

## *TOWN OF ULSTER PLANNING BOARD*

The monthly meeting of the Town of Ulster Planning Board was held on Thursday February 28, 2008 at 7:00 p.m. at the Town Hall Lake Katrine, New York., The following members were present:

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

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

Motion to accept the minutes of the January meeting was made by Mr. Almquist and seconded by Mr. Decker with all in favor.

### **Twin Creeks**

Mr. Michael Moriello and David Rider appeared on behalf of the application for a subdivision. The Board approved the preliminary plat on June 15, 2006; the applicant is now looking for final approval. Mr. Shuster (consulting planner) sent a review of all outstanding issues to all Board members as he could not make the meeting. Mr. Moriello states that all the conditions on the preliminary plat approval have been resolved. There have been 2 map changes the first is a change to the conservation easement providing a walking/running path along the Esopus. The other change is to lot #7 the original access to the lot was by easement it now has access from Twin Creeks Drive. The on-site sewage disposal system has been approved by the Ulster County Health Department and a Stormwater Management System District has been formed and will be going to the Town Board for approval after the final subdivision is approved. The Board received a letter from the Ulster County Highway Department stating the access location to Old Kings Highway is acceptable. The applicant has obtained a Highway Work Permit and is working on road stabilization and drainage improvements. The County has agreed that the remaining work along the County Highway could be deferred on a condition that the Planning Board establish a condition on the final plat approval that no building permits will be issued prior to completion of the remaining improvements. The 50ft right of way granted to Overbaugh shall not be released until the entire roadway within the parcel is accepted by the Town. The walking /running path will serve as the recreation lands that is required. A Phase 1 archaeology survey was completed and no further study is warranted. The last outstanding issue the guarantee completion of road and drainage improvements; applicant will place a restriction in the deed stating no construction will take place until the road is constructed or bonded. The Town Attorney and the applicant's attorney will work on an agreement. Building permits will not be allowed to be issued until the road is constructed. Mr. Shuster states in his memo that he would recommend approval of the final plat with the following conditions:

1. Agreement by the town Attorney as to the surety to be provided to ensure the completion of required site improvements.( this will be in the form of a deed restriction

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stating the road will be built or a bond will be in place before building permits can be issued).

1. Approval of the Conservation Area Agreement by the Town Attorney.
2. Phase 2 shall not receive final approval until the Ulster County Health Department approves the on site sewage disposal systems.
3. No building permits shall be issued until the remaining required improvements along Old Kings Highway are approved by the Ulster County Department of Highways and Bridges.
4. A deciduous variety of street trees are provided on both phases of plat.

Action: A motion to accept the planner's recommendation and grant final plat approval with conditions was made by Mr. Almquist with a second from Mr. Budziak; all were in favor with Mr. Lucente absent.

### Resource Center for Accessible Living- Site Plan

Ms. Susan Hoger appeared on behalf of the application for a change of use/ site plan. Ms. Hoger reviewed the Ulster County Planning Board review with the Board stating the lighting has been revised to meet the requirements of the Board. The recommendation of street trees is not possible as the Sewer easement borders the sidewalk on the site. The cross easement is also not feasible. Ms. Hoger goes on to state she is working with the NYS DOT and should have some type of approval shortly. Ms. Hoger request the Board grant conditional site plan approval as they need an approval for the closing of the property. Mr. Sorensen reviewed project with the Board stating the applicant has submitted all the items the Board requested at the first review. Mr. Sorensen agreed the street trees and cross easement are not suited for this site. Mr. Sorensen recommends the Board grant conditional approval of the plan based on curb cut that is on the site plan submitted. If DOT finds that they want a new curb cut the applicant will need to resubmit plans to the Planning Department.

Action: A motion to grant a negative declaration as per SEQRA and grant conditional site plan approval with the condition that final approval will be given when DOT approval in granted was made by Mr. Decker and seconded by Mr. Almquist. All were in favor with Mr. Lucente absent.

## RESOLUTION TOWN OF ULSTER TOWN BOARD

Site Plan Approval for Change in Use  
Resource for Accessible Living  
Section 48.58, Block 5, Lots 20.1

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WHEREAS, the Planning Board and its consultant planner have reviewed an application by Resource for Accessible Living, Inc. for Site Plan Approval for a change in use; and

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

- Town of Ulster Application for Site Plan Review dated December 26, 2007;
- Project Narrative Description provided by RCAL dated December 26, 2007;
- Short Environmental Assessment Form prepared by RCAL dated December 4, 2007;
- Sign detail for proposed monument sign prepared by Kimberly H. Hoover, RA dated 2/4/08;
- Site Plan prepared by Brinnier & Larios dated January 8, 2008; revised February 28, 2008;
- Landscaping notes prepared by Brinnier & Larios dated February 28, 2008; and
- Proposed Floor Plan & Elevations prepared by Hoover Architecture, PLLC dated January 1, 2008

WHEREAS, the Planning Board upon their initial review referred the application to the County Planning Board for GML 239 1 & m review and to the NYSDOT for review of the proposed access to the 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 made via memoranda (which memoranda are incorporated herein by reference) and recommendations from the New York State DOT and County Planning Board; and

WHEREAS, the applicant was required to provide additional landscaping, to bring the existing pole sign into conformity with the Town's sign regulations and to replace existing exterior lighting with horizontal cut-off fixtures in order to reduce glare; and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short EAF) found that proposed redevelopment 731 Ulster Avenue 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 the Planning Board – while incorporating many of the County's required modifications – does hereby override the County's GML 239 required modification to provide cross-access and to plant street trees since these are not feasible on the site; and

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FURTHER BE IT RESOLVED, that upon full consideration of the above, the Planning Board hereby grants the approval of the Site Plan application for the redevelopment of 731 Ulster Avenue subject to the following condition:

- a. That the New York State Department of Transportation approves proposed access to the site.

