

## Town of Ulster Planning Board

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday October 20, 2009 7:00 p.m. 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 September meeting was made by Mr. Almquist seconded by Mr. Budziak. All were in favor.

### **Kevin Hinchey – Minor Subdivision – Public Hearing**

Richard Rothe appeared on behalf of the application for a 3 lot subdivision located on Old Kings Highway. The parcel is 5.982 acres, it will be divided into 3 lots ; lot # 1 will have 1.59 acres, lot #2 will have 1.008 acres and lot #3 will consist of 3.415. Mr. Rothe states the Sediment & Erosion Control Plan has been approved by Brinnier & Larios, the County Highway Department has issue a driveway permit and the Health Department has approve the septic and wells. Mr. Sorensen states the applicant has satisfied the concerns of the Board; the applicant will need to make some minor changes on the maps as mentioned Under “Other” in the Brinnier & Larios letter dated September 16, 2009. Mr. Sorensen recommends approving the subdivision with the conditions mentioned in the Brinnier & Larios letter. A Negative Declaration as per SEQRA should also be granted. No one appeared for or against the subdivision. A motion to close the Public Hearing was made by Mr. Almquist and seconded by Mr. Decker. **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 grant approval with the conditions mentions under “other in the Brinnier & Larios letter dated September 16, 2009 was made by Mr. Almquist with a second by Mr. Beichert with all in favor.

**WHEREAS**, the Planning Board and its consultant planner have reviewed an application Kevin Hinchey for a 3-lot Minor Subdivision of a 5.982-acre property on Old Kings Highway (CR31) near Sidden Lane.; and

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

- *Application for "Minor Subdivision"* prepared by Richard J. Rothe, PE dated July 6, 2009;
- *Short Environmental Assessment Form* prepared by Richard J. Rothe, PE dated 7/6/09;

- *Proposed Subdivision Plan* prepared by Richard J. Rothe, PE dated June 18, 2009; and
- *Sediment & Erosion Control Plan* prepared by Richard J. Rothe, PE dated Sept. 3, 2009.

**WHEREAS,** The proposed subdivision will divide S-B-L: 39.011-3-33 into three lots. Proposed Lot #1 will contain a new single-family dwelling and comprise 1.559 acres. Proposed Lot #2 will include a new single-family home and comprise 1.008 acres. Proposed Lot #3 will include a new single-family home and comprise 3.415 acres; and

**WHEREAS,** at its September 16th meeting, the Town of Ulster Planning Board waived the requirement for a preliminary public hearing and scheduled a public hearing for October 20th, 2009; and

**WHEREAS,** proposed action was referred to the Ulster County Highway Department where the applicant has received preliminary approval for three driveways onto Old Kings Highway; and

**WHEREAS,** the proposed action was referred to the Ulster County Health Department where the applicant has received preliminary approval for septic system design on each lot; and

**WHEREAS,** the Planning Board asked its consulting engineer's Brinnier & Larios to review the Sediment & Erosion Control Plan and Stormwater Management plans; 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 conducted a Public Hearing at its October 20th meeting on the Subject Project and no public comments were received; and

**WHEREAS,** the Planning Board upon review of the entire record (including SEQRA Short EAF) found that the proposed 3-lot minor subdivision 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 application by Kevin Hinchey for a 3-lot Minor Subdivision of Town of Ulster Tax Parcel S-B-L: 39.011-3-33 is hereby approved, subject to the conditions, limitations and restrictions set forth below.

1. The applicant's engineer satisfactorily addresses all technical comments of the Town's consulting engineers Brinnier & Larios as listed in their September 16, 2009 Memorandum.
2. Provision of a copy of the *Ulster County Department of Public Works Engineering Department, Permit Division* Highway Permit for proposed driveways and culverts.
3. Provision of *Ulster County Health Department* approval of septic system design for each lot.

### **Wayne Platte Jr. – Minor Subdivision - Public Hearing**

Wayne Platte appeared on behalf of a minor subdivision on Route 32. One lot will consist of an existing single family dwelling; this lot will be approximately 1.75 acres the second lot will be approximately 3.59 acres this lot is to remain vacant . Mr. Platte states he has received approval from NYS DOT and approval from the Health Department. The DOT is requesting a drainage pipe be placed at the driveway entrance. Mr. Platte states that he will have this completed shortly. The plat now shows a proposed house and driveway on the second lot along with a proposed well and septic; Mr. Platt states there are no plans to build a house on the lot. After a short discussion the Board request the proposed house and driveway be removed from the plat leaving only a driveway cut and proposed septic system. Mr. Sorensen states that the notes on the Public Health Law should also be removed from the final plat. No one appeared for or against the subdivision. A motion to close the Public Hearing was made by Mr. Decker and seconded by Mr. Almquist.

