

*TOWN OF ULSTER PLANNING BOARD
SEPTEMBER 18, 2012*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday September 18, 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 July was made by Mr. Mulligan with a second from.

A roll call was taken with all in attendance.

Ulster Gardens – Public Hearing

Peter Romano appeared on behalf of the application for a minor subdivision. Mr. Romano stated a subdivision is being requested for financial proposes a result of a request from the NYS Housing Division. Each lot will have 1 Senior Building and 1 Multi-Family building. Lot 1B will not have road frontage therefore it will required an approval of Open Development from the Town Board which was approved on September 6th. No one appeared for or against subdivision. There were no questions from the Board. Mr. DeForest read the resolution.

WHEREAS, the Town of Ulster Planning Board has received an application by Warwick Properties, Inc. seeking approval pursuant to Chapter 161 of the Town of Ulster Town Code to subdivide a 46.25-acre parcel described on the Town of Ulster Tax Maps as SBL 48.58-7-21.10 into two parcels as follows: Lot 1A consisting of 9.36 acres and Lot 1B consisting of 36.89 acres; and

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

- *Cover Letters* from Peter Romano, PE of Chazen Companies dated July 27 and July 31, 2012;
- *Narrative Description* prepared by Chazen Engineering & Surveying, P.C, July 27, 2012;
- *Subdivision Application* prepared by Chazen Engineering & Surveying, P.C, July 26, 2012;
- *Site Plan Consent Form* by Warwick Properties, Inc. and signed by Jonah Mandelbaum dated 7/26/2012;
- *SEQR Short EAF* prepared by Chazen Engineering & Surveying, P.C, dated July 26, 2012;
- *Amended Subdivision Plat* prepared by Chazen Engineering & Surveying, P.C, dated May 14, 2012; and
- *Amended Subdivision Plat* prepared by Chazen Engineering & Surveying, P.C, revised August 14, 2012.

WHEREAS, approval of the subdivision also required Open Development Area (ODA) designation since proposed Lot 1B would not have frontage on an improved street, but rather by dedicated right-of-way; and

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WHEREAS, the Town of Ulster Town Board concurrently received an application by the applicant to include the subject site within "*Development Facilitation Improvement District No. 1*," which is a formally designated *Open Development Area (ODA)*; and

WHEREAS, the Town of Ulster Town Board, held a public hearing on the subject matter on August 16, 2012 and deferred a decision until it received a recommendation from the Town Planning Board; and

WHEREAS, Town of Ulster Planning Board, at its August 21, 2012 meeting resolved to refer this matter to the Town Board with a recommendation to grant approval of the request by Warwick Properties, Inc. to include the subject site within "*Development Facilitation Improvement District No. 1*," which is a formally designated *Open Development Area (ODA)*; and

WHEREAS, Town of Ulster Planning Board, at its August 21, 2012 meeting also resolved to refer this matter to the Ulster County Planning Board; and

WHEREAS, at it September 6, 2012 meeting the Town of Ulster Town Board, upon receipt of the Town Planning Board recommendation, approved the designation of the subject site within "*Development Facilitation Improvement District No. 1*"; and

WHEREAS, the Planning Board opened the public hearing on September 18, 2012 during which no controversy was raised concerning the Proposed Action and subsequently closed the public hearing.

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 meeting.

NOW THEREFORE BE IT RESOLVED, the Planning Board upon review of the entire record (including Subdivision Plat and SEQR Short EAF) along with the recently adopted *Statement of Findings* for Ulster Gardens, finds the creation of the building lots to facilitate project financing will not have an adverse impact on the environment; as Lead Agency; Reaffirms its SEQR *Statement of Findings* for Ulster Gardens and hereby issues a Negative Declaration pursuant to NYCRR Part 617 of SEQR.

