

Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday June 16, 2009 at 7:00 pm. at the Town Hall Lake Katrine New York. The following members were present:

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

Alan Sorensen – Planner

A motion to approve the minutes of the May meeting was made by Mr. Budziak and seconded by. Mr. Almquist; all were in favor.

Daniel Wolven has been removed form the agenda at the applicant's request.

Professional Day Spa – Site Plan

Richard Ulloa appeared on behalf of the application for a Day Spa. Mr. Sorensen reviewed his memo with the Board stating the requested changes on the sit plan have been completed. The Board had requested a 3 ft grass medium be placed between the sidewalk and the property this has been put on the plan. Notes stating the fence will be a natural color and the good side will face the neighbors property have also been added. Mr. Sorensen states the applicant has answered all the concerns of the Board and recommends the Board forward the project to the Town Board. Mr. Budziak states he has requested a sidewalk along Van Kuren Highway as there is a large amount of pedestrian traffic on the street and there will be additional pedestrian traffic with the completion of the Chambers project. Mr. Budziak states he has a safety concern with the project and he feels the Board needs to address it. Mr. Beichert states the Board addressed the issue at previous meetings. The site has utility poles on the Van Kuren side; these poles would have to be removed in order to place a sidewalk; the cost of removing the poles is very large therefore the Board has not requested the sidewalk. Mr. Ulloa states he has no problem putting a sidewalk in if the poles are ever removed but he cannot afford to remove them. Mr. Beichert states the Board has received a draft resolution referring the project to the Town Board.

Action: A motion to refer the project to the Town Board was made by Mr. Almquist with a second by Mr. Decker. A roll call vote was taken:

Mr. Almquist –yes
Mr. Beichert –yes
Mr. Decker – yes
Mr. Ricketson – yes
Mr. Budziak – no

**RESOLUTION
TOWN OF ULSTER PLANNING BOARD**

**REFERRAL TO THE TOWN BOARD
PROFESSIONAL DAY SPA
Section 48.50-01-07**

WHEREAS, the Town of Ulster Planning Board received an application for Site Plan Approval from Richard Ulloa dba Professional Day Spa (applicant) to allow the construction of a 2,924 square-foot building that will house the proposed Professional Day Spa along with a swimming pool that together with an associated deck area will occupy 1,262 square feet for a total of 4,186 square feet; and

WHEREAS, the subject property is located on the northwest corner of Morton Boulevard and Van Kernan Parkway, as designated on the Tax Map of the Town of Ulster Section 48.5, Block 1, Lot 7 within an HC-Highway Commercial Zoning District of the Town of Ulster; and

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

- *Narrative description* of proposed action;
- *Site Plan with area map* prepared by Robert M. Kristiansen, dated 8/22/07 – revised 9/13/08; 10/23/08; 1/14/09; and 05/07/09;
- *Landscaping Plan* prepared by Robert M. Kristiansen, dated 8/22/07 – revised 9/13/08; 11/21/08; 1/14/09; and 05/07/09;
- *Lighting Plan* prepared by Robert M. Kristiansen, dated 8/22/07 – revised 9/13/08; 10/23/08; 1/14/09; and 05/07/09;
- *Lap Pool Plan* prepared by Robert M. Kristiansen; dated 10/23/08;
- *Section Views* prepared by Robert M. Kristiansen; 10/23/08;
- *Water & Sewer Connection sheet* prepared by Robert M. Kristiansen, dated 8/22/07; 10/23/08;
- *Water & Sewer Connection Detail sheet* prepared by Robert M. Kristiansen, dated 8/22/07; 10/23/08;
- *Indoor Pool Design & Section* prepared by Robert M. Kristiansen, dated 11/19/07; Revised 1/15/2008; 2/08/2008; and 2/21/2008;
- *Indoor Pool Details & Calculations* prepared by Robert M. Kristiansen, dated 11/19/07; Revised 1/15/2008; 2/08/2008; and 2/21/2008;
- *Pool Lighting Layout* prepared by Robert M. Kristiansen, dated 11/19/07; Revised 1/15/2008; 2/08/2008; and 2/25/2008; and
- *Traffic Study* prepared by Tim Miller Associates, dated January 30, 2008.
- *Stormwater Analysis & Plan* prepared by Robert M. Kristiansen, dated 3/04/08; 10/23/08; and 1/14/09.

