

## **TOWN OF ULSTER PLANNING BOARD**

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday October 18, 2011 at 7:00 p.m. at the Town Hall Lake Katrine New York. The following members were present:

Renno Budziak –Chairman  
Ozzie Beichert  
Larry Decker  
Gary Mulligan  
Scott Ricketson  
Alan Sorensen – Planner

A motion to approve the minutes of the September meeting was made by Mr. Beichert with a second from Mr. Decker with all in favor.

### **Bucks Recycling Center – Site Plan**

Michael Moriello appeared on behalf of the application for site plan. The plan was referred to the UCPB for comments. Alan reviewed his memo with the Board stating that the UCPB's only comment was to add customer parking to the plan. The applicant will revise the plans to state off street parking rather than employee parking. The UCPB did not have a quorum therefore the Board can make a final decision 30 days after the receipt of the application. Mr. Sorensen recommended the Board grant site plan approval to install a retaining wall and fence subject to the conditions listed on the resolution.

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

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner and engineers have reviewed an application by - *Don S. Mackenzie* – for Site Plan Amendment approval to install a stacked-block retaining wall with a parapet louvered fence intended to screen the existing Recycling Center operation from public view; and

**WHEREAS**, the existing operation is a pre-existing non-conforming use under the Town of Ulster Zoning Law; and

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

- *Site Plan Review Application* by Michael A. Moriello, Esq. dated July 8, 2011;
- *Site Plan Application Addendum* by Michael A. Moriello, Esq. dated July 8, 2011;
- *SEQRA Short EAF* prepared by Don S. Mackenzie, dated July 7, 2011;
- *Application for Area Variance* prepared by Don S. Mackenzie, dated July 7, 2011;
- *Appeal of Notice of Violation* by Michael A. Moriello, Esq. dated February 2, 2011;
- *Stipulation of Settlement* related to Proposed Action dated May 27, 2011; and
- *Preliminary Site Plan* prepared by Brinnier & Larios, P.C. dated June 2011.

***TOWN OF ULSTER PLANNING BOARD***

**WHEREAS**, the Proposed Action was referred to the Town of Ulster Zoning Board of Appeals (ZBA) for an area variance to install of 6-foot fence atop a 36-inc wall within the front and side setback lines; and

**WHEREAS**, the Town ZBA duly advertised for a Public Hearing, which was held on September 7, 2011; and

**WHEREAS**, no residents appeared at the public hearing; and

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board pursuant to NYS General Municipal Law Section 239 l & n; and

**WHEREAS**, the Ulster County Planning Board was unable to achieve a quorum for the vote regarding the application and no action was taken at its October 5, 2011 meeting; and

**WHEREAS**, the Ulster County Planning Board provided written recommendations including an advisory recommendation that parking for customers needs to be identified on the site plan along with employee parking; and

**WHEREAS**, the five (5) off-street parking spaces on site are intended to serve employee and customer demand for off-street parking; and

**WHEREAS**, the UCPB advised that upon the elapse of UCPB's 30-day statutory comment period (i.e. October 26, 2011) the Town Planning Board could take final action on the application; 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 SEQRA Short Environmental Assessment Form (EAF)) found that the Proposed Action was a Type II Action pursuant to Part 617 of State Environmental Quality Review Act (SEQRA).

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster 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

## **TOWN OF ULSTER PLANNING BOARD**

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to - *Don S. Mackenzie* – for Site Plan Amendment approval to install a stacked-block retaining wall with a parapet louvered fence intended to screen the existing Recycling Center operation from public view subject to the conditions, limitations and restrictions set forth below.

1. Submission of revised Site Plan w/o “employee parking” label;
2. Work shall not commence on the site until after October 26, 2011;
3. Compliance with applicable zoning and building laws, rules and regulations;
4. Compliance with all representations made by the applicant; and
5. All fees, including consultant fees, shall be paid.

### **Big Matt Associates – Site Plan Revision**

Nadine Carney appeared on behalf of the application for Big Matt Associates. Ms. Carney stated there have been no changes to the plan since the last meeting. The Zoning Board of Appeals granted a Use Variance on October 5<sup>th</sup> this was the last item required by the Planning Board. Ms. Carney requested the Board refer the project to the Town Board for final approval. Mr. Sorenson stated the Zoning Board of Appeals has granted the Use Variance, the UCPB had no comments on the site plan. Mr. Sorenson recommended the Planning Board forward the project to the Town Board with a recommendation for approval.

**Action:** A motion to accept the Planner’s Recommendation was made by Mr. Mulligan with a second from Mr. Beichert with all in favor.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner and engineers have reviewed an application by Big Matt Associates, Inc. for Site Plan Amendment approval to construct a 4,725 square-foot (sf) office/manufacturing building and 3,900 sf garage (car storage) on a 1.6-acre site (SBL 48.14-1-12.1) served by municipal central water and on-site sewage disposal system; and

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

- *Application for Sketch Plan Review* prepared by John G. Stotz, Jr. dated July 20, 2011;
- *SEQRA Short Environmental Assessment Form* by John G. Stotz, Jr. dated July 20, 2011;
- *Project Narrative for Old Sawkill Rd Development* by Brinnier & Larios, P.C. dated July 2011;
- *Sketch Plan for Old Sawkill Road Development* by Brinnier & Larios, P.C. dated July 2011;
- *Cover Letter* by Nadine D. Carney, Project Engineer of B&L, P.C. dated August 15, 2011;
- *Photos of Project Site* Illustrating Existing Conditions by Brinnier & Larios, P.C. dated 8/12/11;
- *Revised Narrative for Old Sawkill Rd Development* by Brinnier & Larios, P.C. dated August 2011;

