

Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday April 19, 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
Alan Sorensen – Planner

A motion to approve the minutes from the March 15th meeting was made by Mr. Decker with a second from Mr. Beichert; all were in favor.

J.P Morgan Chase Bank

Jennifer Porter appeared on behalf of the application for a minor subdivision for Chase Bank that was approved in October; Ms. Porter reminded the Board that the Town is requiring a cross easement for this project and because of that request there have been some issues with the lease agreement. The applicant and the property owner are still working on the lease agreement; the applicant does not want to file the maps until it is clear that a lease can be agreed upon. The approval will be expiring therefore the applicant is requesting a 90 day extension.

Action: a motion to grant a 90day extension was made by Mr. Decker with a second from Mr. Mulligan with all in favor.

Prestige Toyota

Robert Dupont and Michael Moriello appeared on behalf of the application for a 4,785 sq ft addition to an existing car dealership. The majority of the issues have been addressed; the handicapped parking has been moved as requested by the Planner. The lighting levels have been reviewed and submitted to the Board, the levels were measured with the existing lighting and with the new proposed lighting. The plan was reviewed and approved by the Board. The Board reviewed the County Planning Board's review; the applicant has met the condition on lighting and signage the applicant is working with the NYS DOT and the stormwater plan has been reviewed and approved by the DOT. The Board discussed the required modification stating the off loading of cars on the right of way of 9W is not allowed; there is an offloading area clearly marked on the site plan if DOT want signs stating there is to be no offloading they will request that during the highway permit process. A long discussion on the requirement of a Memoriam of Understanding on sidewalk followed. Mr. Moriello stated his client does not want to sign a MOU; as installing a sidewalk would have a huge impact on his business as a sidewalk would require the removal of 26 parking spaces that are used to display cars. Signage and light poles would also have to be moved; losing the area to display new cars would be

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devastating to his business. Mr. Moriello goes on to state he believes that site plan conditions need to be incidental to the plan and this request is not. Mr. Beichert questions the requirement of a MOU stating he feels the Town is confiscating property from a business owner that is investing in the community; he states he does not feel a sidewalk in this area of the town is needed. Mr. Budziak stated the Town Board will need to make the final decision on this matter. Mr. Moriello goes on to say the Town is not requesting that a MOU is signed by is requiring it as a condition of approval of his site plan. Mr. Budziak requested the opinion of the Town Attorney; Mr. Kovacs stated he has spoken to the Supervisor and even though the site does not lend itself to a sidewalk at this time it may change and the Town Board does not want to close off the entire strip to ever having a sidewalk. Mr. Kovacs goes on to saying he does not think is unreasonable to request a MOU; the Town Board should have all property owners sign one. Mr. Beichert states that he cannot vote for the project if the resolution includes the requirement of signing a MOU, as he feels the town is forcing the applicant to sign an agreement in order to get an approval of his project; signing the agreement is decreasing the value of his property. Mr. Sorensen recommends the Board forward the project to the Town Board with the recommendation to override the Required Modification requiring the restricting the offloading of cars on State's right of way as stated in the resolution provided to the board members.

Action: A motion to accept the Planner's recommendation was made by Mr. Mulligan with a second from Mr. Decker; a roll call vote was taken:

Mr. Decker –yes

Mr. Mulligan –yes

Mr. Budziak-yes

Mr. Beichert-no

Mr. Mulligan stated he does not disagree with Mr. Beichert but the Comprehensive Plan is what is driving the MOU's.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by - *JBAF Management dba Prestige Toyota Auto Dealership* - for Site Plan Amendment Approval to construct a 4,785 square-foot (SF) addition to an existing 22,875 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 1/25/11;
 - *Site Plan Consent Form* signed by Jon Braver of JBAF Management dated 1/25/11;
 - *SEQRA Short EAF* prepared by Robert J. Dupont, Architect, LLC dated January 25, 2011;
 - *Existing Conditions Site Plan* prepared by Robert J. Dupont, Architect, LLC dated 2/1/11;
 - *Proposed Site Plan* prepared by Robert J. Dupont, Architect, LLC dated February 1, 2011;
 - *Existing First Floor Plan* prepared by Robert J. Dupont, Architect, LLC dated 2/1/11;
 - *Proposed First Floor Plan* prepared by Robert J. Dupont, Architect, LLC dated 2/1/11;
- and

- *Proposed Elevations* prepared by Robert J. Dupont, Architect, LLC dated 2/1/11.