FURTHER BE IT RESOLVED 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 Town of Ulster Planning Board hereby grants Minor Subdivision Approval to subdivide the subject 46.25-acre parcel described on the Town of Ulster Tax Maps as SBL 48.58-7-21.10 into two parcels as follows: Lot 1A

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consisting of 9.36 acres and Lot 1B consisting of 36.89 acres 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.

Action: A motion to approve the resolution as read was made by Mrs. Hayner with a second from Mr. Mulligan with all in favor.

Kingston Kingdom of Jehovah's Witness –

Scott Lucas appeared on behalf of the application for subdivision Mr. Lucas stated the stormwater plan has been updated and the traffic analysis has been submitted. The Water Department is working with the applicant's engineer on updates. All other issues are completed. Mr. Sorensen stated the Stormwater Plan needs to have some technical revisions, and the Board will need an update from the Water Department. The applicant will return when the outstanding items are completed. No action was taken by the Board.

Beer World/ Chipotle Grill

Barry Medenbach appeared on behalf of the application for site plan revision. Mr. Medenbach stated the applicant has received permission to upgrade the cross access from Key Bank and Central Hudson has given permission to place the patio over the gas service. Additional landscaping has been added to the front of the site. Mr. Sorensen stated the County Planning Board had 2 required modifications that the Board should override; no left hand turns from the site and the requirement of sprinklers. Mr. Sorensen has spoken to DOT and they have said there would be no requirement and sprinklers are no required per the NYS Building Code. Mr. Sorensen recommended the Board grant site plan approval; the resolution was read.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – *Saumik Kingston, LLC c/o Jay Modhwadiya* on behalf of *Chipotle Mexican Grill* – seeking *site plan amendment approval* to change the use and location of an approved retail space within the *Beer World* building from retail to restaurant (Chipotle Mexican Grill) and to change to location in the building from the northeast to the southeast corner of the building; and

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

- *Cover Letter* by Medenbach & Eggers Civil Engineering and LS, dated June 7, 2012; and
- *Revised Site Plan for Beer World 3* by Medenbach & Eggers Civil Engineering and LS, 6/7/12.
- *Cover Letter* by Medenbach & Eggers Civil Engineering and LS, dated June 7, 2012;
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- *Site Plan for Chipotle Kingston Store # 2010* prepared by BKA Architects, dated 7/2/2012;
- *Existing Demo Floor Plan* prepared by BKA Architects, dated 7/2/2012;
- *Floor Plan* for Chipotle Mexican Grill prepared by BKA Architects, dated 7/2/2012;
- *Front (East Elevation) for Chipotle Mexican Grill* by BKA Architects, dated 7/2/2012; and
- *Side (South Elevation) for Chipotle Mexican Grill* by BKA Architects, dated 7/2/2012; and
- *Lighting Photometric Plan* prepared by Medenbach & Eggers, PC dated July 6, 2012;
- *Site Plan for Beer World* prepared by Medenbach & Eggers, PC dated July 6, 2012;

- *Site Plan for Beer World 3* prepared by Medenbach & Eggers, PC dated July 18, 2012; and
- *Detail Sheet for Beer World 3* prepared by Medenbach & Eggers, PC dated July 18, 2012.

- *Key Bank Cross Access Authorization Letter* by Paul Clarke, Property Manager dated 9/5/2012;
- *Cross Access and Striping Plan* by Medenbach & Eggers, PC dated August 24, 2012;
- *Site Plan for Beer World 3* by Medenbach & Eggers, PC dated September 5, 2012; and
- *Detail Sheet for Beer World 3* prepared by Medenbach & Eggers, PC dated September 5, 2012.