WHEREAS, the applicant provided a Traffic Study prepared by Tim Miller Associates that concluded there would be no significant impact to the operation of area roadways as a result of the proposed use - a conclusion supported by the Town's consulting traffic engineering firm Creighton Manning Engineering, LLP; 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 Board held the public hearing on _____, took public comments and closed the public hearing; and

NOW THEREFORE BE IT RESOLVED, that upon full consideration of the above, the Planning Board hereby refers the Site Plan application for Professional Day Spa as described above to the Town Board with a recommendation for approval subject to the conditions, limitations and restrictions set forth below.

1. Compliance with all zoning and building laws, rules and regulations; and
2. Settlement of applicant's escrow account.

Motioned by: Mr. Almquist

Seconded by: Mr. Decker

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

Opposed: Mr. Budziak

Granted: June 16, 2009

Club Pet – Site Plan Revision

Rob Kristiansen appeared on behalf of the application for a revision on an approved site plan. Mr. Kristiansen states the applicant would like to move the approved stormwater detention pond to the side of the property. Mr. Sorensen reviews his memo with the Board stating the plan was approved in 2000; the applicant has been running his business with a Conditional Certificate of Occupancy. Neither the stormwater pond nor the fence been completed. Brinner & Larios have approved the new proposed stormwater plan. Mr. Sorensen recommends approval of the revision with the condition the pond and fencing is installed in a timely manner. Mr. Beichert states the applicant has been running their business for a long time without completing the site work approved; this site needs to be completed in a timely matter. Mr. Zweben suggested the Board give a 3 month time frame for the fence and landscaping and 6 months for the stormwater pond. Mr. Beichert states if the site work is not completed within the time frame the Certificate of Occupancy will be revoked.

Action: A motion to grant a Negative Declaration as per SEQRA A motion to approve with the condition of the fencing and landscaping is completed within 3 months and the stormwater is completed within 6 months was made by Mr. Decker with a second from Mr. Almquist. All were in favor.

**RESOLUTION
TOWN OF ULSTER PLANNING BOARD**

**Site Plan Amendment
Club Pet, Inc.
1884 Route 9W
S-B-L: 39.016-01-16**

WHEREAS, the applicant - Club Pet, Inc. - submitted an application for Site Plan Amendment approval to allow for the relocation of a stormwater detention basin that was part of a previously approved site plan; and

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

- *Application for Site Plan Review* prepared by Lorene & Robert Oaks dated March 18, 2009;
- *SEQRA Short EAF* prepared by Robert Oaks dated March 18, 2009;
- *New Proposed Stormwater Plan* prepared by Panther Mountain Engineering & Design, PLLC dated June 30, 2009; and
- *Comment Letter from Brinnier & Larios concerning revised Stormwater Plan* dated September 2, 2008.

WHEREAS, the Planning Board's consulting engineer reviewed the revised Stormwater Plan and recommended approval; and

WHEREAS, the Planning Board's consulting Planner recommended that certain conditions be placed upon the Site Plan Approval to assure that site improvements were made in accordance with the originally approved site plan; 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 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 Short EAF) and original Site Plan Approval found that the proposed Site Plan Amendment to relocate the stormwater management basin 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 - Club Pet - for Site Plan Amendment approval to relocate a stormwater detention basin is granted, subject to the conditions, limitations and restrictions set forth below.

1. The four (4) foot high wood screen privacy fence and six (6) foot high shrubs be planted in the vicinity of Lake Road in accordance with the April 17, 2000 Site Plan. Such improvements shall be completed within three (3) months.
2. The stormwater detention basin as shown on the Amended Site Plan dated 6/30/08 shall be completed within six (6) months.
3. The conditional *Certificate of Occupancy* shall be revoked if the site improvements described in Condition #1 above and new stormwater detention pond are not completed within three (3) months and six (6) months respectively.

Motioned by: Mr. Decker
Seconded by: Mr. Budziak

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

Olive Garden –Site Plan/Change of Use

Mr. Robert Young appeared on behalf of the application for a change of use. Mr. Young states the correct square footage of the restaurant is 7,656 sq ft there will be 226 seats. The Board requested a list of hours of operation for the various tenants of the mall along with a breakdown of occupied space; this will help show the peak hours of Olive Garden should not interfere with the peak hours of other tenants. The applicant has agreed to add 3 more speed humps on the east, south and west main drives of the site. Signing specs will be submitted; they are the standard Olive Garden signs. A new lighting plan has been submitted; the new poles will be shorter; bronze in color with 2 to 4 heads; the new plan increases the lighting on site. A new dumpster plan will be submitted showing the enclosure. The applicant has been working with the Water & Wastewater Departments on the location of the lines and the size of the grease trap. The revised plans will be submitted to the departments before the next meeting. The plans will be referred to the County Planning Department, Brinnier & Larios and Creighton Manning for review. The applicant will submit revised plans in July. No action was taken.

