

*Town of Ulster Planning Board  
May 15, 2012*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday May 15, 2012 at 7:00 p.m. at the Town Hall Lake Katrine New York. The following members were present:

Alan DeForest –Chairman  
Karl Allison  
Anna Hayner

Alan Sorensen – Planner  
Larry Decker  
Gary Mulligan

A motion to approve the minutes from the April was made by Mr. Mulligan with a second from Mrs. Hayner.

A roll call was taken; all members were in attendance.

**Kingston Landing LLC – Public Hearing**

A motion to open the Public Hearing was made by Mr. Mulligan with a second from Mr. Decker. Mr. Sorensen reviewed the project with the Board; the action involves combining nine parcels into one while concurrently dividing that lot into 2 parcels. One lot will be for the water tank for the East Kingston Water District. The Town Board will need to grant an Open Development Area; a Public Hearing is scheduled for June 17<sup>th</sup>. A motion to close the Public Hearing was made by Mr. Mulligan with a second from Mrs. Hayner with all in favor.

**Millen’s Recycling**

Donald Brott appeared on behalf of the application for a recycling center. Mr. Brott stated the applicant has now submitted a “Best Management Plan and SWWP Plan that will be reviewed by Praetorius & Conrad. Two drainage systems have been added one for clean water that will come from Route 9W and roof water; the other will collect water from around the site. A drainage study has been completed for the site. A Memorandum of Understanding to join the drainage district will be supplied by the Town. No action was taken.

**Lounge Furniture – Discussion**

Mr. Sorensen stated applicant came to a workshop inquiring if a formal application would be need on minor alterations on the facade on ----. The changes are minor and not structural; the applicant is using molding to give the storefront an updated look. A motion to approve the proposed change was made by Mrs. Hayner with a second from Mr. Mulligan.

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**Landing Woods – Public Hearing**

A motion to open the Public Hearing was made by Mr. Mulligan with a second from Mr. Decker with all in favor. Mr. Kovacs reminded the Board that the Public Hearing is on the Preliminary Plat and Cluster Development. Chris LaPine appeared for the applicant. No one appeared for or against the project. A motion to close the Public Hearing was made by Mr. Decker with a second from Mr. Mulligan. Mr. Sorensen reviewed the “Draft Resolution” with the Board. The action that the Planning Board will take is the approval of the Preliminary Plat and Cluster Development. The Town Board will approve the Site Plan. Mr. Sorensen recommended the Board approve the Preliminary Plat and Cluster Development and refer the application to the Town Board for conditional site plan approval. A short discussion on the water pressure followed with Mr. LaPine stating the water system for the site is approved but there is not enough pressure to provide fire protection. There are hydrants in the area but they are not used by the fire department. A motion to accept the Planner’s recommendation was made by Mr. Mulligan with a second from Mrs. Hayner with all in favor.

**WHEREAS**, the Town of Ulster Planning Board has received an application by Landing Woods at Ulster, LLC seeking *Cluster Development pursuant to* Section 190-16 (a) of the Town Code *and Preliminary Plat* approval pursuant to Chapter 161 of the Town Code; concurrent with *Site Plan and Special Use Permit* approval by the Town Board to develop an 84-unit townhouse development (attached dwellings) on a 31.43-acre site (consisting of one parcel SBL 39.016-4-19.210) served by private central water and municipal sewer; and

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

- *Site Plan and Special Use Permit Application* by Chazen Companies, dated September 6, 2011;
- *Written Narrative* prepared by Chazen Companies, dated September 6, 2011;
- *SEQRA Full EAF Part 1* prepared by Chazen Companies, dated September 6, 2011
- *Conceptual Layout* by Chazen Engineering & Surveying, P.C, dated 6/4, revised 9/6/11; and
- *Grading & Erosion Control Plan with Overlay of April 2011 Wetlands Delineation Map* prepared by Chazen Engineering & Surveying, P.C, dated 6/14/11.
- *Written Narrative* prepared by Chazen Companies, dated December 7, 2011;
- *School Impact Analysis for Landing Woods* by Chazen Companies dated December 7, 2011;
- *Phase 1 Bog Turtle Assessment for Landing Woods* by Aspen Environmental dated 10/31/11;
- *Traffic Impact Study for Landing Woods* by John Collins Engineers, P.C. revised 12/7/2011;
- *Phase 1A& 1B Archeological Assessment - Hartgen Archeological Associates* dated July 2004;
- *Existing Conditions Plan* by Chazen Engineering & Land Surveying dated December 7, 2011;