WHEREAS, the Proposed Action complies with the off-street parking requirements of the Town Code and otherwise comply with the requirements of the RC Zoning District; 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 Town of Ulster Planning Board referred the Proposed Action to the Ulster County Planning Board for review pursuant to NYSGML Section 239 l and m; and

WHEREAS, The Ulster County Planning Board issued its written response, which included several Required Modifications; and

WHEREAS, several required modifications relating to lighting, cross access and landscaping were addressed through revisions to the proposed Site Plan; and

WHEREAS, the Ulster County Planning Board required modification of the design of the existing driveway to U.S. Route 9W (NYSDOT Highway) was determined to be “ultra vires” or beyond the powers of review of the Ulster County Planning Board; and

WHEREAS, the Ulster County Planning Board required modification to require a sprinkler system was determined to be “ultra vires” or beyond the powers of review of

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the Ulster County Planning Board and are the purview of the Town Code Enforcement Officer; and

WHEREAS, the Town of Ulster Planning Board resolved to override the UCPB required modifications related the access to U.S. Route 9W and sprinkler systems; 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 2 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

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby overrides the UCPB required modifications related the access to U.S. Route 9W and sprinkler systems; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Approval to *Saumik Kingston, LLC* for a *change in use* to change the use and location of an approved retail space within the *Beer World* building from retail to restaurant (Chipotle Mexican Grill) and to change to location in the building from the northeast to the southeast corner of the building 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. Submission of final Site Plan with water details, which comply with the Town of Ulster Water Department requirements and/or required modifications;
4. The Town's consulting planner and Code Enforcement Officer 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
5. All fees, including consultant fees, shall be paid.

Action: A motion to override the County Planning Board required modifications for sprinklers and no left hand turn was made by Mr. Decker with a second from Mr. Allison with all in favor. A motion to grant site plan approval was made by Mr. Mulligan with a second from Mrs. Hayner with all in favor.

Dollar General

Larry Marshall appeared on behalf of the application for site plan & lot line adjustment. Mr. Marshall stated the side walk connecting the site to the 9W sidewalk has been added and revised elevations have been submitted. The applicant has decided to go with an on site septic system that has been approved by the Health Department. The stormwater

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plan been conditionally approved. Mr. Sorensen recommended the Board approval the lot line revision and refer the site plan to the Town Board for approval with conditions listed in the resolution. The Board will also need to override the Ulster County Planning Boards required modification to provide an alternate site plan moving the parking to the rear of the site and provide a cross access to Katrine Lane. Mr. Sorensen read the resolution for lot line adjustment.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – Primax Properties, LLC dba Dollar General – for *Lot Line Adjustment and Site Plan* approval to construct a 9,100 square foot (SF) *Dollar General retail store on the subject site*, which is located at 1973 Ulster Avenue; and

WHEREAS, pursuant to Section 161-11.1 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, pursuant to Section 145-2 (A) (2) of the Town Code, the Site Plan is subject to the approval of the Town of Ulster Town Board; and

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

- *Project Narrative* by Mercurio-Norton-Tarolli-Marshall, Engineering & Land Surveying, PC;
- *Site Plan Application* by M-N-T-M, Engineering & Land Surveying, PC dated 7/13/12;
- *Site Plan Consent Form* signed by Clayton Van Kleeck dated July 7, 2012;
- *SEQR Short EAF* by M-N-T-M, Engineering & Land Surveying, PC dated 7/13/12;
- *Building Elevations* prepared by archSTUDIO7, Architecture dated July 5, 2012;
- *Lot Line Change Map* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
- *Commercial Site Plan* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
- *Existing Conditions/Demo Plan* by M-N-T-M, Engineering & Land Surveying, PC 7/12;
- *NYS DOT Entrance Details* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
- *Stormwater Details* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
- *Site Plan Details* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
- *Water Service Line & Sewage Disposal* by M-N-T-M, Engineering & Land Surveying, PC 7/2012;
- *Landscape Plan* prepared by M-N-T-M, Engineering & Land Surveying, PC dated July 2012; and
- *Lighting Plan* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012.