**Action:** A motion to grant a Negative Declaration as per SEQRA was made by Mr. Almquist with a second by Mr. Ricketson. Mr. Almquist motions to grant approval with the following conditions:

1. Removal of the proposed house and driveway from the Final Plat.
2. A detail of the improvement to the road cut is submitted.
3. Removal of notes that mention the Public Health Law from the Final Plat.
4. Location of the existing well is shown on Final Plat.

Mr. Ricketson seconds with all in favor.

**WHEREAS**, the Planning Board and its consultant planner have reviewed an application by Wayne D. Platte, Jr. for a 2-lot Minor Subdivision of a 5.33-acre property at 1188 Flatbush Road (NYS Route 32) that is located with the R-60 Residential Zoning District; and

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

- *Application for "Minor Subdivision"* prepared by Wayne D. Platte, Jr. dated 9/9/09;
- *Short Environmental Assessment Form* prepared by Wayne D. Platte, Jr. dated 9/9/09;
- and
- *Sketch Plan* based upon survey prepared by Christopher Zell, PE; and

- *Subdivision Plat* prepared by John H. Decker, LS dated October 5, 2009, revised 10/15/09.

**WHEREAS**, the propose action will divide Town of Ulster S-B-L: 39.16-5-22 into two (2) lots. Proposed Lot #1 will contain the existing single-family dwelling and shed and comprise 1.617 acres. Proposed Lot #2 will include the balance of the S-B-L: 39.16-5-22 and comprise 3.721 acres; and

**WHEREAS**, the proposed lots meet the minimum bulk requirements of the R-60 Residential Zoning District; and

**WHEREAS**, at its September 16th meeting, the Town of Ulster Planning Board waived the requirement for a preliminary public hearing and scheduled a public hearing for October 20th, 2009; and

**WHEREAS**, the applicant received preliminary approval from the Ulster County Health Department for the design of a sewage disposal system and preliminary approval for a highway access permit from NYSDOT to access Proposed Lot #2; and

**WHEREAS**, the Planning Board conducted a Public Hearing at its October 20th meeting on the Subject Project and no public comments were received; and

**WHEREAS**, following the close of the public hearing, the Planning Board reviewed a revised Subdivision Plat prepared by John H. Decker, LS dated October 15, 2009 and based upon their review required minor technical revisions to the Subdivision Map subject to the approval of the consulting Town 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 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 2-lot Minor Subdivision 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 Wayne D. Platte, Jr. for a 2-lot Minor Subdivision of a 5.33-acre property at 1188 Flatbush Road (NYS Route 32) is herby approved, subject to the conditions, limitations and restrictions set forth below.

1. Provision of a copy of the NYSDOT Highway Permit and specification sheet showing the proposed driveway and culvert.

2. Provision of Ulster County Health Department approval of septic system design for Proposed Lot #2.
3. Submission of a Final Plat showing the following technical revisions:
  - a. Graphic illustration of NYSDOH required separation between wells and subsurface sewage disposal fields; and
  - b. Provide detail of driveway and culvert per NYSDOT specifications.

### **Quick Lane – Change of Use**

Donald Brott appeared on behalf on the application for a change of use. Mr. Brott states. the off street parking standards have been corrected on the plan and a “Wayfinding Sign” plan is now shown. The ZBA has denied the pylon sign request so that has been taken off the plan. The wall sign was approved by the ZBA. 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. Sorensen states the plan has been revised and all of issues are compliant. The Board will have to override the Ulster County Planning Board’s required modification on lighting. The signage issues have been addressed with the ZBA. A short discussion on lighting followed.

**Action:** A motion to grant a Negative Declaration as per SERQA was made by Mr. Almquist with a second by Mr. Ricketson. A motion to override the Ulster County Planning Board Required Modification on lighting was made by Mr. Decker and seconded by Mr. Almquist. A motion to approve the change of use was made by Mr. Almquist with a second by Mr. Beichert with all in favor.