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- *Site Plan* by Chazen Engineering & Land Surveying, P.C. dated December 7, 2011;
- *Grading & Drainage Plan* by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C., dated 12/7/11;
- *Utility Plan* prepared by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Landscaping Plan* prepared by Chazen Engineering & Land Surveying dated 12/7/2011;
- *Road Profiles* prepared by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Site Details* prepared by Chazen Engineering & Land Surveying dated December 7, 2011;
- *Storm Sewer Details* prepared by Chazen Engineering & Land Surveying dated 12/7/2011;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C., dated 12/7/11;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C., dated 12/7/11;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C., dated 12/7/11; and
- *Landscaping Details* prepared by Chazen Engineering & Surveying, P.C., dated 12/7/11.
- *Written Narrative* prepared by Chazen Companies, dated March 7, 2012;
- *Correspondence from NYS OPRHP concerning cultural resources dated 2/17/2012;*
- *Note Sheet* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Existing Conditions Plan* by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Site Plan* by Chazen Engineering & Land Surveying, P.C. dated March 7, 2012;
- *Grading & Drainage Plan* by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C., dated 3/7/2012;
- *Utility Plan* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Landscaping Plan* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Road Profiles* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Site Details* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Storm Sewer Details* prepared by Chazen Engineering & Land Surveying dated March 7, 2012;
- *Erosion & Sediment Details* by Chazen Engineering & Surveying, P.C., dated 3/7/2012;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C., March 7, 2012;
- *Sanitary Sewer Details* by Chazen Engineering & Surveying, P.C., March 7, 2012; and
- *Landscaping Details* prepared by Chazen Engineering & Surveying, P.C., March 7, 2012.
- *Written Narrative* prepared by Chazen Companies, dated April 4, 2012;
- *Correspondence from AQUA concerning availability of water dated 3/27/2012;*
- *Title Sheet* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
- *Note Sheet* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
- *Existing Conditions Plan* by Chazen Engineering & Land Surveying revised April 4, 2012;

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- Site Plan* by Chazen Engineering & Land Surveying, P.C. revised April 4, 2012;
- *Grading & Drainage Plan* by Chazen Engineering & Land Surveying revised April 4, 2012;
  - *Erosion & Sediment Plan* by Chazen Engineering & Surveying, P.C., revised April 4, 2012;
  - *Utility Plan* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
  - *Landscaping Plan* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
  - *Lighting Plan* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
  - *Road Profiles* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
  - *Site Details* prepared by Chazen Engineering & Land Surveying revised April 4, 2012;
  - *Storm Sewer Details* prepared by Chazen Engineering & Land Surveying dated April 4, 2012;
  - *Erosion & Sediment Details* by Chazen Engineering & Surveying, P.C., dated April 4, 2012;
  - *Water System Details* prepared by Chazen Engineering & Surveying, P.C., dated 4/7/2012;
  - *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C., dated April 4, 2012;
  - *Stormwater Management Details* by Chazen Engineering & Surveying, P.C., dated 4/7/2012; and
  - *Landscaping Details* prepared by Chazen Engineering & Surveying, P.C., dated April 4, 2012.
  - *Subdivision Plat SUB 1* prepared by Chazen Engineering & Surveying, P.C., dated April 4, 2012;
  - *Subdivision Plat SUB 2* prepared by Chazen Engineering & Surveying, P.C., dated April 4, 2012;
  - *Floor Plan for 2 –BR Units* prepared by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
  - *Floor Plan for 3 –BR Units* prepared by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
  - *Floor Plan for 2 –BR Units* prepared by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
  - *Floor Plan for 3 –BR Units* prepared by FDS Architects & Thomas D. Swift, RA dated 3/30/2012;
  - *Elevations for 4 & 6-Plex* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012; and
  - *Perspective Drawing of 4-Plex* by FDS Architects & Thomas D. Swift, RA dated 3/30/2012.

