

Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday September 20, 2011 at 6:30 p.m. at the Town Hall Lake Katrine New York. The following members were present:

Renno Budziak –Chairman
Ozzie Beichert
Larry Decker
Gary Mulligan
Scott Ricketson
Alan Sorensen – Planner

The minutes of the August meeting were approved.

Town of Ulster – Public Hearing

Mr. Sorensen reviewed the project with the Board stating the applicant was proposing a minor 2 lot subdivision. One lot will be 20.148 acres the other .695 acres. The smaller lot will house a water tank for the Glenerie Water District. No one appeared for or against the subdivision. Mr. Sorensen recommended the Board grant a Negative Declaration as per SEQRA and approval of the subdivision.

Action: A motion to grant a negative declaration as per SEQRA was made by Mr. Decker with a second from Mr. Ricketson all were in favor. A motion to approve the subdivision was made by Mr. Mulligan with a second by Mr. Ricketson with all in favor.

WHEREAS, the applicant – Town of Ulster with the Estate of Harry Lowe, Sr. – submitted an application to subdivide a 20.844-acre parcel shown on Town of Ulster Tax Maps as S-B-L: 39.35-1-13 into two lots; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a *Minor Subdivision*, which is subject to the approval of the Town of Ulster Planning Board; 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 James E. Quigley 3rd, Supervisor dated 8/11/11;
- *SEQRA Short EAF* prepared James E. Quigley 3rd, Supervisor dated 8/11/11; and
- *Map of Subdivision of Lands* prepared by Christopher J. Zell, LS dated 8/4/2011.

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WHEREAS, the Proposed Action is a 2-lot Minor Subdivision resulting in Lot No. 1 with a land area of 20.149-acres and Lot No. 2 with a land area of 0.695-acres; and

WHEREAS, the proposed lots comply with the minimum lot size and dimensional requirements of the R-30 Residential Zoning District; and

WHEREAS, Lot No. 2 will thereafter be sold to the Town of Ulster Glenerie Water District, for the purposes of constructing 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 August 4, 2011 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 August 16, 2011 meeting waived the requirement for a preliminary public hearing and scheduled this matter for a public hearing at its September 20, 2011 meeting; and

WHEREAS, the Planning Board opened the public hearing on September 20, 2011 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 Minor Subdivision Approval to the Town of Ulster w/ Estate of Harry Lowe Sr. for a 2-lot Minor Subdivision resulting in Lot No. 1 with a land area of 20.149-acres and Lot No. 2 with a land area of 0.695-acres subject to the conditions, limitations and restrictions set forth below.

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1. Compliance with applicable zoning and building laws, rules and regulations;
2. All fees, including consultant fees, shall be paid.

Ventures of JJJ Inc. – Site Plan

Joseph Juliano appeared on behalf of the application for the Ice Cream Castle. Mr. Sorensen reviewed the project with the Board stating the project was reviewed last month and the only outstanding issue would be the County Planning Board comments. The County had two required modification one being the removal of the drive thru, the other the realignment of the parking spaces. The drive thru was discussed at a previous meeting and the Board had decided to allow the drive thru; Mr. Sorensen recommended the parking spaces remain as they are on the plan as changing them does not improve the site.

Action: A motion to grant a Negative Declaration as per SEQRA was made by Mr. Decker with a second from Mr. Ricketson with all in favor.

A motion to override the Ulster County Planning Board's required recommendation was made by Mr. Decker with a second from Mr. Ricketson with all in favor.

A motion to approve the site plan with the conditions listed on the resolution was made by Mr. Ricketson with a second from Mr. Mulligan with all in favor

WHEREAS, the Planning Board and its consultant planner have reviewed an application by *Ventures of JJJ, Inc.* seeking Site Plan Approval to establish an ice cream stand on a property shown on the Town of Ulster Tax Maps as SBL 48.14-3-34; and

WHEREAS, the proposed restaurant use is permitted as-of-right subject to Site Plan approval by the Planning Board; and