The Barnyard Feed and Pet Supply – Site Plan

Rob Kristiansen and Deborah Nobel appeared for the application for site plan for expansion of an existing retail and office buildings. The applicant proposes to construct a one-story 1,480 square foot storage building that will be between the existing retail and office building. Mr. Kristiansen submitted revised plans to the Board. Mr. Sorensen reviewed his memo with the Board stating the applicant has added the well and septic

location and has numbered the parking spaces on the plan. The applicant has sufficient parking. Building elevations were also submitted for review. No new lighting is proposed. At this time there are 2 trailers and storage shed on the site; they will be removed when the new structure is completed. The plan will be referred to the County. No action was taken.

Kingston Tires – Site Plan

No one appeared for the project

Kennedy Chicken – Site Plan

Laura Mesuda and Charles Westly appeared on behalf of the application for a change of use. The applicant proposes to establish a Kennedy Chicken in a 1,050 sq ft section of an existing building. The site consists of 4,200 sq ft building with 24 parking spaces. There are 2 other tenants in the building at this time. The new tenant will be mainly take-out it will have seating for 8. Signage will be a wall sign that will meet town standards. A long discussion followed on the site as the rear of the site meets a storage unit that is on a neighboring parcel. It appears that the entrance to the storage unit is on the applicants parcel. There is an easement noted on the applicants survey map. Mr. Zweben requested a copy of the easement for review. The applicant will submit a new site plan that will be referred to the Ulster County Planning Board for review. No action was taken.

Draft Zoning Overlay District – Referral

Dan Shuster appeared to review the referral before the Board. Mr. Shuster explains the Hudson Landing project has had 6 years of review; the City of Kingston as Lead Agency has approved the FEIS and Finding Statement. The next step in the process is the amending of zoning regulations in the city and town. The zoning amendments are mirrored in the city and town. An application has been submitted to the Town Board requesting resigition of the site to a Traditional Neighborhood Overlay Development. This gives an option to supersede the existing underlining zoning which is mainly OM in the Town of Ulster. The overlay district will allow the applicant to peruse the traditional neighborhood development with the zoning laws which embodies the procedures that have already taken place in this case. The most significant being the preparation of a design regulation manual which establishes land use, height and a host of design details which will control the site. Under Town Zoning Law the Town Board refers the amendment to the Planning Board for a recommendation before they act. A copy of the zoning and a draft resolution has been sent to the Board for review. Mr. Budziak states he would like to see the group of young first time home owners added to groups of income eligible household preference list. A short discussion on the resolution followed; Mr. Beichet states he will write a letter to the Board suggesting an additional group to the list of income eligible household preference list. This will be sent to the City of Kingston board for discussion.

Action: A motion to approve the resolution as written was made by Mr. Almquist with a second from Mr. Decker. All were in favor.

TOWN OF ULSTER

Recommending Amendment of the Official Zoning Map and Adoption of a Traditional Neighborhood Overlay District (TNDOD)

Motion By: Mr. Almquist

Seconded By: Mr. Decker

WHEREAS, pursuant to §190-62 of the Town of Ulster Zoning Law, the Town Board has referred an application to amend the Official Zoning Map and Chapter 190 of the Town of Ulster Code, to provide for a Traditional Neighborhood Development Overlay District (TNDOD); and

WHEREAS, as part of an extensive environmental review, the City of Kingston Planning Board, as lead agency under the State Environmental Quality Review (SEQR) Act for the Hudson Landing Development project, approved the Final Generic Environmental Impact Statement (FGEIS) and adopted a Statement of Findings to which was appended a proposed TNDOD Zoning Law. The intent and general purpose of the rezoning amendments is to encourage and facilitate redevelopment and adaptive reuse of the former “Tilcon Mining” properties. These former industrial sites comprise approximately 163 acres of the entire 508 acre site located along and adjacent to the Town of Ulster waterfront; and