Motioned by: Mr. Decker

Seconded by: Mr. Almquist

All in Favor:           Ozzie Beichert, Chairman  
                              Frank Almquist, Vice Chairman  
                              Renno Budziak  
                              Larry Decker

### Four Cousins Burgers & Fries of N.Y. LLC – Site Plan

Nadine Carney appeared on behalf of the application for a site plan/change of use for the Vision Excel building at 1202 Ulster Avenue. Ms Carney reviewed the County comments with the Board. The County requested street trees and additional landscaping around the foundation of the building; any street trees would interfere with the access to the site and there is not enough room for foundation plantings as the sidewalks are close to the building. Ms. Carney request the Board override the County's request. The applicant is replacing an existing pole sign with a monument sign that is within Town standards; however the sign is in the side setback. After a short discussion Mr. Zweben found that the new monument sign would not need a variance. The last item on the County review was pedestrian access; the applicant has been given a copy of an agreement with the Town to construct sidewalks. Praetorius and Conrad have reviewed and approved the stormwater management system. The Department of Transportation's Comment's included closing the southern entrance and reducing the northern entrance; Ms. Carney will submit revised plans to the DOT. The applicant will also need to sign a cross easement agreement stating upon development of the parcel to the North the applicant will develop a common road. Mr. Zweben states the applicant has been given both legal documents needed and is reviewing them. Mr. Sorensen states the applicant has submitted a long form EAF and recommends the Board declare a negative declaration

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in accordance to SEQRA. The applicant has addressed the issues and could be given conditional approval.

Action: A motion to grant a Negative Declaration in accordance to SEQRA was made by Mr. Decker and seconded by Mr. Almquist. A motion to approve the site plan with the following conditions: the vents requested by the Sewer Department be placed on the plans, all legal documents are signed and approval from NYS DOT. was made by Mr. Almquist and seconded by Mr. Budziak all were in favor with Mr. Lucente absent.

### RESOLUTION TOWN OF ULSTER TOWN BOARD

Site Plan Approval for Change in Use  
Four Cousins Burgers & Fries of NY, LLC  
Section 48.8, Block 1, Lots 15.1

WHEREAS, the Planning Board and its consultant planner have reviewed an application by Four Cousins Burgers & Fries of NY, LLC for Site Plan Approval for a change in use; and

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

- *Full Environmental Assessment Form Part 1* prepared by Bill Gellert dated January 25, 2008;
- Existing Conditions Plan prepared by Brinnier & Larios dated January 2008; revised January 23, 2008;
- Site Plan prepared by Brinnier & Larios dated January, 2008; revised January 23, 2008;
- Proposed Lighting Plan prepared by Brinnier & Larios dated January 2008; revised January 23, 2008;
- Sign, Dumpster and Site Details Plan prepared by Brinnier & Larios dated January 2008; revised January 23, 2008; and
- Proposed Floor Plan & Elevations prepared by USArchitects Group, December 28, 2007, revised January 25, 2008.

WHEREAS, the Planning Board referred the application to the County Planning Board for GML 239 l & m review and to the NYSDOT for review of the proposed access to the 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 consultant planner & engineers made via memoranda (which memoranda are incorporated herein by reference) and recommendations from the New York State DOT and County Planning Board; and

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WHEREAS, the Planning Board upon review of the entire record (including SEQRA Full EAF Parts 1 & 2) found that the proposed redevelopment 1202 Ulster Avenue 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 the Planning Board – while incorporating most of the County’s required modifications – does hereby override the County’s GML 239 required modification to provide plantings around the foundation of the existing structure since it is not practical; and

FURTHER BE IT RESOLVED, that upon full consideration of the above, the Planning Board hereby grants approval of the Site Plan application for the redevelopment of 1202 Ulster Avenue subject to the following conditions:

- a. That the New York State DOT approves proposed access to the site;
- b. That the applicant enters into an Agreement to provide a cross-access easement from the subject site to the adjacent property to the north;
- c. That the applicant enters into an Agreement with the Town to construct sidewalks in accordance with standard designs and specifications being developed by the Town in conjunction with NYSDOT for Route 9W; and
- d. That the applicant satisfactory addresses the technical comments raised by the Town’s Sewer Department related to venting the grease trap, etc.