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

- Written Narrative by Joseph J. Juliano dated May 4, 2011;
 - *Site Plan Application* by Joseph J. Juliano dated June 1, 2011;
 - *SEQRA Short EAF* prepared by Joseph J. Juliano dated June 1, 2011;
 - *Proposed Site Plan* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *First Floor Plan* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *Second Floor Plan* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *South Elevation* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *West Elevation* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *North Elevation* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *East Elevation* prepared by Edward C. Pine, P.E. dated May 31, 2011; and
 - *Landscaping Plan* prepared by Edward C. Pine, P.E. dated May 31, 2011.
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- Written Narrative by Edward C. Pine, P.E. dated July 10, 2011;
 - *Proposed Site Plan* prepared by Edward C. Pine, P.E. dated July 3, 2011;

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- *First Floor Plan* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *Second Floor Plan* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *South Elevation* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *West Elevation* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *North Elevation* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *East Elevation* prepared by Edward C. Pine, P.E. dated May 31, 2011;
 - *Landscaping Plan* prepared by Edward C. Pine, P.E. dated July 3, 2011; and
 - *Traffic Flow Plan* prepared by Edward C. Pine, P.E. dated July 3, 2011.
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- *Proposed Site Plan* prepared by Edward C. Pine, P.E. revised August 15, 2011;
 - *First Floor Plan* prepared by Edward C. Pine, P.E. revised August 15, 2011;
 - *Second Floor Plan* prepared by Edward C. Pine, P.E. revised August 15, 2011;
 - *South Elevation* prepared by Edward C. Pine, P.E. revised August 15, 2011;
 - *West Elevation* prepared by Edward C. Pine, P.E. revised August 15, 2011;
 - *North Elevation* prepared by Edward C. Pine, P.E. revised August 15, 2011;
 - *East Elevation* prepared by Edward C. Pine, P.E. revised August 15, 2011;
 - *Landscaping Plan* prepared by Edward C. Pine, P.E. revised August 15, 2011;
 - *Traffic Flow Plan* prepared by Edward C. Pine, P.E. revised August 15, 2011; and
 - *Sign Details for Ice Cream Castle* by Edward C. Pine, P.E. revised August 15, 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 supported their required modification to *require all sidewalks and pathways to be ADA compliant*; and

WHEREAS, upon review of the UCPB Required Modifications, the Town of Ulster Planning Board concluded they would *override* the UCPB Required Modifications concerning elimination of the proposed drive-thru and re-orientation of the parking spaces and travel lane; 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 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.

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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 Town of Ulster Planning Board hereby *overrides* the UCPB Required Modifications concerning elimination of the proposed drive-thru and re-orientation of the parking spaces and travel lane; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Approval to *Ventures of JJJ, Inc.* to establish an ice cream stand on a property shown on the Town of Ulster Tax Maps as SBL 48.14-3-34 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 and submission of a final revised Site Plan providing for ADA compliant sidewalks and pathways;
3. Submission of final set of Plans, which are dated and sealed by the applicant's engineer;
4. Provision of lighting fixtures details to Code Enforcement Officer, which comply with Dark Sky Requirements;
5. Hours of Operation shall be from 11:00 AM to 11:00 PM;
- 6.. All fees, including consultant fees, shall be paid.
7. Exterior lighting of signs and off street parking area only during hours of operation

Buck's Recycling Center – Site Plan

Nadine Carney appeared on behalf of the application for Buck's Recycling Center. Mr. Sorensen stated that the Zoning Board of Appeals granted the variance for the height of the fence. Due to the site being on a State Highway the project will need to be reviewed by the Ulster County Planning Board.

Action: A motion to refer the project to the County Planning Board was made by Mr. Mulligan with a second from Mr. Ricketson with all in favor.

Big Matt – Site Plan Revision

Nadine Carney appeared on behalf of the application for site plan revision of the former Breathe Fitness site. Mr. Sorensen reviewed the plan with the Board stating the applicant has submitted building elevations and signage details. The freestanding sign that is on the site will remain; it will be refaced when the space is rented. The wall sign in the rear of the building has a variance and it will be utilized. The only new lighting will be on the buildings and they will be down lit; the lighting levels on the site are below the required standards. Ms. Carney stated that the Board referred the project to the Ulster

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County Planning Board and they came back with a no county impact statement. The request for a use variance will be heard by the ZBA on October 5th. The applicant will return to the Planning Board after the decision is made by the Zoning Board of Appeals. No action was taken.