- *Building Elevations* prepared by archSTUDIO7, Architecture dated July 18, 2012;
- *Lot Line Adjustment Map* by M-N-T-M, Engineering & Land Surveying, PC revised July 25, 2012;
- *WB-65 Truck Turning Diagram* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
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- *Commercial Site Plan* by M-N-T-M, Engineering & Land Surveying, PC revised July 26, 2012;
- *Existing Conditions/Demo Plan* by M-N-T-M, Engineering & Land Surveying, PC revised 7/26/12;
- *NYS DOT Entrance Details* by M-N-T-M, Engineering & Land Surveying, PC revised 7/26/12;
- *Stormwater Details* by M-N-T-M, Engineering & Land Surveying, PC revised July 26, 2012;
- *Site Plan Details* by M-N-T-M, Engineering & Land Surveying, PC revised July 26, 2012;
- *Water Line & Sewage Disposal* by M-N-T-M, Engineering & Land Surveying, PC revised 7/26/12;
- *Landscape Plan* by M-N-T-M, Engineering & Land Surveying, PC revised July 26, 2012; and
- *Lighting Plan* by M-N-T-M, Engineering & Land Surveying, PC revised July 26, 2012.

- *Building Elevations* prepared by archSTUDIO7, Architecture dated July 18, 2012;
- *Commercial Site Plan* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012;
- *Existing Conditions/Demo Plan* by M-N-T-M, Engineering & Land Surveying, PC revised 7/26/12;
- *NYS DOT Entrance Details* by M-N-T-M, Engineering & Land Surveying, PC revised 8/17/2012;
- *Stormwater Details* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012;
- *Site Plan Details* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012;
- *Water Line & Sewage Disposal* by M-N-T-M, Engineering & Land Surveying, PC revised 8/17/12;
- *Landscape Plan* prepared by M-N-T-M, Engineering & Land Surveying, PC revised 8/17/12; and
- *Lighting Plan* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012.
- *Cover Letter* prepared by M-N-T-M, Engineering & Land Surveying, PC dated 9/7/2012;
- *Draft Easement Covenants and Restrictions Agreement* by San Eldorado, LLC 8/6/2012;
- *Building Elevations* prepared by archSTUDIO7, Architecture dated July 18, 2012;
- *Commercial Site Plan* by M-N-T-M, Engineering & Land Surveying, PC revised 9/7/12;
- *Existing Conditions/Demo Plan* by M-N-T-M, Engineering & Land Surveying, PC revised 7/26/12;
- *NYS DOT Entrance Details* by M-N-T-M, Engineering & Land Surveying, PC revised 8/17/12;
- *Stormwater Details* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012;
- *Site Plan Details* by M-N-T-M, Engineering & Land Surveying, PC revised September 7, 2012;
- *Water Line & Sewage Disposal* by M-N-T-M, Engineering & Land Surveying, PC revised 8/17/12;
- *Landscape Plan* prepared by M-N-T-M, Engineering & Land Surveying, PC revised 9/7/2012; and
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- *Lighting Plan* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012.

WHEREAS, the proposed lots comply with the minimum lot size and dimensional requirements of the HC-Highway Commercial Zoning District; and

WHEREAS, the *Ulster County Health Department* has approved the septic design on Section-Block-Lot: 39.015-1-18 (Dollar General Site); and

WHEREAS, the *New York State Department of Transportation* has approved the proposed driveway and site access from U.S. Route 9W; and

WHEREAS, the *Town of Ulster Water Department* has approved the proposed design of the water line to serve the proposed subject site and retail establishment; and

WHEREAS, a the Town Planner has recommended the Planning Board accept the *Lot Line Adjustment Map prepared* by M-N-T-M, Engineering & Land Surveying, PC revised July 25, 2012; 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 Town of Ulster Planning Board determined the applicant submitted a complete application; and

WHEREAS, the Town of Ulster Planning Board referred the Proposed Action to the Ulster County Planning Board for review pursuant to NYSGML Section 239 l and m; and

WHEREAS, The Ulster County Planning Board issued its written response, which required that notes relating to easement be placed on the Lot Line Adjustment Map and such notes are on the said map; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found that the Proposed Action was an Unlisted Action pursuant to Part 617 of State Environmental Quality Review Act (SEQR); and

WHEREAS, the Planning Board found the Proposed Action (*i.e. Lot Line Adjustment and Site Plan*) would 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 SEQR; and

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) Act; and

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FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Lot Line Adjustment Approval to – Primax Properties, LLC dba Dollar General – 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.

