

## **Town of Ulster Planning Board**

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday August 18 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  
Scott Ricketson

Alan Sorensen – Planner

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

### **Smith Subdivision**

Mr. Beichert states the Board has received a letter requesting a 6 month extension on the Michael Smith subdivision. The board granted Preliminary Plat approval August 25, 2009.

**Action:** A motion to grant a 6 month extension of the Preliminary Platt approval was made by Mr. Almquist with a second from Mr. Decker. All were in favor.

### **Cedar Ridge Subdivision**

Michael Moriello appeared on behalf of Mr. Provanzano for the Cedar Ridge subdivision. Mr. Moriello states the original plan for the subdivision was to set up a Stormwater District. The applicant would now like to have the Town maintain the stormwater system; a yearly maintenance fee would be paid to the Town by Mr. Provenzano. Mr. Zweben states that Frank Petramale the Highway Superintendent is in agreement that this is the best way to solve the issue. The cost of setting up a district would be high and it would be difficult to manage the district. Mr. Moriello will set up a meeting with all parties concerned and come back to the Board when an agreement is made. The Board does not object to the change. No action was taken.

### **Kennedy Chicken Site Plan**

Joseph Mesuda appeared on behalf of the application for a change of use. Mr. Sorenson states the County Planning Board has reviewed the plan and has two required modification. The first is the recommendation that only the letter on the signage be illuminated and the second is that the applicant creates cross easements between neighboring properties. After a short discussion on the signage it was agreed that the sign is small in size and the light projection was not great; the sign will not produce any off site glare or driving distractions. Mr. Sorensen goes on to state the site is small because

traffic flow configuration cross easement would be difficult. The Board suggested a pedestrian cross easement be place on the sites north side as there are no sidewalks in the area. Mr. Mesuda agreed to add a pedestrian easement. Mr. Sorensen recommends the Board grant a negative declaration and grant conditional approval

**Action:** A motion to override the County's Required Modification was made by Mr. Almquist with a second by Mr. Decker; all were in favor. A motion to grant a negative declaration as per SEQRA was made by Mr. Almquist with a second from Mr. Beichert. Mr. Decker motioned to approve the site plan with the following conditions;

1. Compliance with zoning and building laws, rules and regulations.
2. Submission of a final sign specification that conforms to the § 190-33 of the Town Code.
3. Submission of Site Plan sheet showing general location of dumpster pad along with a detail showing the construction of the dumpster enclosure for the Kennedy Fried Chicken restaurant.
4. Granting of a pedestrian easement from the subject site to the SMCBC LLC property situated to the north of the applicant's property.

Mr. Almquist seconded the motion with all in favor.

**WHEREAS**, the Planning Board and its consultant planner have reviewed an application by - Joe Mesuda - for a *Change in Use* to allow a restaurant tenant [Sarvar Khan dba Kennedy Fried Chicken] to occupy a 1,050 square foot (sf<sup>2</sup>) section of an existing 4,200 sf<sup>2</sup> retail center located at 900 Ulster Avenue; and

**WHEREAS**, proposed site improvements proposed site improvements will be limited to interior alterations to accommodate the change in use and installation of a new eleven (11) square-foot wall sign; and

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

- *Application for Site Plan Review* prepared by Charlie Wesley dated June 11, 2009;
- *SEQRA Short EAF* prepared by Charlie Wesley dated June 11, 2009;
- *Owner's Consent* signed by Joe Mesuda dated June 11, 2009;
- *Schematic Site/Parking Layout Plan* prepared by Charlie Wesley dated June 11, 2009;
- *Site Plan* prepared by Charlie Wesley and signed by Jay S. Klein, RA dated June 17, 2009;
- *Schematic Site/Parking Layout & Floor Plan* prepared by Charlie Wesley and signed by Jay S. Klein, RA dated June 17, 2009; and
- *Sign Specification* prepared by Timely Signs dated June 16, 2009.

**WHEREAS**, the Planning Board referred to the proposed action to the Ulster County Planning Board for their review and comments pursuant to GML Sections 239 l & m and their comments were received on August 5, 2009; and

**WHEREAS**, the Ulster County Planning Board responded with two required modifications: 1) The internal illumination should be limited to the letters only with the rest of the sign panel remaining opaque; and 2) Cross access easements should be established between the plaza and the parcels adjacent to it.

**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, and sewer department made via memoranda (which memoranda are incorporated herein by reference) along with recommendations from the Ulster County Planning Board; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Short EAF) found that the proposed Site Plan Amendment for a Change in Use to situate an "Kennedy Fried Chicken" within existing space at 896 Ulster Avenue along with associated site improvements 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 *does hereby override* the County's GML 239 required modifications related to requiring: 1) "The internal illumination of the sign panel to be limited to the letters only with the rest of the sign panel remaining opaque" since the proposed lighting for the sign will not produce glare; and 2) "requiring 'cross access easements' between the plaza and the adjacent parcels since it would adversely affect traffic flow on the subject site.