Motioned by: Frank Almquist

Seconded by: Renno Budziak

All in Favor:           Ozzie Beichert, Chairman  
                              Frank Almquist, Vice Chairman  
                              Renno Budziak  
                              Larry Decker

Rusi Holding Corporation

Richard Praetorius appeared on behalf of the application for a revised site plan at 1306 Ulster Avenue. Mr. Praetorius comments on the Planner’s review stating the access to the site has been revised and will be sent to DOT for review. A Trip Generation Analysis will be submitted. The applicant will make adjustments on the plan for better traffic circulation. Curbed landscape islands will be placed on the plan as recommended in the project review. Mr. Praetorius feels that a monument sign on the site would create a safety issue; he suggested revising the current sign making it more aesthetically pleasing. A sidewalk agreement is being reviewed by the applicant. The applicant will reach out to

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the owners of the neighboring parcel to obtain a cross easement. The comments from the Water and Sewer will be addressed. The plan will be sent to the County Planning Board for review and to the Town Board to start the SEQRA process. No action was taken.

### *Albany Avenue Garage*

Donald Brott appeared on behalf of the application for the site plan of 135 Sawkill Road. Mr. Brott states the site is an existing motor vehicle sales & repair facility. The applicant had originally requested an additional use of modular home sales; this use has been removed from the plan. Mr. Brott submitted a new plan to the Board; the new plan eliminates the driveway from Wood Road. Additional landscaping has also been added. The signage is existing and is not going to be revised. The lighting will be raised from 12ft to 14ft for safety reasons; the applicant feels trucks may hit the lighting if it is lower. Mr. Brott states that they will add to the existing White Pines on site. Mr. Almquist suggests adding Spruce trees. A stormwater plan has been submitted and will be reviewed by Praetorius & Conrad the plan was designed for the motor vehicle and modular home use. Mr. Sorensen questioned if there will be any cars or trucks stored for parts; the applicant states there will not. A short discussion putting a condition on the approving stating no cars or trucks will be stored for parts on the site. No action was taken.

### *Senkowicz & Schoonmaker*

Joann Schoonmaker appeared on behalf of a lot line deletion; Ms. Schoonmaker purchased the parcel that adjoins her; she is deleting the lot line making her parcel more conforming to Town Code.

Action: A motion to approve the lot line deletion and grant a negative declaration was made by Mr. Almquist and seconded by Mr. Decker with all in attendance in favor

### *Kingston Trust Fund*

Paul Jankovitz appeared on behalf of the application for a site plan to construct an Educational Wellness Center. The parcel is located off of Rt. 32 near the entrance of East Kingston. The parcel is zoned R-10, neighboring parcels are zoned O.M. there is a single family dwelling and barn on the property; these structures would remain and the uses would stay the same. The applicant would like to construct a small office building with conference rooms to be used for the office of Kingston Trust. The conference rooms would be used for small meetings with the Funds members. The meeting would be 2 or 3 times a month in the afternoon during the week. The site does not have municipal water or sewer. No building style has been decided upon; Mr. Almquist suggested a farm style. Mr. Sorensen reviewed the plan with the Board stating the parcel will have to be rezoned for this use. The Town Board would have to approve the rezoning, a Local Commercial zone would fit the area rather than more O.M. A short discussion on how to

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proceed with the project and what type of zoning district would be appropriate for the parcel.

Action: A motion to refer the matter to the Town Board for a Zoning change request was made by Mr. Almquist and seconded by Mr. Decker. The Board's recommendation will be to change the parcel to a Local Commercial all were in favor.

### RESOLUTION TOWN OF ULSTER TOWN BOARD

#### Request for Zoning Map Amendment Kingston Trust Section 48.12, Block 2, Lots 32

WHEREAS, the Planning Board and its consultant planner have reviewed an application by Kingston Trust Fund for a Zoning Map Amendment from R-10 Residential to OM – Office Manufacturing; and

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

- *Application for sketch plan review* prepared by Paul Jankovitz dated January 23, 2008;
- *Short Environmental Assessment Form* prepared by Paul Jankovitz dated January 21, 2008;
- *Preliminary Site Plan* prepared by Paul Jankovitz,A.I.A dated November 10, 2007;
- *Zoning Plan* prepared by Paul Jankovitz,A.I.A dated November 10, 2007;
- *Land Use Plan* prepared Paul Jankovitz,A.I.A dated November 10, 2007; and
- *Plan narrative* prepared Paul Jankovitz,A.I.A dated January 21, 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 planning consultant's recommendation was that the site should instead be rezoned to LC-Local Commercial rather than OM-Office Manufacturing if the site is to be rezoned.

NOW THEREFORE BE IT RESOLVED that the Planning Board has determined the proposed request should be referred to the Town Board for further consideration; and



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FURTHER BE IT RESOLVED, that should the Town Board look favorably upon the request for a Zoning Map Amendment it is recommendation of the Planning Board that the subject site be rezoned to least permissive commercial district in the Town – the LC – Local Commercial District.

Motioned by: Mr. Almquist

Seconded by: Mr. Decker

All in Favor:           Ozzie Beichert, Chairman  
                              Frank Almquist, Vice Chairman  
                              Renno Budziak  
                              Larry Decker

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

Respectfully Submitted

Mary Secreto  
Planning Secretary