

TOWN OF ULSTER PLANNING BOARD

August 11, 2020

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, August 11, 2020, at 7:00 p.m. in the Town of Ulster Senior Center and via Zoom. The following members were present:

Present:

Anna Hayner
Lawrence Decker
John More (alt.)
Gary Mulligan – Chairman

Frank Almquist – Vice Chairman
Dan Furman
Andrew Stavropoulos
David Church - Planner

Roll call was taken.

A motion to approve the minutes from the July 2020 meeting was deferred to an email vote or the September meeting.

PUBLIC HEARING

Johnson Route 28 – P-775

Route 28

SBL: 48.13-2-21, 48.14-1-28, 48.14-1-29, 48.14-1-33, 48.14-1-34.200, 48.14-1-35, 48.14-1-38

Zone: HC

Preliminary Plat for a Major Subdivision

Paul Hakim appeared on behalf of an application for a major subdivision to adjust the lot lines on this property to “clean them up”, bring encroachments into compliance and create a right-of-way with a road maintenance agreement.

Chairman Mulligan stated that there were no comments from the Ulster County Planning Board (UCPB). The preliminary public hearing was held in July and there was no public comment at that time.

Chairman Mulligan stated that a road maintenance agreement was required and Mr. Hakim stated that he had submitted a copy and it had been approved. All required documents have been submitted.

A motion to open the public hearing was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor. There was no public comment. A motion to close the public hearing was made by Mr. Decker, with a second from Mr. Mrs. Hayner; all in favor.

The resolution was read.

Action: A motion to accept the resolution was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor.

WHEREAS, the applicant – Johnson Route 28, LLC c/o Paul Hakim - is seeking subdivision approval in accordance with Section 161-10 and the Town of Ulster code; and

WHEREAS, the applicant proposes to reconfigure lot lines between SBLs 48.13-2-31 and 48.14-1-28, 29, 33, 34.2, 35, and 38

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the HC Zoning District; and

WHEREAS, pursuant to Section 161-9 of the town Code, the Proposed Action is classified as a Major Subdivision, which is subject to the approval of the town of Ulster Planning Board; and

WHEREAS, the application materials in support of the Proposed Action includes:

- Consent to File Form and Escrow Agreement, signed by Paul Hakim as Agent dated 9/30/19;
- Map of Proposed Boundaries prepared by Christopher J. Zell PLS, dated 9/25/19;
- Application for Preliminary Plat Approval by Paul Hakim as Agent, dated 9/30/19;
- SEQR Short Form EAF Part 1, dated 9/30/19;
- Application Project Review Notes by Alan Sorensen, AICP dated 1/13/20; and,
- Application Project Review by David Church, AICP dated 8/9/20.

WHEREAS, referral was made to the Ulster County Planning Board as required pursuant to the UCPB Land Use Referral Guide, and a finding of No County Impact was returned; 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, in accordance with Chapter 161, Section 161-9 the Proposed Action is a Major Subdivision and the Planning Board held public hearings – (November 12, 2019), (July 14, 2020) and Final (August 11, 2020) before taking final action; and

WHEREAS, at its November 12, 2019 meeting the Planning Board classified the Proposed Action as a SEQRA Unlisted Action and made a Negative Declaration upon review of the entire record (including SEQR Short Form EAF Part 1 & 2) issued a SEQRA Negative Declaration after concluding that the action did not pose any large or significant potential adverse environmental impacts.

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning board hereby grants Major Subdivision approval as described above to Johnson Route 28 subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with all Major Subdivision plans and all details as cited herein;
4. All fees, including consultant fees and legal fees, shall be paid;
5. A fully executed Road Maintenance Agreement, as approved by the Town Attorney, shall be filed with the Ulster County Clerk within 62 days of the date the final plat is signed by the Chairman of the Planning Board;
6. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and
7. The Final Plat must be signed by the Chairman of the Planning Board and filed with the Office of the Ulster County Clerk within 62 days of the date Final Plat is approved by the Planning Board; and
8. The Owner grants to the Town of Ulster a permanent easement and right-of-way in, under and along the property for the purpose of building, constructing, maintaining, using, operating, repairing, and reconstructing sanitary sewer and water mains and pipelines, in a form approved by the Town Attorney; the exact location of the easement area subject to mutual agreement between the Owner and the Town.