Action: A motion to approve the lot line adjustment was made by Mr. Allison with a second from Mr. Decker with all in favor. A motion to override the County Planning Board required modifications for an alternate site plan and cross access to Katrine Lane was made by Mr. Decker with a second from Mr. Mulligan.

Mr. Sorensen read the resolution to refer the project to the Town Board.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – Primax Properties, LLC dba Dollar General – *Site Plan* approval to construct a 9,100 square foot (SF) *Dollar General retail store on the subject site*, which is located at 1973 Ulster Avenue; and

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

- *Project Narrative* by Mercurio-Norton-Tarolli-Marshall, Engineering & Land Surveying, PC;
- *Site Plan Application* by M-N-T-M, Engineering & Land Surveying, PC dated 7/13/12;
- *Site Plan Consent Form* signed by Clayton Van Kleeck dated July 7, 2012;
- *SEQR Short EAF* by M-N-T-M, Engineering & Land Surveying, PC dated 7/13/12;
- *Building Elevations* prepared by archSTUDIO7, Architecture dated July 5, 2012;
- *Lot Line Change Map* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
- *Commercial Site Plan* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
- *Existing Conditions/Demo Plan* by M-N-T-M, Engineering & Land Surveying, PC 7/12;
- *NYS DOT Entrance Details* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
- *Stormwater Details* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
- *Site Plan Details* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
- *Water Service Line & Sewage Disposal* by M-N-T-M, Engineering & Land Surveying, PC 7/2012;
- *Landscape Plan* prepared by M-N-T-M, Engineering & Land Surveying, PC dated July 2012; and
- *Lighting Plan* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012.

- *Building Elevations* prepared by archSTUDIO7, Architecture dated July 18, 2012;
- *Lot Line Adjustment Map* by M-N-T-M, Engineering & Land Surveying, PC revised July 25, 2012;
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- *WB-65 Truck Turning Diagram* by M-N-T-M, Engineering & Land Surveying, PC dated July 2012;
- *Commercial Site Plan* by M-N-T-M, Engineering & Land Surveying, PC revised July 26, 2012;
- *Existing Conditions/Demo Plan* by M-N-T-M, Engineering & Land Surveying, PC revised 7/26/12;
- *NYS DOT Entrance Details* by M-N-T-M, Engineering & Land Surveying, PC revised 7/26/12;
- *Stormwater Details* by M-N-T-M, Engineering & Land Surveying, PC revised July 26, 2012;
- *Site Plan Details* by M-N-T-M, Engineering & Land Surveying, PC revised July 26, 2012;
- *Water Line & Sewage Disposal* by M-N-T-M, Engineering & Land Surveying, PC revised 7/26/12;
- *Landscape Plan* by M-N-T-M, Engineering & Land Surveying, PC revised July 26, 2012; and
- *Lighting Plan* by M-N-T-M, Engineering & Land Surveying, PC revised July 26, 2012.

- *Building Elevations* prepared by archSTUDIO7, Architecture dated July 18, 2012;
- *Commercial Site Plan* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012;
- *Existing Conditions/Demo Plan* by M-N-T-M, Engineering & Land Surveying, PC revised 7/26/12;
- *NYS DOT Entrance Details* by M-N-T-M, Engineering & Land Surveying, PC revised 8/17/2012;
- *Stormwater Details* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012;
- *Site Plan Details* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012;
- *Water Line & Sewage Disposal* by M-N-T-M, Engineering & Land Surveying, PC revised 8/17/12;
- *Landscape Plan* prepared by M-N-T-M, Engineering & Land Surveying, PC revised 8/17/12; and
- *Lighting Plan* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012.