**WHEREAS**, the Town of Ulster Town Board as Lead Agency adopted SEQR Conditioned Negative Declaration on April 19, 2012 concerning the Proposed Action; and

**WHEREAS**, the Planning Board carefully 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

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meetings and public hearing; and

**WHEREAS**, the proposed cluster development will allow for the preservation of a significant portion of the subject property as open space, which will be in common ownership by the Proposed Homeowners Association; and

**WHEREAS**, the proposed lot size, width, depth, shape and arrangement are appropriate for the type of development and use contemplated and there are no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Site Development Law and Zoning Law, or in providing access to buildings on the proposed development lot from an approved street; and

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 1 and m of NYS General Municipal Law and written comments from the UCPB were received on May 2, 2012; and

**WHEREAS**, upon review of the UCPB Required Modifications, the Town of Ulster Planning Board hereby *overrides the following required modifications*:

1. Sidewalks are to be located on at least one side of the roadway and a bus drop-off/pick-up location noted on the site plan.
2. Streets shall be designed to allow at least one-side of the street on-street parking.
3. If physically practicable to do so, an interconnection to Adler Court is required to enhance the regional network.
4. The adequacy of water pressure for fire protection will require verification and approval by the local fire district.

**NOW THEREFORE BE IT RESOLVED** the Town of Ulster Planning Board finds the proposed action will not result in any significant adverse environmental impacts; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants *Landing Woods at Ulster, LLC Cluster Development approval pursuant to and Preliminary Plat* approval subject to the following conditions, limitations and restrictions:

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Approval of final detailed road and utility plans by the Town Engineer and Highway, Sewer & Water Departments; and

**FURTHER BE IT RESOLVED**, the Planning Board schedules a public hearing on the Final Plat for its June 19, 2012 meeting; and

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**FURTHER BE IT RESOLVED** the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation to approve the *Site Plan and Special Use Permit* subject to the conditions cited above.

1. A consistency determination from the NYS Department of State Office of Communities and Waterfronts shall be submitted to the Planning Board;
2. A plan for improvements to the Whittier Sewer Treatment Plant and collection system must be approved and agreements to finance such improvements must be consummated between the developer and the Town Board prior to final approval of the subdivision plat and special permit;
3. Submission of a Draft Homeowners Association Offering Plan to reviewed by the Town Attorney and subsequently approved by Department of Law New York State.

**Ulster Gardens – Public Hearing**

A motion to open the Public Hearing was made by Mr. Decker with a second from Mr. Mulligan with all in favor. Peter Romano appeared on behalf of the application. Mr. Sorensen stated the Planning Board will need to approve the Final Plat and refer the site plan to the Town Board. Mr. Romano reviewed the final plat with the Board stating it has been updated by noting the lands to the West of Quail Drive Extension are now included in the conservation easement. Mr. Barton questioned what conditions would be put on the approval; Mr. Sorensen read part of the draft resolution stating final approval of the Water, Sewer, Highway and Health Department would be needed before final approval. Mr. Barton questioned if the applicant would be required to fix the drainage on the Fox Run site. Joe Mihm of Brinnier & Larios reviewed the drainage issues stating the Fox Run developer installed a 6 or 8 inch pipe and an unknown person placed an extension on that pipe. This pipe is not working at this time: repairing the pipe would require approval from the owners of the affected properties and the Town would need to place the cost into the Town's budget. Mr. Mihm stated the Ulster Gardens project will reduce the surface water in that area. Mr. Mihm also stated there is a letter from the Army Corp of Engineers stating the repairs to the pipe will not be draining wetlands. Mr. Sorensen read the draft resolution for the final plat and recommended the Board approve it granting approval of the final plat and also referring the project to the Town Board for final conditional approval. A motion to grant conditional final plat approval was made by Mr. Allison with a second from Mr. Decker with all in favor.

