

## **Town of Ulster Planning Board**

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday April 21, 2009 at 7:00 pm. at the Town Hall Lake Katrine New York. The following members were present:

Ozzie Beichert – Chairman  
Frank Almquist  
Renno Budziak–  
Larry Decker  
Scott Ricketson  
Alan Sorensen – Planner

A motion to approve minutes for the March meeting was made by Mr. Almquist with a second by Mr. Budizak, all were in favor.

### **Fink - Subdivision –**

Chris DiChiaro appeared on behalf of the application for a 12 lot subdivision with a private road. Mr. Sorensen states the project has been before the board since 2004. The last item that was needed was a wavier from the Town Board on the length of the road. The Town board approved the wavier on April 16<sup>th</sup> and the applicant is now looking for final approval. Once granted final approval the applicant will need to construct or bond the improvements before the final maps are signed. One condition will be the town engineer will need to inspect and approve the road before the maps are signed.

**Action:** A motion to grant a negative declaration as per SEQRA was made by Mr. Almquist and seconded by Mr. Ricketson. A motion to grant approval of the subdivision was made by Mr. Decker with a second by Mr. Almquist. All were in favor.

### **Oxygen Day Spa – Site Plan**

Richard Ulloa appeared on behalf of the application for a Day Spa. Mr. Ulloa states that all of the request of the Planning Board has been satisfied. A short discussion of the site followed. Mr. Beichert states a traffic study was completed by Mr. Ulloa in January of 2008, this study still needs to be reviewed by the town's consulting engineer; to date the applicant has not provided an escrow account to cover the cost of this review. Mr. Beichert states that the Board could not move forward until this review has been completed. No action was taken by the Board.

### **Olive Garden – Site Plan**

Robert Young appeared on behalf of the application for a Site plan revision/change of use. Mr. Young states the owner of the mall is reviewing lighting plans; once they are approved by the owner they will be submitted to the Board for their approval. Creighton

Manning has been to the site and will be submitting suggestions on revising the traffic circulation. Mr. Young goes on stating the he has upgraded the landscaping at the front of the site. After a short discussion of the site and parking requirements Mr. Young requested the board give approval of the change of use so the Olive Garden and Kings Mall can sign a contract. After the contract is signed the applicant will move forward on finalizing the site plan.

**Action:** Mr. Beichert requested a motion to approve the change of use conditional upon site plan approval which will include lighting & utility plans as well as any other items the Board deems necessary. A motion was made by Mr. Budziak with a second by Mr. Almquist. All were in favor.

### **Children's Annex – Site Plan Revision**

Susan Buckler and Amy Moses appeared for the site plan revision for Children's Annex. Ms. Buckler states they would like to replace a modular classroom with a 4,515 sq ft addition. The applicant will relocate the modular classroom while construction of the addition is taking place. The modular will be removed from the site when construction is complete. Mr. Sorensen states the application is straight forward; the Board could forward it to the Town Board for conditional approval. The conditions would be revising the plan to show 6 handicap parking spaces, A Certificate of Occupancy will be withheld until the modular classroom is removed for the site this must take place within 24 months of Final Site Approval. Ms. Buckler states the classroom has already been sold and will be removed as soon as the addition is completed.

**Action:** A motion to forward to the Town Board for approval with the conditions mentioned was made by Mr. Budziak with a second by Mr. Ricketson. All were in favor.

## **RESOLUTION TOWN OF ULSTER PLANNING BOARD AMENDMENT OF SITE PLAN APPROVAL THE CHILDREN'S ANNEX Section 39.016, Block4, Lot 20.11**

**WHEREAS,** the applicant - The Children's Annex - submitted an application for a Site Plan Amendment to permit a 4,515 square foot (ft<sup>2</sup>) addition to the southwest corner of the existing 16,975 ft<sup>2</sup> school building; and

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

- *Town of Ulster Application* for Site Plan Review prepared by Amy Moses, RA dated 2/04/09;
- *Project Narrative Description* prepared by Amy Moses, RA dated February 4, 2009;
- *Short Environmental Assessment Form* prepared by Amy Moses, RA dated February 4, 2009;
- *Site Plan* prepared by Amy Moses, RA dated February 2, 2009;
- *Schematic Plan & Elevations* prepared by Amy Moses, RA dated February 2, 2009.
- *Site Plan/Zoning Data* prepared by Amy Moses, RA dated April 3, 2009;
- *Planting Plan & Elevations* prepared by Amy Moses, RA dated April 3, 2009; and
- *Site Plan/Zoning Data* prepared by Amy Moses, RA dated April 18, 2009;
- *Planting Plan & Elevations* prepared by Amy Moses, RA dated April 18, 2009; 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 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 that the proposed Site Plan Amendment to allow a 4,515 ft<sup>2</sup> school building addition 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 upon full consideration of the above, the Planning Board hereby refers the proposed action to the Town Board with a recommendation they grant Site Plan Approval subject to the conditions, limitations and restrictions set forth below:

- a. *A Certificate of Occupancy* shall be withheld for the new school building addition until such time that the temporary modular classroom is removed from the site; and
- b. The Modular Classroom must be removed from the project site within twenty-four (24) months of receiving Final Site Plan Approval
- c. Final Site Plan to be revised to show handicap symbols on all six (6) handicap parking spaces.
- d. Approval of the Town Wastewater Superintendent.