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- *Existing Conditions Site Plan* by Robert J. Dupont, Architect, LLC dated 3/1/11; and
- *Proposed Site Plan* prepared by Robert J. Dupont, Architect, LLC dated March 1, 2011.

- *Existing Conditions Site Plan* by Robert J. Dupont, Architect, LLC dated 3/1/11;
- *Proposed Site Plan* prepared by Robert J. Dupont, Architect, LLC dated 3/14/2011;
- *Proposed Site Improvement Plan* prepared by Brinnier & Larios, P.C., dated March 2011; and
- *Proposed Photometric Plan* prepared by Brinnier & Larios, P.C., dated March 2011.

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and comments from the UCPB were reviewed by the Town of Ulster Planning Board; and

WHEREAS, upon review of the UCPB Required Modifications, the Town of Ulster Planning Board concluded the Town Board should *override* the UCPB Required Modification concerning off-street loading; 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 and the Town Water & Sewer Departments made via memoranda (which memoranda are incorporated herein by reference); and

NOW THEREFORE BE IT RESOLVED the applicant has submitted a complete application, which satisfactorily addresses the Planning Board’s recommended revisions and modifications to the Site Plan; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board recommends the Town Board *override* the UCPB Required Modification concerning off-street loading; and

FURTHER BE IT RESOLVED, the application by - *JBAF Management dba Prestige Toyota Auto Dealership* - for Site Plan Amendment Approval to construct a 4,785 square-foot (SF) addition to an existing 22,875 SF Prestige Toyota Auto Dealership is hereby referred to the Town of Ulster Town Board with a recommendation of approval, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable Building Codes requirements; and
2. Execution of MOU with Town of Ulster regarding sidewalks;
3. Escrow account paid in full.

Advance Dermatology

Bob Allen appeared on behalf of the application for a change of use. The applicant is proposing the building at 315 Grant Avenue be changed from a manufacturing use to a
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mixed use of manufacturing and medical office. There will be no changes on the site the signage and landscaping are preexisting and will not change. The site plan will be revised to show the correct alignment of the trees and the parking. The lighting that is existing on the building will be changed to full cut off lighting.

Action: A motion to declare lead agency was made by Mr. Beichert with a second from Mr. Decker.

A motion to approve the change of use with the condition the final site plan will address the technical comments of the planning consultant was made by Mr. Beichert with a second from Mr. Decker; all were in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – *Dr. Kenneth Kircher* - for Site Plan Amendment approval to convert a 7,000 sq. ft. portion of an existing 14,000 sq. ft. light manufacturing building to medical offices; and

WHEREAS, the property owner has signed an Owner’s Consent form to allow the Site Plan Amendment application before the Planning Board:

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

- *Site Plan Review Application* by Robert Allen, Catskill Custom Cabinetry dated 3/3/11;
- *SEQRA Short EAF* prepared by Dr. Kenneth Kircher, dated March 3, 2011;
- *Preliminary Design Site Plan* prepared by William A. Scribner, PE dated 4/6/2011;
- *Proposed First Floor Plan* prepared by William A. Scribner, PE dated 4/6/2011;
- *Sign & Outdoor Lighting Details Plan* by William A. Scribner, PE dated 4/6/2011; and
- *Proposed Elevations* prepared by William A. Scribner, PE dated 4/6/2011.

WHEREAS, the Proposed Action did not require referral to the Ulster County Planning Board pursuant to the UCPB’s Referral Agreement since the change in use does not result in an increase in the number of off-street parking spaces required on the subject site; 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 and the Town Water & Sewer Departments made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF)) found that the Proposed Action will not have an adverse impact on the environment; as Lead Agency made a

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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, the application by - *Dr. Kenneth Kircher* - for Site Plan Amendment approval to convert a 7,000 sq. ft. portion of an existing 14,000 sq. ft. lighting manufacturing building to medical offices is granted, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable Building Codes requirements; and
2. Submission of a final Site Plan, which addresses the technical comments of the planning consultant and recommendations of the Planning Board; and
3. Escrow account paid in full.

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

Respectfully Submitted
Mary Secreto
Planning Secretary