

*TOWN OF ULSTER
PLANNING BOARD
October 20 2015*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday October 20, 2015 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan-Chairman
Larry Decker
Frank Almquist
Alan Sorensen - Planner

Karl Allison
Anna Hayner
Andrew Stavropoulos

A motion to approve the minutes from the September meeting was made by Mr. Almquist with a second from Mrs. Hayner with all in favor.

Leggs Mills Apartments

Scott Dutton appeared on behalf of the application for the conversion of a 2 family dwelling to a 6 unit apartment house. Mr. Dutton stated the applicants have appeared before the Zoning Board of Appeals requesting a variance to reduce the parking to 10 spaces. The applicants are proposing converting the structure from 2 units to 6 units. The apartments will be between 450 to 500 square feet. Mr. Sorensen stated the project will require a Special Use Permit from the Town Board as well as Site Plan approval. No action was taken the applicant will return after the ZBA makes a decision on the variance request.

Retail Building @ 1204 Ulster Avenue

Paul Jankovitz appeared on behalf of the application for a 14,400 sq ft 2 story retail building located at 1204 Ulster Avenue. Mr. Jankovitz stated the site has three access points one at Rt. 9W and two Right of Ways. The applicant is working with NYS DOT; there should not be any problem getting approval for full access. Parking will be in front of the lower level of the building along with a second lot with a walkway to the upper level. The facade will be brick. The next submittal will include more details and a drainage plan. The applicant is looking for any comments. Mr. Sorensen stated the Town Board will have final approval and recommended the Board forward the project to the Town Board to declare intent to be lead agency. Mr. Sorensen read the resolution. A motion to accept the Planner's recommendation was made by Mr. Allison with a second from Mr. Almquist with all in favor.

The Vitamin Shoppe

Mark Kellogg and Heather Gabriel appeared on behalf of the application for a 3,000 sq ft retail store. The applicant is working with NYS DOT; there will be a right in/out access. Details for the Water and Sewer Department will be added to the revised plans. The colors will be earth tones and the dumpster enclosure will match the building materials.

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Mr. Sorensen stated the Town Board will have final approval; it is a Type II action so no further review is needed. Mr. Sorensen stated the Board should refer the project to the Ulster County Planning Board. A motion to accept the Planners recommendation was made by Mr. Almquist with a second from Mrs. Hayner with all in favor.

Ulster Commons

Kyle Kirchoff appeared on behalf of the application for a lot line adjustment. The revision consists of increasing lot 5 (Hardees) to .965 acres and decreasing lot to (undeveloped) by 2.061 acres. Mr. Sorensen recommended the Board grant approval of the revision. Mr. Sorensen read the resolution.

WHEREAS, the applicant – *Ulster Commons III, LLC and 1561 Ulster Properties, LLC* – submitted an application seeking Lot Line Adjustment involving Town of Ulster Tax Parcels SBL 39.82-2-7.115 and 39.82-2-7.112; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Lot Line Adjustment, 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 Lot Line Adjustment* by above referenced applicants dated 10/14/15;
- *Sketch Plan of Lot Line Change* by Chazen Engineering, dated October 1, 2015; and
- Map of Lot Line Adjustment by Chazen Engineering, dated October 20, 2015

WHEREAS, the proposed lots and improvements comply with the bulk requirements of the OM-Office Manufacturing Zoning District; and

WHEREAS, referral to the Ulster County Planning Board is not required pursuant to the UCPB Land Use Referral Guide, since there are fewer than 5 lots and no lots are in the 100-year floodplain; 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 Lot Line Adjustment* was prepared by Chazen Engineering, Land Surveying and Landscape Architecture dated October 20, 2015 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the Map of Lot Line Adjustment; and

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WHEREAS, a public hearing was not required to approve a Lot Line Adjustment; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Negative Declaration for the MHMG Kingston site) found the Proposed Action does not rise to the level of requiring further SEQR review and hereby reaffirms the SEQR Negative Declaration for the subject site; and

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 Lot Line Adjustment approval as described above to *Ulster Commons III, LLC and 1561 Ulster Properties, LLC* subject to the conditions, limitations and restrictions set forth below.

1. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
2. 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
3. All fees, including consultant fees, shall be paid.

Etain Dispensary

Patrick Croke appeared on behalf of the application for a marijuana dispensary. NYS DOT requested the westerly access be removed; the applicant will be removing the pavement and extending the existing berm. The Ulster County Planning Board comments on the access have been satisfied with the revision requested by DOT. Mr. Sorensen recommended the Board grant approval of the Change of Use. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Etain as proposed purchaser subject to consent signed by Peckman Materials* is seeking Site Plan approval for a change-in-use to establish a *NYS licensed medical marijuana dispensary* on the site, which is located at 445 State Route 28; and

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

- *Site Plan Consent Form* by John R. Peckham, President Peckman Materials Corp. dated 9/8/2015;
- *Site Plan Application* prepared by Patrick M. Croke, Architect dated 9/8/2015;
- *SEQR Short EAF* prepared by Patrick M. Croke, Architect dated 9/4/2015;
- *Topographic Survey* prepared by Azimuth Surveying Cartography dated 12/04/2004;

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- *Site Plan* prepared by Patrick M. Croke, Architect dated 9/4/2015;
- *Parking Areas Plan* prepared by Patrick M. Croke, Architect dated 9/4/2015;
- *Photometric Study* prepared by Patrick M. Croke, Architect dated 9/4/2015;
- *Landscape Plan* prepared by Patrick M. Croke, Architect dated 9/4/2015;
- *Site Details* prepared by Patrick M. Croke, Architect dated 9/4/2015; -*First Floor Plan* prepared by Patrick M. Croke, Architect dated 9/4/2015; and -*Building Elevations* prepared by Patrick M. Croke, Architect dated 9/4/2015.
- *Recommendation Letter* issued by *Ulster County Planning Board* dated 10/17/15;
- *Correspondence via e-mail* by *David Corrigan, Permit Engineer for NYSDOT* dated 9/15/15;
- *Site Plan* prepared by Patrick M. Croke, Architect dated 9/4/2015 and revised 9/10/15;
- *Parking Areas Plan* prepared by Patrick M. Croke, Architect and revised 9/10/15;
- *Photometric Study* prepared by Patrick M. Croke, Architect and revised 9/10/15;
- *Landscape Plan* prepared by Patrick M. Croke, Architect and revised 9/10/15;
- *Site Details* prepared by Patrick M. Croke, Architect dated 9/4/2015 and revised 9/10/15;
- *First Floor Plan* prepared by Patrick M. Croke, Architect dated 9/4/2015 and revised 9/10/15; and
- *Building Elevations* prepared by Patrick M. Croke, Architect dated 9/4/2015 and revised 9/10/15.

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan amendment for this Proposed Action since the proposed modifications to the existing Site Plan does not result in new gross floor area; and

WHEREAS, the applicant provided a Site Plan for the Proposed Action, which was reviewed by the Town’s planner with a recommendation to the Town of Ulster Planning Board to accept the amended Site Plan; and

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

WHEREAS, the Ulster County Planning Board issued “Required Modifications”, which the Town of Ulster Planning Board concluded were satisfied by NYSDOT approval of proposed modifications to site access; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, upon review of the entire record determined the Proposed Action is a *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.

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 *Etain as proposed purchaser subject to consent signed by Peckman Materials* 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 cited herein;

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- 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.

Holiday Inn Express

The owner of the Holiday Inn Express has requested a change in design on the exterior elevation of the building. The change was reviewed by the Board and after a short discussion the revised elevations were accepted.

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

Respectfully Submitted,
Mary Secreto, Planning Secretary