- *Cover Letter* prepared by M-N-T-M, Engineering & Land Surveying, PC dated 9/7/2012;
- *Draft Easement Covenants and Restrictions Agreement* by San Eldorado, LLC 8/6/2012;
- *Building Elevations* prepared by archSTUDIO7, Architecture dated July 18, 2012;
- *Commercial Site Plan* by M-N-T-M, Engineering & Land Surveying, PC revised 9/7/12;
- *Existing Conditions/Demo Plan* by M-N-T-M, Engineering & Land Surveying, PC revised 7/26/12;
- *NYS DOT Entrance Details* by M-N-T-M, Engineering & Land Surveying, PC revised 8/17/12;
- *Stormwater Details* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012;
- *Site Plan Details* by M-N-T-M, Engineering & Land Surveying, PC revised September 7, 2012;
- *Water Line & Sewage Disposal* by M-N-T-M, Engineering & Land Surveying, PC revised 8/17/12;

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- *Landscape Plan* prepared by M-N-T-M, Engineering & Land Surveying, PC revised 9/7/2012;
- *Lighting Plan* by M-N-T-M, Engineering & Land Surveying, PC revised August 17, 2012; and
- *SWPPP Review Letter* by John Mihm, P.E of Brinnier & Larios, PC., dated September 18, 2012.

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 Town of Ulster Planning Board determined the applicant submitted a complete application; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found the Proposed Action was an Unlisted Action pursuant to Part 617 of State Environmental Quality Review Act (SEQR); and

WHEREAS, the Planning Board found the Proposed Action would 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 SEQR; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, determined they had complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Act; and

WHEREAS, the Town of Ulster Planning Board provided a written recommendation to the Town of Ulster Town Board to override the UCPB required modifications to have the applicant provide *alternative site plans* that deemphasize the strip commercial appearance of site and move parking and loading to rear of site, and to provide a *cross access easement* to Katrine Lane; and

WHEREAS, the Town of Ulster Planning Board further recommended the Town Board grant Site Plan Approval to – Primax Properties, LLC dba Dollar General – 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. Submission of final SWPPP, which complies with the Town’s consultant engineers’ required modifications;
4. Approval of Easement Covenants & Restrictions for Easements “A” and “B” by the Town Attorney; and
5. The Town’s consulting planner and Code Enforcement Officer 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

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6. Dollar General shall reapply to the Planning Board for approval of wall signs and freestanding monument sign; and
7. All fees, including consultant fees, shall be paid.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board has determined the Planning Board as Lead Agency has 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 Town Board hereby overrides the UCPB required modifications to have the applicant provide *alternative site plans* that deemphasize the strip commercial appearance of site and move parking and loading to rear of site, and to provide a *cross access easement* to Katrine Lane; and

FURTHER BE IT RESOLVED, the access between the Dollar General and Van Kleeck sites shall remain accessible to emergency vehicles at all times; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby grants Site Plan Approval to – Primax Properties, LLC dba Dollar General – 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. Submission of final SWPPP, which complies with the Town’s consultant engineers required modifications;
4. Approval of Easement Covenants & Restrictions for Easements “A” and “B” by the Town Attorney; and
5. The Town’s consulting planner and Code Enforcement Officer 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
6. Dollar General shall reapply to the Planning Board for approval of wall signs and freestanding monument sign; and
7. All fees, including consultant fees, shall be paid.

Action: A motion to refer the site plan to the Town Board for approval with conditions was made by Mr. Decker with a second from Mrs. Hayner. All were in favor.