**WHEREAS**, the Town of Ulster Planning Board has received an application by *Warwick Properties, Inc.* to subdivide a 51.16-acre parcel (SBL 48.58-7-21.10) into two parcels of 3.46 acres and 46.25 acres while dedicating 1.45 acres to the Town of Ulster for the purpose of extending Quail Drive to Memorial Drive within a 50-foot wide right-of-way; *cluster development* approval by the Planning Board pursuant to Section 278 of

NYS Town Law; and *site plan and special use permit* approval to develop a 112-unit

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Senior Living Community and 52-Multi-family development on the 46.25-acre site is also requested; and

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

- *Site Plan Application* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Subdivision Application* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Written Narrative* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *SEQRA Full EAF Part 1* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Existing Conditions Survey* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Grading & Drainage Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Storm Water Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11; and
- *Landscaping Notes & Details* by Chazen Engineering & Surveying, P.C, dated 12/14/11.
- *Traffic Impact Study* prepared by Chazen Engineering & Surveying, P.C, dated 2/1/12;
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Existing Conditions Survey* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Grading & Drainage Plan* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Additional Parking Layout & Utility Plan* by Chazen Engineering, P.C, dated 2/1/12;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Quail Drive Extension Plan & Profile* by Chazen Engineering, P.C, dated 2/1/12;
- *Sanitary Sewer Plan & Profile* by Chazen Engineering & Surveying, P.C, dated 2/1/12;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Storm Water Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Landscaping Notes & Details* by Chazen Engineering & Surveying, P.C, dated revised 2/1/12; and
- *Draft Amended Statement of Findings by Lead Agency dated March 17, 2012*
- *Cover Letters* from Peter Romano, PE of Chazen Companies dated April 4 and April 16, 2012;
- *Traffic Impact Study* prepared by Chazen Engineering & Surveying, P.C, revised 3/22/12;
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, revised 4/4/12;
- *Existing Conditions Survey* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Preliminary Subdivision Plat* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
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- *Grading & Drainage Plan* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Additional Parking Layout & Utility Plan* by Chazen Engineering, P.C, revised 4/1/12;
- *Quail Drive Extension Plan & Profile* by Chazen Engineering revised 4/1/12;
- *Sanitary Sewer Plan & Profile* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/4/12;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Storm Water Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/4/12;
- *Landscaping Notes & Details* by Chazen Engineering & Surveying, P.C, dated revised 4/1/12;
- *Response Letter* to Brinnier & Larios SWPPP comments by Chazen dated April 4, 2102; and
- *SWPPP* for Ulster Gardens by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Wetlands mapping review* by Barbara Beall, PWS, LEED AP of Chazen dated April 13,2012; and
- *SEQR Amended Statement of Findings by Lead Agency dated April 16, 2012.*
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Existing Conditions Survey* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Preliminary Subdivision Plat* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Grading & Drainage Plan* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Additional Parking Layout & Utility Plan* by Chazen Engineering, P.C, revised 5/9/12;
- *Quail Drive Extension Plan & Profile* by Chazen Engineering revised 5/9/12;
- *Sanitary Sewer Plan & Profile* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12; and
- *Final Subdivision Plat* by Chazen Engineering & Surveying, P.C, revised 5/14/12.