**WHEREAS**, the Planning Board and its consultant planner have reviewed an application by *Johnson Route 28, LLC.*, seeking Site Plan Approval for a *change in use* to establish a Quick Lane Franchise & a new Car Dealership within the former Central Hudson Gas & Electric Building at 124 NYS Route 28; and

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

- *Site Plan Application* prepared by Donald F. Brott, P.E. of Brinnier & Larios, P.C. dated 6/19/09;
- *SEQRA Short EAF* prepared by Donald F. Brott, P.E. of Brinnier & Larios, P.C. dated 6/19/09;
- *Index of Drawings* prepared by Brinnier & Larios, P.C, dated June 2009; revised 7/21/09;
- *Existing Conditions Survey* prepared by Brinnier & Larios, P.C, dated June 2009, revised 7/21/09;
- *Proposed Improvements Site Plan* prepared by Brinnier & Larios, P.C, dated June 2009, revised 7/21/09 and October 7, 2009; and
- *Existing & Proposed Signs Plan* prepared by Brinnier & Larios, P.C. dated 7/21/09.
- *Wayfinding Master Plan* prepared by Brinnier & Larios, P.C. dated October 7, 2009.

**WHEREAS**, proposed action was referred to the Town of Ulster Zoning Board of Appeals (ZBA) where the applicant sought area variances for proposed signs including a new 166 square-foot (sf<sup>2</sup>) wall sign [where 50 square feet is permitted] and 20' tall 132 sf<sup>2</sup> pylon sign [where 50 square feet is permitted]; and

**WHEREAS** the ZBA granted the area variance for a 166 square-foot (sf<sup>2</sup>) wall sign but denied the applicant's request for a 20' tall 132 sf<sup>2</sup> pylon; and

**WHEREAS**, based upon these recommendations site improvements are being limited to interior alterations to accommodate the *change in use* along with the installation of a new 166 square-foot (sf<sup>2</sup>) wall sign approved by the ZBA and improved "Wayfinding Signage" as required by the Planning Board, and

**WHEREAS**, the Town of Ulster Planning Board also 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 County Planning Board recommended: 1) disapproval of the requested Sign Variances absent documentation that clearly demonstrates that the benefit of advertising their business cannot be achieved through the usage of conforming signs; and 2) submission of a photometric plot plan indicating current average foot candles to verify whether they conform to IESNA standards (1.5 to 2.0 foot candles) and the use of full cutoff fixtures for exterior lighting.

**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 Town of Ulster Planning Board determined that the County Planning Board's first required modification was met by the ZBA's approval of the wall sign and denial of the proposed pylon sign; and

**WHEREAS**, the Town Planning Board made a unanimous decision to override the County Planning Board's second required modification related to lighting levels due to location of site and the fact that the action involved a change in use within a small portion of the overall project site; 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 a Quick Lane Franchise & a new Car Dealership within the former Central Hudson Gas & Electric Building at 124 NYS Route 28 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 *Johnson Route 28, LLC.*, for a *change in use* to establish a Quick Lane Franchise & Car Dealership within the former Central Hudson Gas & Electric Building at 124 NYS Route 28 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. No unlicensed, unregistered, inoperable, or damaged vehicles shall be stored outside.

#### **Lands of Sorensen – Timber Harvest**

Michael Arnold appeared on behalf of the application for a selective timber harvest. Mr. Arnold states he will be harvesting approximately 170 trees on a 25 acre parcel. Mr. Arnold states that there is a 5 acre non classified wetland on the property; there will be no harvesting in the wetland. There will be a 25' to 50' buffer around the wetland. The applicant has approval from the NYS DOT. After a short discussion the applicant was asked to provide a letter from the DEC stating they approve the harvest on the site.

**Action:** Mr. Almquist motioned to forward the project to the Town Board with a recommendation of approval with the condition of a letter from the NYS DEC. A second was made by Mr. Beichert with all in favor.

#### **Ulster Manor – Subdivision, Site Plan, Special Use Permit**

Dan Shuster the Town Consultant for this project reviewed how the project will proceed. The project will need subdivision, site plan and special use approval. New plans will be submitted to the Town and will be reviewed; the Town's engineering consultant (Brinnier & Larios) will submit comments on the plans. If the plans are complete the applicant will submit them for the November meeting. No action was taken by the Board.

#### **Hudson Landing Development LLC**

Mr. Shuster appeared before the Board to review the next step in the Hudson Landing project. Mr. Shuster states that prior to site plan approval the Traditional Neighborhood Development Plan and the Regulating Design Manual will need to be approved. A Public Hearing needs to be scheduled. The City of Kingston will be holding their Public

Hearing on November 9<sup>th</sup>. After a short discussion the Board scheduled a Public Hearing for December 15, 2009 @ 7 P.M.

Respectfully Submitted,

Mary Secreto  
Planning Secretary