Cedar Kingston Entrance – Site Plan Revision

Barry Medenbach appeared on behalf of the application for site plan revision on the Cedar Kingston site. The applicant is proposing a new right turn only exit to the site. Mr. Medenbach reviewed the plan with the Board stating the plan was reviewed in the fall of last year by this and the County Planning Board. The request for a new exit is being made in response to the traffic congestion at the sites main entrance. Mr. Sorensen reviewed the project with the Board stating the County reviewed the request and put required modifications on the project approval; one was a vehicular cross access and the other an internal sidewalk system connecting to Rt. 9W and the Burlington Coat Factory site. A traffic study was completed in December of last year and a highway permit has been issued by the NYS DOT. A short discussion on the County's comments followed; Mr. Medenbach stated the site does have internal sidewalks and there is a sidewalk in front of the site that leads to the Burlington Coat Factory site. Mr. Beichert questioned if the moving of the monument sign would be included in the approval; Mr. Sorensen stated it would.

Action: A motion to override the County Planning Boards recommendation was made by Mr. Beichert with a second from Mr. Decker with all in favor.

A motion to grant a negative declaration as per SEQRA was made by Mr. Decker with a second from Mr. Ricketson with all in favor.

A motion to grant approval of the site plan revision was made by Mr. Decker with a second from Mr. Mulligan with all in favor.

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by John Joseph dba Cedar Kingston 4 LLC for a *Site Plan Amendment* approval to allow the construction of a *NYSDOT-approved* curb-cut modification to the existing site entrance from NYS Route 9W (Ulster Avenue); and

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

- *Project Narrative for Cedar Kingston* prepared by Edward Sprague, PE dated 9/7/2010;
- *Application for Site Plan Review* prepared by Edward Sprague, PE dated 9/7/10;
- *SEQRA Short EAF* prepared by Edward Sprague, Project Manager dated 9/7/10;
- *NYSDOT Entrance Modification Approval* signed by David Corrigan, Permit Engineer date 5/6/2010;
- *Site Plan for Revised Entrance for Cedar Kingston 4 LLC*, prepared by Medenbach & Eggers Civil Engineering and Land Surveying, P.C. dated January 21, 2010;
- *Site Plan for Revised Entrance for Cedar Kingston 4 LLC*, prepared by Medenbach & Eggers Civil Engineering and Land Surveying, P.C. dated January 21, 2010;
- *Traffic Assessment for CVS Entrance* by Crieghton Manning Engineering, dated 12/7/10;

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WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by John Joseph dba Cedar Kingston 4 LLC for a *Site Plan Amendment* approval to allow the construction of a *NYSDOT-approved* curb-cut modification to the existing site entrance from NYS Route 9W (Ulster Avenue); and

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

- *Project Narrative for Cedar Kingston* prepared by Edward Sprague, PE dated 9/7/2010;
- *Application for Site Plan Review* prepared by Edward Sprague, PE dated 9/7/10;
- *SEQRA Short EAF* prepared by Edward Sprague, Project Manager dated 9/7/10;
- *NYSDOT Entrance Modification Approval* signed by David Corrigan, Permit Engineer date 5/6/2010;
- *Site Plan for Revised Entrance for Cedar Kingston 4 LLC*, prepared by Medenbach & Eggers Civil Engineering and Land Surveying, P.C. dated January 21, 2010;
- *Site Plan for Revised Entrance for Cedar Kingston 4 LLC*, prepared by Medenbach & Eggers Civil Engineering and Land Surveying, P.C. dated January 21, 2010;
- *Traffic Assessment for CVS Entrance* by Crieghton Manning Engineering, dated 12/7/10;
- *Ulster County Planning Board recommendation* by Robert A. Leibowitz, AICP dated 10/6/10; and
- *Site Plan for Revised Entrance for Cedar Kingston 4 LLC*, prepared by Medenbach & Egger Civil Engineering and Land Surveying, P.C. dated September 9, 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

WHEREAS, the UCPB issued Required Modifications, which were carefully considered by the Town of Ulster Planning Board, and

WHEREAS, the Town of Ulster 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 departments made via memoranda (which memoranda are incorporated herein by reference); and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF)) finds the Proposed Action will not have an adverse impact on the environment; as Lead Agency makes a determination of non-significance and issues a Negative Declaration pursuant to Part 617 of SEQRA.