WHEREAS, the TNDOD has been developed to implement the recommendations of the Town’s adopted Comprehensive Plan regarding traditional neighborhood development and New York State Coastal Zone policies, and furthers the public health, safety and welfare of existing and future residents of the community; and

WHEREAS, the final TNDOD language is a direct result of and prepared in response to extensive public comment and recommendations from Town consultants and represents the Town’s vision for its waterfront and will encourage compact, mixed-use neighborhoods; and

WHEREAS, the Town of Ulster Planning Board has considered the application for zoning amendment pursuant to §190-62;

NOW THEREFORE Be It Resolved by the Town of Ulster Planning Board, as follows:

Section 1: That the proposed amendments to the Official Town of Ulster Zoning Map and the text for a Traditional Neighborhood Development Overlay District (TNDOD), as attached and revised are hereby recommended for approval by the Town Board.

Section 2: That this resolution shall take effect immediately.

June 17, 2009
Nicky B. Woerner, Town Supervisor
Members of the Town Board
One Town Hall Drive
Lake Katrine, NY 12449

Letter to Town Board

Dear Nicky and Town Board Members:

At last night's meeting, the Planning Board reviewed the proposed Traditional Neighborhood Overlay District zoning change. We approved as is, but the Board feels that one group is left out of Section E (2)(a) – eligible groups. We think it should be amended to reference first time homebuyers in this section. Since it requires coordination with the Kingston Common Council, we will leave it to the Town Board to coordinate with the City of Kingston.

Thank you for your attention to this letter, and we look forward to reviewing the AVR Project.

Respectfully,

Ozzie Beichert,
Chairman

Ulster Manor – Review of Finding Statement

Mr. Shuster states that over the last 4 years there has been an extensive environmental review of the site. The Board approved the FEIS earlier this year; the final step of the SEQRA process is the approval of the Finding Statement. Mr. Shuster states the Finding Statement is a summarization of the process and the basis by which the Board made its decision. It also establishes conditions that will apply to the subsequent actions as the project is implemented. Mr. Shuster goes on stating the 4 consultants that have been hired by the town have reviewed and approved the Finding Statement. This is the conclusion of the environmental review process but the beginning of the site plan, special

use permit and subdivision process. Mr. Budziak states he has some concerns on the following issues;

Karst geology, Mr. Budziak feels that the site should be assessed by geologist. Mr. Shuster states if Karst is found on the site the applicant has agreed to design around it. Larry Wolinsky the attorney for the applicant states protective measures are built into the process, DEC agrees that the protective measures that are in place if Karst is found on the site is sufficient.

Blasting; Mr. Budziak states he is concerned with the protection of the root system of trees on site. Mr. Shuster states there are conditions found on page 26 of the Finding Statement that protect the trees and their root system.

Management of Stormwater System; Mr. Budziak believes the Home Owner Association should not be in charge of the maintenance of the stormwater system. Mr. Zweben states that the Home Owners Association will be hiring someone to manage the stormwater system just like they will need to hire someone to maintain the roads as they are not roads that will be dedicated to the Town. The actual homeowners will not be maintaining the stormwater system.

Mr. Budziak goes on stating his concern with the methodology used in the identification of vegetation and fauna on the site. He also states is concern with the protection of amphibians on site during the breeding season. John Dahlgren from Tim Miller Associates states that correct methodology was used; there were 9 site visits at different times of the year. There have been no endangered species found on site and the plan does entail the 100 ft buffer around the wetlands as mandated by the DEC.

Mr. Budziak also questioned the OPRHP's ruling on the site; stating there has been excavation on the site after the response. Mr. Wolinsky explains the artifacts were removed from the site early on in the process. These artifacts were relocated and are being analyzed and cataloged. A condition of the Finding Statement is "all conditions of the Date Recovery Plan have been satisfied and that no additional data analysis is required.

Mr. Beichert states he is satisfied with the Finding Statement, Mr. Almquist agrees. Mr. Ricketson states he was satisfied with the responses from Mr. Shuster and the consultants.

Action: A motion to accept the Finding Statement as written was mad by Mr. Almquist with a second from Mr. Decker. A roll call vote was taken.

Mr. Almquist: yes

Mr. Decker: yes

Mr. Ricketson: yes

Mr. Beichert: yes

Mr. Budziak no

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

Respectfully Submitted,

Mary Secreto
Planning Secretary