Joseph Emanuele – P-800
2310-2332 Route 9W, 71, 77 & 79 Old Stage Road
SBL: 39.12-1-7.110, 7.120, 24 & 8
Zone: HC & R60
Preliminary Plat Major Subdivision

Michael Vetere III, Surveyor, Robert Baum, Broker, appeared on behalf of an application submitted by Joseph Emanuele to take .33 acres of land from Hamilton/Meurer, .229 acres of land from Wells, and .345 acres of land from Gaddy in order to create a more conforming situation for the commercial property so that a fire apparatus can fit in case of emergencies. Mr. Vetere stated there has been no changes since the last meeting.

A motion to open the public hearing was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor.

Barbara Washin & Frank Garofalo, 55 Old Stage Road – Ms. Washin stated that her property borders the C&C Tool Rental company. Ms. Washin stated that she just learned of this proposal a few days ago and has been doing homework in order to attend the meeting tonight. Ms. Washin submitted a letter to the Board. Ms. Washin stated that thirty years ago she had been approached by the owners of the tool rental company regarding a land swap of the southern portion of their property as the company wanted to own it. Due to a berm being there and the property owners not wanting the company to cut down the berm and the trees, they decided against the land swap. The company then approached the neighbor, who agreed to the trading of land and they cut the trees down and dug them out. Now, Ms. Washin she sees more lights and hears more noise from 9W. When Ms. Washin heard about this proposal, it made her concerned. The three (3) property owners are all new to the area and is curious what they are being told. Ms. Washin is wondering if they are thinking about the lights and noise and what they had been told. Ms. Washin stated that this is a quiet, sweet residential neighborhood. She explained that she went and spoke to the three neighbors involved with the land conveyance and let them know her story. Mr. Garofalo stated that if Mr. Emanuele touched the property by the ravine it would change the water flow. Mr. Vetere explained that there are no trees to cut, nor is there a ravine present. Mr. Vetere encouraged the Board to look after the heavy rain the day before. Mr. Vetere stated that the property was already cleared and the only disturbance to come will be a fence that will come down. Mr. Vetere stated that what they are proposing will have no effect on the water flow. Mr. Garofalo asked how they would have access to the back of the building. Mr. Vetere stated that the applicant would build the road. Mr. Garofalo is concerned that what Mr. Emanuele does will block and backup the present water. Ms. Washin explained that “there are tons of wildlife in the woods and what is going to happen to the wildlife if they build on the property. Mr. Garofalo is also concerned about the wildlife and there is a trail that deer and turkeys walk in that area. What about stormwater? There will be a visual with storage being placed there. Ms. Washin states that if this proposal goes through, which they hope it does not, that the portion will remain residential. They are asking for the Boards help to do so. Ms. Washin asks that if it is approved, they plant ten-foot (10’) trees as screening to protect the residents on Old Stage Road. Ms. Washin stated that each of the three property owners told her a different story that they were told and that it is scary.

Edward Gaddy, 79 Old Stage Road – Mr. Gaddy stated that he is one of the property owners involved in the land sale. Mr. Gaddy stated that he was told the purpose of this sale was to put in a driveway for emergency vehicles to be able to maneuver around the rear of the building. Mr. Gaddy stated that he was shown where one (1) tree would be taken down and the tree did not look healthy and that the area is flat. Mr. Gaddy stated that he was told that the applicant would also be planting around fifteen (15) trees for screening. Mr. Gaddy stated that his concerns were the visual impact and sound impact. Mr. Gaddy stated the applicant told him he would keep his word on what he planned on doing. Mr. Gaddy stated that he has not heard about the stream. Mr. Vetere stated that he could make that a provision of approval. Mr. Gaddy stated that he does not want to see any impact on the neighbors. Mr. Gaddy stated that he does not see an issue as long as the applicant keeps his word on his future plans to not build on that area. If he needs a setback for an emergency vehicle, he is willing to sell just a small piece of land to the applicant.

Chairman Mulligan asked if the applicant understood that it is the Board’s intention to keep the property that he is buying residential (R60). Chairman Mulligan stated that he understands that last month the applicant was considering rezoning the area to Highway Commercial (HC). Mr. Emanuele stated that is it was kept residential he would not be able to use it as storage or to be able to park vehicles there, so he does not believe he would be interested in purchasing the property if he could not use it as parking and storage area. Mr. Emanuele stated that he would be willing to put on the plans that he would not cut trees nor build on that area of land that he is purchasing. Chairman Mulligan stated that after hearing the public’s concern, the Board would keep the property residential in that area as the initial intent was to allow access for emergency vehicles to the back of the building.