**TOWN OF ULSTER PLANNING BOARD**

- *Lighting Specification sheet* by Hi-Lite MFG. Co., Inc, dated September of 2011;
- *Garage and Foundation Floor Plans & Schedules* by Wright Architects dated September 7, 2011;
- *Garage Sections and Elevations* by Wright Architects dated September 7, 2011;
- *Sketch Plan for Old Sawkill Road Devel.*by Brinnier & Larios, P.C. dated September 7, 2011; and
- *Lighting Schedule for Old Sawkill Road Development* by Brinnier & Larios, P.C. dated July 2011.

**WHEREAS**, the subject site is situated within the Town of Ulster R-30 Residential Zoning District, which does not allow office, manufacturing or warehouse uses; and

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board (UCPB) pursuant to Section 239 1 and m of NYS General Municipal Law to consider the Site Plan and Use Variance; and

**WHEREAS** the UCPB required the Town of Ulster Zoning Board of Appeals (ZBA) to document how the Proposed Action meets the NYS *four-part test* for granting a Use Variance; and

**WHEREAS**, the applicant applied to the ZBA for a *Use Variance* to allow the adaptive reuse of an existing 6,000 sf metal-frame building for office/manufacturing use and the use of a proposed 4,725 sf office/manufacturing building and 3,900 sf warehouse (car storage) building on the site; and

**WHEREAS**, the ZBA considered the application materials submitted by the applicant in support of the Proposed Action, along with written comments of its consultants confirming it met the *four-part test* for granting a Use Variance; and

**WHEREAS**, the ZBA held a public hearing on October 5, 2011 and subsequently adopted a *Notice of Decision* granting a *Use Variance* to the applicant for the Proposed Action and affirmed its override of the UCPB's required modification; 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 and the Town Departments made via memoranda (which memoranda are incorporated herein by reference); and

**WHEREAS**, the Town of Ulster Planning Board determines the applicant submitted a complete application and the ZBA complied with the UCPB's required modifications; and

**TOWN OF ULSTER PLANNING BOARD**

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF)) finds that the Proposed Action will not have an adverse impact on the environment.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board hereby recommends the Town Board, as Lead Agency, make a determination of non-significance and issue a Negative Declaration pursuant to Part 617 of SEQRA.

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby recommends the Town Board grant Site Plan Amendment Approval to Big Matt Associates, Inc. to construct a 4,725 square-foot (sf) office/manufacturing building and 3,900 sf garage (car storage) on a 1.6-acre site (SBL 48.14-1-12.1) 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.

**Twin Creeks – Lot Line Adjustment**

Michael Moriello appeared on behalf of the application for a lot line adjustment. Mr. Moriello stated the applicant would like to merge the 21 lot subdivision into 1 single lot; all Row's will remain. Documents such as the deed will need to be extinguished; they will be forwarded to the Town when filed. Mr. Sorensen reviewed the project stating it was a straight forward application; he recommended the Board grant a Negative Declaration and approve the Lot Line Adjustment.

**Action:** A motion to grant a negative declaration as per SEQRA 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. Mulligan with a second from Mr. Ricketson with all in favor.

**WHEREAS**, the Planning Board and its consultant planner have reviewed an application by Peter, Joeseeph and Anthony LoBianco and Angela LoBianco DeCicco for a 'Lot Line Adjustment' to involving the dissolution of a 21-lot subdivision, which was granted Final Subdivision Approval by the Town of Ulster Planning Board on 8/18/08; and

**WHEREAS**, Proposed Action meets the Town Code definition of a Lot Line Adjustment and as such is not a "subdivision" or "resubdivision" as defined therein; and

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

- *Cover Letter* by Riseley & Moriello Attorneys at Law dated October 5, 2011;

**TOWN OF ULSTER PLANNING BOARD**

- *Lot Line Adjustment Application* prepared by Michael A Moriello, Esq. dated 10/12/11;
- *SEQRA Short EAF* prepared by Michael A Moriello, Esq. dated 10/12/11;
- *Escrow Agreement signed by Peter LoBianco dated July 29, 2011*; and
- *Map of Lot Line Deletions* prepared by Christopher J. Zell, LLS., dated 9/27/2011.

**WHEREAS**, the proposed parcel lot will comply with the minimum lot size and bulk requirements of the R-30 Residential Zoning District; 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 public hearing is not required for 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 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 upon full consideration of the above, the Planning Board hereby grants approval of the Twin Creeks Lot Line Adjustment by Peter, Joeseoph and Anthony LoBianco and Angela LoBianco DeCicco, subject to the conditions, limitations and restrictions set forth below.

1. Full compliance with applicable Building Codes requirements.
2. Submission of revised Map of Lot Line Adjustment, which addresses recommended revisions within the Town Planner's October 17, 2011 Project Review Notes.
3. Escrow account paid in full.

A motion to adjourn was made by Mr. ricketson with a second from Mr. Beichert with all in favor

Respectfully submitted,

Mary Secreto

Planning Secretary