**WHEREAS**, the Town of Ulster Planning Board as Lead Agency adopted SEQR Amended Findings Statement on April 17, 2012 concerning a proposal by *Warwick Properties, Inc.* to subdivide a 51.16-acre parcel (SBL 48.58-7-21.10) into two parcels of 3.46 acres and 46.25 acres while dedicating 1.45 acres to the Town of Ulster for the purpose of extending Quail Drive to Memorial Drive within a 50-foot wide right-of-way; *cluster development* pursuant to Section 278 of NYS Town Law and *site plan and special use permit* to develop a 112-unit Senior Living Community and 52-Multi-family development on the 46.25-acre site is also requested; and

**WHEREAS**, the Planning Board carefully 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 and public hearing; and



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**WHEREAS**, the proposed lot size, width, depth, shape and arrangement are appropriate for the type of development and use contemplated and there are no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Site Development Law and Zoning Law, or in providing access to buildings on the proposed development lot from an approved street; and

**WHEREAS**, following the adoption of the SEQR Amended Statement of Findings and close of the Preliminary Plat Public Hearing, the Town of Ulster Planning Board approved the Preliminary Plat and Cluster Development and set a Public Hearing on the Final Plat for its May 15, 2012 meeting; and

**WHEREAS**, the Town of Ulster Planning Board finds the Final Plat is consistent with the Preliminary Plat, which was approved by the Town of Ulster Planning Board at its April 17, 2012 meeting; and

**NOW THEREFORE BE IT RESOLVED** the Town of Ulster Planning Board finds the proposed action will not result in any significant adverse environmental impacts; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants *Warwick Properties, Inc. Final Plat Approval* to subdivide a 51.16-acre parcel (SBL 48.58-7-21.10) into two parcels of 3.46 acres and 46.25 acres while dedicating 1.45 acres to the Town of Ulster for the purpose of extending Quail Drive to Memorial Drive within a 50-foot wide right-of-way subject to the following conditions, limitations and restrictions; and

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Approval of final detailed road and utility plans by the Town Engineer and Highway, Sewer & Water Departments and Ulster County Health Department;
3. Before the Planning Board Chairman may sign the final plat, the subdivider shall either post a bond or other surety satisfactory to the Town Board in an amount sufficient to construct required improvements, or shall complete the required improvements to the satisfaction of the Town Engineer;
4. Owner/applicant shall grant a deed of conservation easement for Conservation Easement #1, #2 and # 3 as shown on the Subdivision Map dated May 13, 2012 to the Town of Ulster, as grantee, so that the subject property that is located in the R-30 zone shall be restricted from use as residential, commercial or industrial development. The form of the conservation easement shall be subject to approval by the Town Attorney and the Town Board;
5. Applicant will prepare all paperwork necessary for water and sewer extension and a *hydraulic model* to verify sufficient pressure to serve the proposed development; and
6. All fees, including consultant fees, shall be paid.

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**Ulster Gardens**

Mr. DeForest read the resolution recommending conditional approval of site plan and special use permit. A motion to approve the resolution was made by Mrs. Hayner with a second from Mr. Mulligan all were in favor.

**WHEREAS**, the Town of Ulster Planning Board has received an application by *Warwick Properties, Inc.* to subdivide a 51.16-acre parcel (SBL 48.58-7-21.10) into two parcels of 3.46 acres and 46.25 acres while dedicating 1.45 acres to the Town of Ulster for the purpose of extending Quail Drive to Memorial Drive within a 50-foot wide right-of-way; *cluster development* approval by the Planning Board pursuant to Section 278 of NYS Town Law; and *site plan and special use permit* approval to develop a 112-unit Senior Living Community and 52-Multi-family development on the 47.70-acre site is also requested; and

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

- *Site Plan Application* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Subdivision Application* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Written Narrative* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *SEQRA Full EAF Part 1* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Existing Conditions Survey* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Grading & Drainage Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Storm Water Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11; and
- *Landscaping Notes & Details* by Chazen Engineering & Surveying, P.C, dated 12/14/11.
- *Traffic Impact Study* prepared by Chazen Engineering & Surveying, P.C, dated 2/1/12;
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Existing Conditions Survey* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Grading & Drainage Plan* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Additional Parking Layout & Utility Plan* by Chazen Engineering, P.C, dated 2/1/12;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Quail Drive Extension Plan & Profile* by Chazen Engineering, P.C, dated 2/1/12;
- *Sanitary Sewer Plan & Profile* by Chazen Engineering & Surveying, P.C, dated 2/1/12;

