

## *TOWN OF ULSTER PLANNING BOARD*

The monthly meeting of the Town of Ulster Planning Board was held on Thursday June 26, 2008t 7:00 p.m. at the Town Hall Lake Katrine, New York., The following members were present:

Chairman	Ozzie Beichert Frank Almquist Larry Decker Renno Budziak George Lucente
Town Planner:	Alan Sorensen

The Pledge to the flag was recited. The fire exits were designated

A motion to approve the minutes of the May meeting was made by Mr. Lucente and seconded by Mr. Almquist.

### **Felton Kirk and Audrey**

Richard Praetorius appeared on behalf of a 2 lot subdivision of a 14.4 acre property located at 380 South Road. The property is located in an r-60 zone; there are no central sanitary utilities. Lot #1 consists of an existing single family dwelling; a single family dwelling is proposed for lot # 2 as well. The Board requested a 50 foot ROW along south road for road maintenance and widening purposes but the applicant has indicated he is unwilling to dedicate a ROW. There were no comments from the Board or the Public. Mr. Sorsensen states the only pending issue is the approval of the Ulster County Health Department on the proposed septic system. The proposed action is an Unlisted Action pursuant to part 617 of the State Environment Quality Review Action. The Board can Declare Lead Agency and issue a Negative Declaration. The Minor Subdivision could be approved with the condition of the approval of the septic system from the Ulster County Health Department.

**Action:** A motion to Declare Lead Agency was made by Mr. Lucente with a second from Mr. Almquist. A motion to declare a Negative Declaration as per SEQRA was made by Mr. Lucente with a second from Mr. Almquist. A motion to approve the 2 lot subdivision with the condition of approval of the septic system from the Ulster County Health Department was made by Mr. Decker with a second from Mr. Almquist. All were in favor.

### RESOLUTION TOWN OF ULSTER TOWN BOARD

Request for 2-Lot Minor Subdivision Approval  
Kirk & Audrey Felton  
Section 39.001, Block 2, Lots 19

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WHEREAS, the Planning Board and its consultant planner have reviewed an application by Kirk & Audrey Felton for a 2-Lot Minor Subdivision within the R-60-Residential Zoning District; and

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

- *Application for Sketch Plan Approval* prepared by Daniel McCarthy dated April 25, 2008;
- Short EAF *Daniel McCarthy* dated April 25, 2008;
- *Sketch Plan Map* prepared by Praetorius & Conrad, P.C. dated May 2, 2008; and
- *Minor Subdivision Map* prepared by Praetorius & Conrad, P.C. dated May 22, 2008.

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 proposed lots within the minor subdivision will comply with the bulk requirements of the R 60-Residential Zoning District; and

WHEREAS, the Planning Board held a public hearing on the proposed action on June 26, 2008 and at said hearing there were no objections to the proposed action, and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short EAF) found that the creation of another residential building lot 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 2-lot Minor Subdivision application by Kirk & Audrey Felton subject to the following condition:

- a. The applicant obtains septic system design approval for Lot # 2 from the Ulster County Health Department.

Motioned by: Mr. Decker

Seconded by: Mr. Almquist

All in Favor:

Ozzie Beichert, Chairman  
Renno Budzia

Frank Almquist, Vice Chairman  
Larry Decker

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George Lucente

## **Vly Atwood – 1050 Morton Blvd.**

Norman Freeman appeared on behalf of a change of use for 1050 Morton Boulevard. The site is in a LC Zone. The site is a building that houses three tenants; Rugu's Custom and Crown Dental combined those uses requires 6 parking spaces. The applicant would like to change the third space from a Karate/Judo School to the Monte De Oracion church. The church will consist of 2,450 sq ft for assembly with a seating for 55 people and the balance of space will be office and classroom space. Mr. Sorensen states that the landscaping and signage will stay the same. The only issue would be parking. The Church requires 1 space per 300 sq ft or one space per 5 seats whichever is greater. The Church would need eleven spaces. After a long discussion on the hours of operation and the issues of the Church being the primary use and the school being secondary it was decided that the parking plan needed to be revised to show the parking requirements of each use. Mr. Sorensen states that is an Unlisted Action pursuant to SEQRA the action will have no effect on the environment. The Board could also approve the application with the condition of the site plan being revised to reflect the correct parking requirements.

**Action:** A motion to approve the minor site plan revision with the condition the parking requirements will be revised was made by Mr. Almquist and seconded by Mr. Lucente; all were in favor.

## RESOLUTION TOWN OF ULSTER TOWN BOARD

Change in Use  
1050 Morton Boulevard  
Section 48.042, Block 1, Lots 5.1

WHEREAS, the Planning Board and its consultant planner have reviewed an application by Norman Fridman for a 'Change in Use' to allow the establishment of a church known as "Monte De Oracion" within the LC – Local Commercial Zoning District; and

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

- Short Environmental Assessment Form; and
- *Amended Site Plan* prepared by Paul B. Jankovitz dated June 9, 2008.

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 proposed use – a church - is a permitted as-of-right; and

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WHEREAS, the existing retail center ‘1050 Morton Boulevard’ has a total of 19 off-street parking spaces available of which four (4) spaces are reserved for two existing tenants – leaving fifteen (15) spaces for the proposed use; and

WHEREAS, the proposed use requires a total of twelve (12) off-street parking spaces; and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short EAF) found that the change in use 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 proposed change in use to allow the establishment of the Monte De Oracion Church within an existing tenant space at 1050 Morton Boulevard subject to the following conditions:

- a. The applicant revise their Site Plan so that the “Parking Schedule’ reflects the two (2) spaces required for each of the existing tenants along with the required off-street parking for the proposed use; and

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- b. The off-street parking spaces on the Site Plan are renumbered so that the actual number of off-street parking spaces [including the two (2) handicap spaces] is clearly shown on the Site Plan [e.g. a total of 19 off-street parking spaces].