Prestige Toyota

Robert Dupont appeared on behalf of the application for an addition to the front of the building. There will be other changes to the site. The addition will be 2 stories; the use on the second story has yet to be determined. If the applicant decides to make the second story office space windows will be installed. The proposed signage is approximately 23 feet over what is allowed by code; Mr. Dupont will check with the applicant to see if the owner wants to go for a variance or meet the code. Mr. Dupont will speak to the owners and return next month. No action was taken.

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Habitat for Humanity

John LaValle appeared on behalf of the application of Habitat for Humanity for a minor revision. The plan was approved by the Planning Board last year but there are some minor changes to the site. The handicap parking has been placed closer to the door and the customer parking will be in the lower lot with the customers entering the building through a covered stairway. Mr. Sorensen recommended the board approve the minor changes. Mr. DeForest read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Habitat for Humanity* seeking Site Plan Amendment approval for a change in use to establish a *Habitat for Humanity Restore Center* on the east side of the NYS Route 28; and

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

- *Written Narrative* prepared by Robert Young Associates & Architect dated 9/5/12;
- *Site Plan* prepared by Robert Young Associates & Architect dated 5/12/2012;
- *Combined Ramp/Deck/Stair & Roof Framing Plan*; by Robert Young, RA, dated 5/12/2012;
- *Elevations* prepared by Robert Young Associates & Architect, dated 5/12/2012; and
- *Reflected Ceiling Plan (ACT) and Electrical and Lighting Plan* by Robert Young Associates & Architect dated 9/5/12.

WHEREAS, the subject site is located within the HC-Highway Commercial Zoning District and the proposed use is permitted as-of-right subject to Site Plan Approval by the Planning Board; and

WHEREAS, the Proposed Action does not require referral to the Ulster County Planning Board since the proposed Site Plan revision does not require an increase in parking spaces;

WHEREAS, the Planning Board considered the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultant planner, along with comments of its department heads 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 SEQR Short Environmental Assessment Form (EAF)) found that the Proposed Action was an Unlisted Action pursuant to Part 617 of State Environmental Quality Review Act; and

WHEREAS, the Town of Ulster Planning Board as Lead Agency previously issued a SEQR Negative Declaration for the Proposed Action in the fall of 2011; and

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WHEREAS, due to the minor changes proposed to the Site Plan, the Planning Board determined supplemental review was not necessary and determined to reaffirm its SEQR Negative Declaration for the Proposed Action.

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) Act; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to *Habitat for Humanity* for a change in use to establish a *Habitat for Humanity Restore Center* on the east side of the NYS Route 28 subject to the conditions, limitations and restrictions set forth below.

1. The Town's consulting planner and Code Enforcement Officer 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
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant; and
4. All fees, including consultant fees, shall be paid.

Action: A motion to accept the planner's recommendation was made by Mr. Mulligan with a second from Mrs. Hayner. All were in favor.

U-HAUL

Kathy Lundgren appeared on behalf of the application for U-Haul. Ms. Lundgren stated that U-Haul is in the process of upgrading all their sites. They would like to paint and upgrade the facade on the site on Ulster Avenue. At a later date they would like to add a propane fill station. Mr. Sorensen reviewed the request with the Board stating that the proposed signage is would require a variance or a reduction in size. After a short discussion it was decided the applicant would either reappear on the signage issue on reduce the size of lettering. The Board would only address the repainting of the building at this time.

Action: A motion to approve the painting of the building was mad by Mrs. Hayner with a second from Mr. Allison with all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – Kathy Lundgren representing U-HAUL – seeking Site Plan Approval to authorize the repainting along with other exterior alterations to the existing U-HAUL building, which is located at 848 Ulster Avenue and lies within the HC-Highway Commercial Zoning District; and

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

- *Application for Sketch Plan Review* prepared by Kathy Lundgren dated September 14, 2012;
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- *SEQR Short EAF* prepared by Kathy Lungdren dated September 14, 2012;
- *Escrow Agreement* prepared by Kathy Lungdren dated September 14, 2012; and
- *Facility Imaging for U-HAUL Plan Set by U-HAUL MCP/MCO issued 10/27/2011.*

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the site plan for this Proposed Action; and

WHEREAS, the Town of Ulster Planning Board determined referral to the Ulster County Planning Board was NOT required since the Proposed Action is exempt action as described in the referral agreement between the County and Town; 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 Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found that the Proposed Action was a *Type II Action* pursuant to 6NYCCR Part 617 of State Environmental Quality Review (SEQR).