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- *Site Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Storm Water Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Landscaping Notes & Details* by Chazen Engineering & Surveying, P.C, dated revised 2/1/12; and
- *Draft Amended Statement of Findings by Lead Agency dated March 17, 2012.*
- *Cover Letters* from Peter Romano, PE of Chazen Companies dated April 4 and April 16, 2012;
- *Traffic Impact Study* prepared by Chazen Engineering & Surveying, P.C, revised 3/22/12;
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, revised 4/4/12;
- *Existing Conditions Survey* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Preliminary Subdivision Plat* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Grading & Drainage Plan* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Additional Parking Layout & Utility Plan* by Chazen Engineering, P.C, revised 4/1/12;
- *Quail Drive Extension Plan & Profile* by Chazen Engineering revised 4/1/12;
- *Sanitary Sewer Plan & Profile* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/4/12;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Storm Water Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/4/12;
- *Landscaping Notes & Details* by Chazen Engineering & Surveying, P.C, dated revised 4/1/12;
- *Response Letter* to Brinnier & Larios SWPPP comments by Chazen dated April 4, 2102; and
- *SWPPP* for Ulster Gardens by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Wetlands mapping review* by Barbara Beall, PWS, LEED AP of Chazen dated April 13,2012; and
- *SEQR Amended Statement of Findings by Lead Agency dated April 16, 2012.*

**WHEREAS**, the Town of Ulster Planning Board as Lead Agency adopted SEQR Amended Findings Statement on April 17, 2012 concerning a proposal by *Warwick Properties, Inc.* to subdivide a 51.16-acre parcel (SBL 48.58-7-21.10) into two parcels of 3.46 acres and 46.25 acres while dedicating 1.45 acres to the Town of Ulster for the purpose of extending Quail Drive to Memorial Drive within a 50-foot wide right-of-way; *cluster development* pursuant to Section 278 of NYS Town Law and *site plan and special use permit* to develop a 112-unit Senior Living Community and 52-Multi-family development on the 47.70-acre site is also requested; and

**WHEREAS**, the proposed lot size, width, depth, shape and arrangement were determined to be appropriate for the type of development and use contemplated and there are no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Site Development Law and Zoning Law, or in providing access to buildings on the proposed development lot from an approved street; and

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**WHEREAS**, following the adoption of the SEQR Amended Statement of Findings the Town of Ulster Planning Board approved the Preliminary Plat and Cluster Development and set the Public Hearing on the Final Plat for its May 15, 2012 meeting; and

**WHEREAS**, the Town of Ulster Planning Board subsequently approved the Final Plat following a public hearing held on May 15, 2012; and

**WHEREAS**, the Town of Ulster Planning Board concurrently reviewed the *site plan and special use permit application*, which was subsequently satisfactorily revised to address the recommendations of Board's consultants, Planning Board and the Town of Ulster Water, Sewer and Highway Departments; and

**WHEREAS**, the Planning Board carefully 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 and public hearing; and

**WHEREAS**, the proposed senior housing will be situated within the R-10 Zoning District and the multi-family housing in the OM-Office Manufacturing District, where such uses are allowed subject to *site plan and special permit* approval by the Town Board; and

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 1 and m of NYS General Municipal Law and written comments from the UCPB were received on April 16, 2012; and

**WHEREAS**, upon review of the UCPB Required Modifications, the Town of Ulster Planning Board concluded the Town Board should *override the following required modifications*:

- (1) Raised medians or other means of traffic calming are required at pedestrian crossings.
- (2) A sidewalk extending down the driveway to the connector road is also required.
- (3) The proposed connection road should be designed as a complete street with reduced lane widths as needed to accommodate bike/pedestrian area.
- (4) A location and/or shelter for para-transit pick-up is to be provided and noted on the site plan.