Mr. Vetere asked if it were possible to make a note on the plans that the area will not be buildable, but that Mr. Emanuele would be allowed to put a storage container or park cars there. Mrs. Hayner stated that he has numerous storage units on the property and what will prevent him from putting more storage units on this piece of property the applicant is proposing to purchase.

Mr. Vetere stated that the road that is being proposed isn't for the addition, but is for an emergency vehicle to be able to fit around the property to appease the fire department and the Town.

Mr. Vetere stated that the applicants plan is to not have a permanent structure there, but to possibly have employees park there, which at the current time is limited to two (2) cars. Mr. Emanuele has more than two (2) employees and would like more parking for his employees.

Mr. Furman stated that this was gone over last month and it was made clear that the property would stay residential and not be re-zoned to commercial and now the applicant is changing his proposal. Mr. Furman stated that the impression was made that there would just be a road, there would never be vehicles parked there. Mr. Vetere stated that there will not be a permanent structure on that location.

Mr. Vetere stated that the applicant is aware that if they get approval tonight that the location can only be used for residential without a change of use. Mr. Vetere explained that the applicant would have to take other steps to be able to have this location commercial before he moves forward with the deal to purchase these pieces of land from the neighbors.

Ms. Washin stated that the proposal scares her because there is clear intent of doing something with this property and it is obvious. Mr. Vetere explained that the most the applicant plans on doing right now is possibly adding a couple of parking spaces in the back and if he can not do that, he is not interested in purchasing the properties.

Chairman Mulligan stated that he would like a site visit before any decision is made and requested Mr. Emanuele submit an affidavit of intent as to the use of that parcel.

Mr. Garofolo asked if the DEC should be involved as there is a brook that is in their deed. Mr. Church stated that he has checked the DEC online resource mapper and the DEC has no jurisdiction as there is no drainage nor wetland mapped in that location. There would be no permits nor review required by the DEC.

Action: A motion to table the project until a site visit has been completed was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

OLD BUSINESS

Kings Valley Diner – P-802
617 Ulster Avenue
SBL: 48.66-1-8
Zone: HC
Site Plan Amendment

Theodore Matthews, owner, appeared on behalf of an application for site plan amendment to the King's Valley Diner. Mr. Matthews stated that they are proposing to add some flower beds, relocate the dumpster and due to the pandemic, add an outdoor seating area.

Mr. Matthews stated that he has had numerous customers ask when he will be providing outdoor dining and the customers have stated that they will not come back because there is no outdoor seating. The only safe location to put the outdoor seating is behind the restaurant where the dumpster currently is to not disturb traffic nor foot traffic.

Mr. Matthews stated that people have approached him about putting the outdoor seating in the front of the building, but he has seen major accidents there and does not see it being a safe space for his patrons nor staff.

Mr. Matthews stated that he sees dumpsters at restaurants all along Ulster Avenue that are right against the rear of the properties next to residential areas. Mr. Matthews stated that he will be building a new dumpster corral if he is approved to relocate the dumpster.

Chairman Mulligan stated that they have to take into account the location and effect on the adjoining neighbors and that the UCPB recommended moving the dumpsters away from the neighbors. Chairman Mulligan stated that they need a practical location for the dumpster that will suit everyone's needs. Chairman Mulligan recommended placing the dumpster along the County property line adjacent to the Diner. There was a brief discussion on what the setback would be for a Highway Commercial (HC) Zone for an accessory structure.

Mr. Church stated that the County comments are binding, so the Board must override it in a resolution by majority plus one or concur with the recommendations via a resolution.

Jessica & Ryan VanKleeck, 624 Otis Street – Mrs. VanKleeck stated that they own the property directly behind the diner. Mrs. VanKleeck stated that she is happy to hear that the Board is brainstorming ideas on other ideas for the location of the dumpster as herself and her husband have some concerns with it being by their property. Mrs. VanKleeck stated that she noticed that other projects had notices sent to the neighbors and they did not get any notice of this proposal. Mrs. VanKleeck stated that it is not okay that no one had any consideration to notify them that a dumpster was unanimously approved to be placed right outside of her property last month.

Chairman Mulligan explained that the approval last month was based on stipulations that the applicant must abide by the UCPB's comments and if the plans did not abide by that, they would have to come before the Board again to resolve the situation.

Mrs. VanKleeck stated that she had listen to the previous months minutes and when Mr. Matthews wife was told that the neighbors had complained about the dumpster being moved there, there seemed to be no consideration at all. Mrs. VanKleeck stated that she is not sure where they are proposing the new dumpster location and Mr. Matthews showed everyone.