### **Double Happiness – Site Plan**

Paul Jankovitz appeared on behalf of the application to convert a former store to a bus terminal. Mr. Jankovitz states the applicant proposes to take 2,000 sq ft of a 6,000 sq ft building and convert it to a bus terminal and waiting area. There will be a ticket booth a waiting area for passengers. There will also be a small area for vending machines. The applicant states that there will be a maximum of three buses a day. Parking spaces will be revised with a designated parking area for passengers and a turn around area for buses. Mr. Sorensen states the main issue of this project is that a bus terminal is not listed as a permitted use; after a discussion on the code and permitted uses the Board directed the applicant to the Town Board for a Zoning Text Amendment. The Board also suggests the applicant reach out to the Ulster County Planning Board as they would also need to review the site. No action was taken by the Board.

### **Daniel Wolven – Site Plan**

Joseph Pisani appeared on behalf of the application for a contractor's storage yard for Wolven Septic Service. Mr. Pisani states the applicant has changed a few item on the site

plan; he no longer wishes to store portable toilets on the site. The only item stored on the site will be PVC pipe. The area for storage will have an 8' stockade fence enclosing it. The mulch bins will also be removed from the site, the applicant will use for storage and parking of trucks related to the septic business. Mr. Pisani goes on to state the two family dwelling is pre existing; the applicant has a Certificate of Occupancy from the 1990's. The applicant requested moving the landscaping at the front of the site to a higher elevation; this change would provide better screening of the site. Mr. Sorensen states the applicant will need to submit new plans with the revisions, and they will need to be referred to the County Planning Board as the site is within 500ft of a state road. Mr. Pisani states the last issue on the site is the garage is over the property line; the applicant is in the process of trying to obtain the land; if that cannot be resolved the applicant has agreed to remove the structure. A short discussion on the referral process followed, the applicant will submit new plans to be referred to the County Planning Board. No action was taken by the Board.

### **Guidos Restaurant – Site Plan**

John Stinemire appeared on behalf of the application for an addition to Guido's Restaurant. Mr. Steinemire states the applicant is looking for approval of a 560 square foot addition to the existing restaurant. This addition will not change the number of seats in the restaurant. Mr. Sorensen states the addition will result in the removal of 2 parking spaces; this however will not impact the requirements. The addition will not change the lighting or signage. Mr. Sorensen states the title block on sheet 1 will need to be renamed. Mr. Sorensen recommends the Board grant a negative declaration and approve the site plan revision.

**Action:** A motion to grant a Negative Declaration as per SEQRA was made by Mr. Almquist with a second by Mr. Decker. A motion to approve was made by Mr. Decker with a second by Mr. Almquist. All were in favor.

### **RESOLUTION TOWN OF ULSTER TOWN BOARD Site Plan Amendment Guido's Restaurant 812 Ulster Avenue S-B-L: 48.58-06-06**

**WHEREAS**, the applicant - Peter Kyriacou - submitted an application for Site Plan Amendment approval to construct a 560 square-foot addition to his existing restaurant located at 812 Ulster Avenue; and

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

- *Application for Site Plan Review* prepared by Peter Kyriacou dated April 7, 2009;
- *SEQRA Short EAF* prepared by Peter Kyriacou dated April 7, 2009;
- *Existing Site Plan* prepared by John Steinmire, P.E. dated March 30, 2009;
- *Proposed Site Plan* prepared by John Steinmire, P.E. dated March 30, 2009;

- *Existing First Floor Seating Plan* prepared by John Steinmire, P.E. dated 3/30/2009; and.
- *Proposed First Floor Seating Plan* prepared by John Steinmire, P.E., dated 3/30/2009; and
- *Revised Site Plan* prepared by John Steinmire, P.E. dated March 30, 2009.

**WHEREAS**, since the proposed action will not increase the number of parking spaces required, it did not have to be referred to the County Planning Board pursuant to their new Land Use Referral Guide.

**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

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Full EAF Parts 1 & 2) found that the proposed Site Plan Amendment to construct a 560 square-foot addition 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**, the application by - Peter Kyriacou dba Guido's Restaurant - for Site Plan Amendment approval to construct a 560 square-foot addition is granted, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with zoning and building laws, rules and regulations.
2. Compliance with all representations made by the applicant and his engineer.
3. Existing sanitary services are shown on Final Site Plan.

**Motioned by:** Mr. Decker  
**Seconded by:** Mr. Almquist

**All in Favor:** Mr. Almquist, Mr. Budziak, Mr. Decker, Mr. Ricketson, Mr. Beichert

A motion to adjourn was made by Mr. Almquist with a second by Mr. Budziak; all were in favor.

Respectfully Submitted,  
 Mary Secreto  
 Planning Secretary