**NOW THEREFORE BE IT RESOLVED** the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation of a SEQR Determination of Non-Significance (Negative Declaration); and

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**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby recommends the Town Board override of the UCPB required modifications as cited above; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby recommends the Town Board grant *site plan and special permit approval* to *Warwick Properties, Inc.* to develop a 112-unit Senior Living Community and 52-Multi-family development subject to the following conditions, limitations and restrictions; and

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Approval of final detailed utility plans by the Town Engineer and Sewer & Water Departments and receipt of water & sewer permits prior to construction; and
3. All fees, including consultant fees, shall be paid.

**Hudson River Heights**

Barry Mendenbach appeared on behalf of the application for a resubdivision located on Hudson View Circle. The Health Department approval was granted last year when the original subdivision was approved. The change is adding additional acreage to the one lot. Mr. Sorensen reviewed the project with the Board stating it is a simple revision that will require a Public Hearing after the Public Hearing he will recommend approval. A motion to schedule a public hearing for the June meeting was made by Mr. Decker with a second from Mr. Allison. All were in favor.

**Bread Alone**

Nadine Carney appeared on behalf of the application for Bread Alone; the applicant is proposing an 80 seat cafe' with a seasonal outdoor patio and wholesale bakery. The parking lot will be expanded and a patio will be built. The facade will stay the same; colors have not been decided upon. There is existing full cut lighting on site. New plans show the additional landscaping this includes trees on the southern portion of the site and wheat and grasses that will be planted throughout the site. The sign will be 5 feet from the property line and 25 feet from the white line. The Health Department will be reviewing the septic system. A full EAF has been submitted. The building does have a sprinkler system. Mr. Sorensen recommended the Planning Board start the SEQRA process and refer to the Town Board to schedule a Public Hearing and the Ulster County Planning Board for review. A motion to accept the Planner's recommendation was made by Mrs. Hayner with a second from Mr. Allison with all in favor.

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**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Bread Alone for a "Change in Use" to establish a full-service 80-seat café with seating for additional 30 patrons on an outdoor seasonal patio along with a state-of-the-art wholesale bakery that will employ 45 production workers, 8 office/sales staff members and 23 café/restaurant employees on a site within the HC-Highway Commercial District; and

**WHEREAS**, the proposed wholesale bakery is a "Light Industry" use as defined in the Town Code, which requires Special Permit Use approval by the Town Board following a public hearing; and

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

- *Site Plan Application* prepared by Bread Alone's Sharon Burns-Leader dated April 18, 2012;
- *Written Narrative Description* of Proposed Action by Bread Alone undated;
- *SEQRA Short EAF* prepared by Bread Alone's Sharon Burns-Leader dated April 18, 2012;
- *Site Plan Consent Form* by William Orange – Property Owner dated April 23, 2012;
- *Exterior Elevations* prepared by Peter Gluck and Partners dated February 24, 2012;
- *Existing Conditions Site Plan* prepared by Brinnier & Larios, PC dated May 2012;
- *Site Plan for Bread Alone* prepared by Brinnier & Larios, PC dated May 2012;
- *Lighting Plan for Bread Alone* prepared by Brinnier & Larios, PC dated May 2012; and
- *Proposed Grading, Soil Erosion Plan* prepared by Brinnier & Larios, PC dated May 2012.
- *Written Narrative* prepared by Brinnier & Larios, PC dated May 15, 2012;
- *SEQRA Long EAF* prepared by Brinnier & Larios, PC dated May 15, 2012;
- *Existing Conditions Site Plan* prepared by Brinnier & Larios, PC revised May 15, 2012;
- *Site Plan for Bread Alone* prepared by Brinnier & Larios, PC revised May 15, 2012;
- *Lighting Plan for Bread Alone* prepared by Brinnier & Larios, PC revised May 15, 2012; and
- *Proposed Grading, Soil Erosion Plan* prepared by Brinnier & Larios, PC revised May 15, 2012.