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined they have complied fully with the procedural requirements of 6NYCCR Part 617 of State Environmental Quality Review (SEQR); and

FURTHER BE IT RESOLVED, upon full consideration of the above, the Town of Ulster Planning Board hereby grants Site Plan approval of the Proposed Action as shown in the Facility Imaging Plan Set subject to the conditions, limitations and restrictions set forth below.

- a. Compliance with applicable zoning and building laws, rules and regulations;
- b. Proposed wall signs shall comply with the Town Code; and
- c. All fees, including consultant fees, shall be paid.

Campers World

Edward Martino appeared on behalf of the application for site plan revision Mr. Sorensen reviewed the project with the Board stating the applicant replaced landscaping on site no knowing a site plan revision was necessary, a color change to the building also took place. Mr. Sorensen recommended the Board approve the changes with the condition that 3 trees be replaced on the site as all the landscaping now is low shrubs. Mr. Sorensen read the resolution.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by – C.W. Rich, Inc. on behalf of Camping World, Inc. – seeking Site Plan Approval to authorize the repainting of the existing building exterior for the Camping World, Inc. establishment, remove three (3) trees, replant landscape islands and restripe the off-street parking area; and

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

- *Application for Sketch Plan Review* prepared by Derek Persee dated September 6, 2012;
- *SEQR Short EAF* prepared by Derek Persee dated September 6, 2012 (incomplete);
- *Existing Conditions Photos* prepared by Derek Persee dated September 6, 2012; and
- Landscaping Planting List and Illustrations prepared by Derek Persee dated September 6, 2012.

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 referral to the Ulster County Planning Board was NOT required since the Proposed Action is exempt action as described in the referral agreement between the County and Town; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found that the Proposed Action was a Type 2 Action pursuant to Part 617 of State Environmental Quality Review (SEQR) law.

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 (SEQR) law; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Approval to C.W. Rich, Inc. on behalf of Camping World, Inc. to authorize the repainting of the building exterior for the Camping World, Inc., remove three (3) trees, replant landscape islands and restripe the parking area 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. Replanting of three (3) trees on the subject site in compliance with recommendation of the Town's Code Enforcement Officer; and
4. All fees, including consultant fees, shall be paid.

Action: A motion to accept the planner's recommendation was made by Mr. Mulligan with a second from Mrs. Hayner with all in favor.

Quick Chek – Washington Avenue

Jeff Albanese appeared on behalf of the application for site plan and lot line adjustment for 640-642 Washington Avenue. Mr. Albanese reviewed the updated plans with the Board. Additional street trees have been added, the plans are being reviewed by DOT and the County. Variances for lighting and signage are being reviewed by the Zoning Board. Elevations have been submitted; they are very similar to the 9W site. A MOU will be signed with the addition of added a walkway to the adjoining site. The

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stormwater has been submitted and is being reviewed by the Town engineer. The lighting is Dark Sky full cutoff fixtures. The lighting levels are lower than the 9W site. The flush sidewalks are standard for Quick Chek as they lower the risk of trip and falls; the bollards stop a car better than a curb. Mr. Sorensen stated he visited the 9W site and the bollards were not as intrusive as he thought. The site is sloped; it will be filled anywhere from a few inches to 8' in some areas.

Action: A motion to forward to the Ulster County Planning Board was made by Mr. Allison with a second from Mr. Mulligan with all in favor.

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

Respectfully Submitted
Mary Secreto
Planning Secretary