**FURTHER BE IT RESOLVED**, the application by - Joe Mesuda & Sarvar Khan - for Site Plan Approval to establish a 1,050 square foot (sf<sup>2</sup>) Kennedy Fried Chicken restaurant at 896 Ulster Avenue and associated site improvements is hereby approved, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with zoning and building laws, rules and regulations.
2. Submission of a final sign specification that conforms to the § 190-33 of the Town Code.
3. Submission of Site Plan sheet showing general location of dumpster pad along with a detail showing the construction of the dumpster enclosure for the Kennedy Fried Chicken restaurant.

4. Granting of a pedestrian easement from the subject site to the SMCBC LLC property situated to the north of the applicant's property.

### **Kingston Tire Site Plan**

Mr. Sorensen state the last issue on the project was the County Planning Board comments. The County concurs with Mr. Sorensen and suggest the “Restrictions on Operations” that are stated in the review dated June 16, 2009 be included in the resolution. Mr. Sorensen states he has prepared a resolution for the Boards approval and recommends granting site plan approval with the following conditions;

1. Compliance with zoning and building laws, rules and regulations.
2. All work to be performed on vehicles shall be conducted inside the building.
3. All waste tires shall be contained within the building and disposed of in accordance with state, county and federal requirements.
4. A trash and recycling dumpster must be constructed for outdoor dumpster storage. The enclosure must be enclosed on all four sides and be situated on a concrete pad.
5. No unlicensed, unregistered, inoperable, or damaged vehicles shall be stored outside.

**Action:** A motion to grant a Negative Declaration as per SEQRA was made by Mr. Ricketson with a second from Mr. Almquist all were in favor. A motion to grant site plan approval with conditions was made by Mr. Almquist with a second from Mr. Ricketson all were in favor.

**WHEREAS**, the Planning Board and its consultant planner have reviewed an application by - Efrain D. Lema - for a change in use to establish a tire service center business within an existing a 2,175 sf<sup>2</sup> section of an existing 7,500 sf<sup>2</sup> retail and storage building located at 763 Ulster Avenue; and

**WHEREAS**, proposed site improvements will be limited to interior alterations to accommodate the change in use and installation of new sign panels; and

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

- *Application for Site Plan Review* prepared by John Grower dated June 2, 2009;
- *SEQRA Short EAF* prepared by Efrain D. Lema dated June 1, 2009;
- *Owner's Consent* signed by John Grower dated June 2, 2009; and
- *Site Plan* prepared by Praetorius and Conrad, P.C. dated June 9, 2009.

**WHEREAS**, the Planning Board referred to the proposed action to the Ulster County Planning Board for their review and comments pursuant to GML Sections 239 1 & m and their comments were received on August 5, 2009; and

**WHEREAS**, the County Planning Board concurred with the Town of Ulster Planning Board recommendations to place restrictions on the operation of the proposed business; 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) along with recommendations from the Ulster County Planning Board; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQRA Short EAF) found that the proposed Site Plan Amendment for a change in use to establish a tire service business within existing space at 763 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 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 application by - Efrain D. Lema - for Site Plan Approval to establish a tire service business within 2,175 sf<sup>2</sup> of existing space at 763 Ulster Avenue along with associated site improvements is hereby approved, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with zoning and building laws, rules and regulations.
2. All work to be performed on vehicles shall be conducted inside the building.
3. All waste tires shall be contained within the building and disposed of in accordance with state, county and federal requirements.
4. A trash and recycling dumpster must be constructed for outdoor dumpster storage. The enclosure must be enclosed on all four sides and be situated on a concrete pad.
5. No unlicensed, unregistered, inoperable, or damaged vehicles shall be stored outside.

### **Quick Lane Subdivision**

Donald Brott appeared on behalf on the application for a change of use. Mr. Brott states revisions to the site have been made as per the August 10<sup>th</sup> comments. A double yellow

line has been extended into the site along the common driveway to the Camper Barn site. The off street parking standards have been change on the plan and a “Wayfinding Sign” plan is now shown. The County Planning Board comments consisted of two required modifications; the signage should be within Town Standards and lighting should meet the current standards. Mr. Brott states that there are only 3 lights on the site. The applicant will return to the Board after the ZBA reviews request for the wall sign and an addition freestanding sign. No action was taken.

### **Farm to Table Co-Packers**

Scott Dutton appeared on behalf of the application for a change of use at Tech City, Building. The applicant is proposing a food packaging operation that would be located in the former IBM kitchen. The applicant is proposing to convert approximately 17,000 sq ft of space with 4-5 employees in the winter and up to 16 in the summer months. They will be using an existing loading dock. There will be no changes to the site itself. The applicant is working with the Sewer Department on the issue of a grease trap. Mr. Dutton requested the Board waive the requirement of submitting a survey of the property as it is an internal change. The Board agreed to waive the survey. Mr. Sorensen states the application will need to be forwarded to the County Planning Board. No action was taken by the Board.

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

Respectfully Submitted,

Mary Secreto  
Planning Secretary