**WHEREAS**, the Town of Ulster Planning Board retains the authority to approve the site plan for this Proposed Action since it involves a Change in Use; and

**WHEREAS**, the Town of Ulster Town Board retains the authority to approve the Special Permit for this Proposed Action in accordance with the Town of Ulster Town Code; and

**WHEREAS**, the Planning Board and its consulting planner have determined the Proposed Action is an *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) with the Town of Ulster Town Board, Town of Ulster Planning Board Ulster County Health Department and New York State Department of Transportation as Involved Agencies;

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**WHEREAS**, the Town of Ulster Planning Board declared its intent to be Lead Agency for an Unlisted Action-Coordinated review pursuant to SEQR as its May 15, 2012 meeting.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board refers this matter to the Town Board for the purpose of scheduling a public hearing on the Special Permit application; and

**FURTHER BE IT RESOLVED**, the Proposed Action should also be referred to the Ulster County Planning Board for NYS GML 239 l and m review.

**Kingston Landing LLC**

Mr. Sorensen recommended the Board grant final approval of the subdivision of Kingston Landing as per the draft resolution. A motion to accept the planner's recommendation was made by Mr. Mulligan with a second from Mr. Decker with all in favor.

**WHEREAS**, the applicant – Town of Ulster with Kingston Landing, LLC – are seeking Lot Line Adjustment and Minor Subdivision approval to combine nine (9) parcels into one 163.124-acre parcel (shown on Town of Ulster Tax Maps as S-B-L: 48.016-3-6.1, 6.2, 7, 8, 9.1, 10, 11, 12.1 and 48.052-8-6.2) and concurrently subdivide the 163.124-acre site into two lots; Lot No. 2 consisting of an 0.517-acre lot (22,520 SF) and Lot No. 1 consisting of 162.607-acres; and

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

**WHEREAS**, the Town Board is considering Open Development Area (ODA) approval pursuant to NYS Town Law Section 280-a (4) to allow for the creation of Lot No. 2, which will not have frontage on an approved street (i.e. private or public road), but instead have access by right-of-way or easement; and

**WHEREAS**, the total number of lots created is less than five (5) and the subject site is not within a floodplain, so referral to the Ulster County Planning Board was not required; and

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

- *Application for Subdivision* prepared by Christopher J. Zell, P.L.S. dated 3/12/2012;
- *SEQRA Short EAF* prepared Thomas Perna of Kingston Development, LLC dated 3/12/12; and

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- *Map of Subdivision of Lands* prepared by Christopher J. Zell, LS dated March 6, 2012.

**WHEREAS**, the proposed lots comply with the minimum lot size and dimensional requirements of the OM-Office Manufacturing District Zoning District; and

**WHEREAS**, Lot No. 2 will thereafter be sold to the Town of Ulster East Kingston Water District, for the purposes of housing and maintaining a new finished water storage tank; and

**WHEREAS**, a *Map of Subdivision* was prepared by Brinnier & Larios Professional Engineering and Land Surveying, P.C., dated March 6, 2012 and submitted for review to the Planning Board with a recommendation to accept the Map by its consulting planner; 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**, the Planning Board at its April 17, 2012 meeting waived the requirement for a preliminary public hearing and scheduled this matter for a public hearing at its May 15, 2012 meeting; and

**WHEREAS**, the Planning Board opened the public hearing on May 15, 2012 during which no controversy was raised concerning the Proposed Action and subsequently closed the public hearing; 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** the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act (SEQRA); and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Lot Line Adjustment and Minor Subdivision Approval to the Town of Ulster w/ Lands of Kingston Landing, LLC for a *Lot Line Adjustment and 2-lot Minor Subdivision* resulting in Lot No. 1 with a land area of 162.607-acres and Lot No. 2 with a land area of 0.517-acre subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Town Board granting Open Development Area Approval; and
3. All fees, including consultant fees, shall be paid.



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A motion to adjourn was made by Mrs. Hayner with a second from Mr. Decker with all in favor; meeting adjourned 8:30.

Respectfully Submitted

Mary Secreto  
Planning Secretary