetere, Jr. P.L.S dated September 24, 2012.

WHEREAS, the Proposed Action complies with the bulk requirements of the OM-Office Manufacturing Zoning District; and

WHEREAS, the Planning Board considered 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

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WHEREAS, the Town of Ulster Planning Board determined the applicant submitted a complete application; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found that the Proposed Action was

a Type 2 Action pursuant to NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and is statutorily exempted from SEQR review.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined that they have complied fully with the procedural requirements of NYCRR 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 *Richard Muellerleile dba Star gas Products, Inc* to add an additional bulk propane storage tank to the existing KOSCO Site and extend an existing fence enclosure on the subject site, which is located at 867 Flatbush Road 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; and
3. All fees, including consultant fees, shall be paid.

Action: A motion to accept the planner's recommendation and grant site plan approval was made by Mr. O'Brien with a second from Mrs. Hayner with all in favor.

771 Ulster Avenue

Chih Huai Hsu appeared on behalf of the application to convert a pole barn structure to a restaurant. There is also a single family dwelling on this site. Revised plans were submitted to Mr. Sorensen. Mr. Hsu stated the owner would like to enclose the pole barn and convert to a restaurant the residence will remain. There will be parking only in the front of the site; there will be no change in the pavement. The grease trap details will be submitted a later date. Mr. Sorensen reviewed the site stating it is a tight site; DOT will need to approve the curb cut (there are 2 existing). The dumpster may need to be moved. A short discussion on parking spaces and traffic circulation followed. Mr. Sorensen will review the plans submitted; the applicant will return at a later date.

New L&J Corp. -454 Hurley Avenue

William Brinnier appeared on behalf of the application for a site plan revision. The applicant is proposing two additions; one for possible retail space or a coffee shop the other for an auto repair shop. Mr. Brinnier stated the owners may change plans because of the stormwater and septic system. Mr. Brinnier reviewed possible elevations of the

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addition with the Board; one plan continued with the same facade the other changes the facade of the building into a colonial look. The Board suggested the applicant go with the colonial look. A short discussion of the auto repair shop followed. Mr. Sorensen requested a parking analysis and a narrative on what type of business the auto shop will be (repair, sales, auto body repair). Health Department approval for new uses will also be required. Mr. Brinnier will hire an engineer for stormwater and submit revised plans at a later date. No action was taken.

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

Respectfully Submitted
Mary Secreto
Planning Secretary