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board determines 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 Ulster County Planning Board required modifications; and

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FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment Approval to - John Joseph dba Cedar Kingston, LLC - to construct a *NYSDOT-approved* curb-cut modification to the existing site entrance from NYS Route 9W (Ulster Avenue); subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable Building Codes requirements;
2. Compliance with NYSDOT Highway Work Permit; and
3. Escrow account paid in full.

Habitat for Humanity – Site Plan

Robin Andrade appeared on behalf of the application for site plan amendment for 406 Rt 28 Habitat for Humanity. The applicant is requesting converting a vacant retail store to a retail store with office space and warehouse space in the basement. Ms. Andrade reviewed the project with the Board; the handicapped parking will stay the same the applicant will be adding crosswalks across Jockey Hill Road. The dumpster will be moved to another location and the lighting will be full cut off as requested. A grading plan will be submitted. A short discussion followed on what type of grading plan will be required. Mr. Sorensen stated the area off Jockey Hill Road by the loading docks needs to be upgraded and the well and septic should be shown on the plan. The entrances to the lower parking area need to be closed off to 24' and plantings should be added. Following a discussion on when new plans could be submitted it was decided that the project could be forwarded to the Ulster County Planning Board if new plans were submitted by the end of the week.

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

Landing Woods – Special Use/ Subdivision

Chris Lapine appeared on behalf of the application for Landing Woods; a town house development. Mr. Lapine stated the applicant is looking for feed back from the Board and would like to start the Lead Agency process. The project was previously reviewed by the Planning Board in 2005. The project at that time was for 130 units it has been reduced to 84 units as the wetland on the site have increased. The adoption of the NYS DEC Stormwater Regulations have also played a part in the revision of the project. There are 6.8 acres of wetlands scattered throughout the site, the plan has been submitted to the Army Corps or Engineers for review. A walking trail has been placed on the site as a result of an area of archeological sensitive area this area required a 50 ft buffer. Access to the site is off of Rt. 32; there are also connections with Meadowbrook Drive and Greenbrook Lane. There was a proposed connection with Alder Court on the older plan but because of wetland issues this does not seem possible at this time. The site will be served by the Town of Ulster Sewer District; the applicant met with the Town Engineer to discuss this issue. Water will be provided by Aqua America the Board

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requested a letter from Aqua America stating there is water capacity will serve the project. A letter was written in 2005 the applicant will forward to this board. Mr. Sorensen reviewed his memo with the Board stating the Traffic Impact Study should be updated along with the School Analysis. Mr. Sorensen recommended the tot lot be moved as it is located near residences, he also had concerns with the parking as it would require vehicles to back into the street. The recommendation of sidewalks was also made. The Board discussed the issues of sidewalks and parking deciding that sidewalks would not be required as it will reduce impervious surface on the site; no one had an issue with vehicles backing into the street from the parking spaces. Mr. Kovacs the Town Attorney will look into the recreation fees.

Action: A motion to forward to the Town Board to declare Lead Agency was made by Mr. Mulligan with a second by Mr. Beichert; all were in favor.

MHMG-KM Kingston – Site Plan

Brian Cohan and Larry Boudreau appeared on behalf of the application for an 80,000 sq ft medical building that will be phase one of the site. The second phase will consist of a pharmacy, retail store, hotel, bank and fast food restaurant. The site will have three access points; two off of Rt. 9W one at the signal by Adam's Fairacre Farms and a one way entrance coming off of 9W south. A third access will be from Grant Avenue. The site is served by Town of Ulster Water and Sewer; there is a Sewer Easement that runs through the site. A short discussion on what should be included in the Traffic Study followed. Mr. Sorensen recommended the Board refer the project to the Town Board to declare Lead Agency.

Action: A motion to forward the project to the Town Board for to declare Lead Agency was made by Mr. Decker with a second from Mr. Ricketson; all were in favor.

Respectfully submitted,

Mary Secreto
Planning Secretary