Motioned by: Mr. Almquist

Seconded by: Mr. Lucente

All in Favor:

Ozzie Beichert, Chairman  
Renno Budzia  
George Lucente

Frank Almquist, Vice Chairman  
Larry Decker

**Fink/Crystal Ridge Subdivision**

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Chris Dichiaro of Rothe Engineering appeared on behalf of the application for a 12 lot subdivision. The lot size will run from 5.4 acres to 22.1 acres. Each lot will have on site septic and private wells. The preliminary plat was submitted in April of 2005. The applicant has submitted the shared driveway agreement and a "Declaration as to the Maintenance of the Private Road and Drainage Facilities"; the Town Attorney is reviewing the documents and will consult with the applicant's attorney on any changes he deems necessary. Brinnier & Larios recommended approval of the SWPPP dated May 17, 2007. Approval of the septic system design was approved by the Health Department March 18, 2008. The Planning Board initiated a coordinated Review in 2005. Mr. Sorensen states the applicant will need to submit current maps to the Board reflecting and modifications required by the Town Engineer. The Planning records show a waiver of the road length was granted by the Planning Board in March of 2005, there is no record of the Town Board granting the waiver. After a lengthy discussion it was decided the Board would research the file and the applicant would submit revised plans that will be submitted to the Town Highway Superintendent and the Emergency Departments for review and approval. Mr. Budziak states he feels the limit of the road must be enforced; if waivers are granted it must be clearly defined and criteria noted. No action was taken.

### **Rusi Holdings/ Site Plan**

Mr. Richard Praetorius appeared on behalf of the application for a site plan for an additional retail building on an existing site. Mr. Praetorius states New York State DOT has requested the site have a right turn in and right turn out. The applicant has agreed to sign the sidewalk agreement the Town Attorney will forward a copy to Mr. Praetorius. NYS DOT has approved a curb cut that will limit left hand turns out of the site. The Stormwater Management has been approved by the Town Engineer. Mr. Praetorius submitted building elevations which were reviewed and approved by the Board. A completed Part 1 of the full EAF has been submitted along with memo on possible rock removal. The Ulster County Planning Board required modifications recommendations have been addressed. The only outstanding issue is the signage. Mr. Beichert states the Board would like to see standardize signage (color and size). After a short discussion a motion to forward the plan to the Town Board was made.

**Action:** A motion to forward the plan to the Town Board for a Public Hearing was made by Mr. Almquist and seconded by Mr. Lucente all were in favor.

### **Steven Costello**

Mr. Richard Praetorius appeared on behalf of the application for site plan approval on an office building. The existing building will be removed and a new building will be built on the existing foundation. Mr. Sorensen states the Highway Superintendent has requested additional information on the signage and markings of the crosswalk and a signed agreement on cost and upkeep of the crosswalk. The Highway Superintendent would also like to see information on the stormwater run-off from the new parking lot. Mr. Sorensen states the plan should be referred to the Town Engineer for stormwater review. The Board also requested the addition of a light in the off street parking lot; the

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light should be horizontal cutoff that complies with town code. Mr. Praetorius will resubmit with the additional items. No action was taken.

### **David Brink**

Mr. David Brink appeared on behalf of the application for a lot line revision. Mr. Brink states he owns two adjoining lots one a mobile home park the other his home. Mr. Brink would like move the line so the mobile home that is presently on lot #1 is move to lot #2. Mr. Sorensen states the revision is straight forward; there are no issues. A variance was granted for two accessory building that are on the property.

**Action:** A motion to declare Lead Agency was made by Mr. Lucente with a second from Mr. Almquist with all in favor. A motion to issue a Negative Declaration as per SEQRA was made by Mr. Almquist with a second by Mr. Decker with all in favor. A motion to approve the lot line revision was made by Mr. Lucente with a second by Mr. Almquist with all in favor.

### RESOLUTION TOWN OF ULSTER TOWN BOARD

Lot Line Adjustment  
47 Leggs Mill Road  
Section 39.001, Block 3, Lots 37.2

WHEREAS, the Planning Board and its consultant planner have reviewed an application by David & Gloria Brink for a 'Lot Line Adjustment' to allow the transfer of 0.293 acres Lot A to Lot B with the OM– Office Manufacturing Zoning District; and

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

- Application for Lot Line revision dated June 5, 2008;
- *Map Showing Lot Line Revision* prepared by Gilbert H. de Mare, LLS dated January 10, 2008; and
- Short EAF *prepared by David Brink* dated June 5, 2008.

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, proposed action meets the Town Code definition of a Lot Line Adjustment; and

WHEREAS, the proposed action received an area variance from the Zoning Board of Appeals on April 2, 2008 to allow two (2) existing sheds to remain within the required yard setbacks; and

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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 proposed Lot Line Adjustment by David & Gloria Brink.

Motioned by: Mr. Lucente

Seconded by: Mr. Almquist

All in Favor:	Ozzie Beichert, Chairman	Frank Almquist, Vice Chairman
	Renno Budzia	Larry Decker
	George Lucente	

A motion to adjourn Mr. Beichert was made by and seconded by Mr. Decker all were in favor

Respectfully Submitted

Mary Secreto  
Planning Secretary