Mrs. VanKleeck stated that she does not want to deny Mr. Matthews livelihood with outdoor dining, but she believes there are other solutions that do not subject herself and her family to the smell of a dumpster and the potential for rodents. Mrs. VanKleeck states that is diminishes her property value and her ability to enjoy her front yard due to the smell.

Chairman Mulligan explained that for this application, a public hearing is not required as were for the previous applicants. Mrs. VanKleeck stated it did not feel fair. Mr. Furman stated that the process is working, since she saw something, called it in, and the applicant is now before the Board. Mr. VanKleeck stated that the process is not working because the applicant had started construction and he would have never been notified if the construction had not started. Chairman Mulligan stated that there had been a Stop Work Order issued for that construction.

Ms. Vankleek stated that he was not sure if it was a possibility to place the dumpster in the front of the building as there are unutilized parking spaces. Mr. Matthews stated absolutely not as he is trying to beautify the property and will not block his building with a dumpster corral.

Mr. Matthews stated that he plans on constructing a ten-foot-wide by twenty-four-foot long by eight-foot tall (10'W x 24' L x 8' T) corral for the dumpster. Mr. Matthews also stated that he did start construction because he was under the impression that he could from the last meeting. Mr. Matthews stated he did not plan on starting that quickly, but his guys were ready to go sooner than expected.

Chairman Mulligan asked if Mr. Matthews understood that the Board needs a site plan with everything that is being proposed and approved so there is a record on file, and Mr. Matthews stated he did understand. Mr. Church stated that if it was easiest for Mr. Matthews, he can print an aerial of the property and add everything he is proposing and what is existing to the site plan, add a title to it and submit it the Planning Board Secretary for approval until he gets the proper site plan.

Mr. Church asked if the Board's recommended location along the County's property line would work for Mr. Matthews and Mr. Matthews responded that he believes it would work for them.

Ms. VanKleek asked how far the proposal would be from her fence and she was shown. Mr. VanKleek stated that the proposal does not work for him as it is all trees, dirt and bushes, which is a nesting ground.

Mrs. Hayner stated that she also has a property in Kingston next to a business that has food, she had made a request to the Ulster County Planning Board that the dumpsters get pickup more frequently. Mrs. Hayner explained that it did not help with the smell, but it did help with the rodents and everything else. Mrs. Hayner stated that when you live next to a restaurant it is to be expected and the only thing to do is to come up with a better plan. That restaurant has been there for years. Mrs. Hayner stated that the neighbors will never get rid of the fact that they have dumpsters. Mr. VanKleek stated that the Diner is very busy and Mrs. Hayner stated that so is the restaurant she is next to which is right next to her house. Mrs. Hayner explained that in Kingston the properties are very close to each other and there is no room for the dumpster to go anywhere else.

Mr. VanKleek reiterated that he does not want rats on his property and is voicing his concerns. Mr. VanKleek stated that it is a big dumpster and when the garbage truck comes at 5 am it is very loud and right next to his bedroom.

Mr. Decker asked if the new location Mr. Matthews is proposing better than what was initially proposed. Mr. VanKleek stated that he has no issue with where it is currently located, but if it gets within one-hundred feet (100') of his property there is an issue.

Mrs. VanKleek asked if it was possible to utilize some parking spaces for the outdoor dining and Mr. Matthews responded that the parking is already tight and to do that would not be safe for his patrons nor staff. Mr. Matthews believes the new proposal to place the dumpster by the County property is a good compromise that can work. Mr. VanKleek disagrees.

Mrs. VanKleek stated that the relocation of the dumpster is something permanent that would be happening for a temporary situation. Mrs. VanKleek stated that the outdoor dining opportunity would be another six (6) weeks possibly, depending on the weather, but the relocation of the dumpster would impact her and her property forever. Mrs. VanKleek stated that even if they move it to the new proposed location, that does not mean that the smell and potential of rodents would not affect her property and she wants to know what her recourse would be then.

Mr. Matthews stated that the dumpster is currently closer to neighbors now than is being proposed and he does not understand how there is an issue. He would like to run his business and relocate the dumpster while remaining civil and have a safe spot for outdoor dining.

The proposed location of the dumpster is as far away as possible from the VanKleecks to be able to maintain parking for their business.

Mr. Church stated that at last months meeting the outdoor dining seemed a temporary solution associated with the coronavirus pandemic. Mr. Matthews agreed but stated that it may possibly move into a permanent idea.

Mr. Decker stated that he believed the proposal is reasonable and the possibility of having the dumpster dumped twice a week would help alleviate some of the issues. Mr. Matthews stated that the garbage is picked up twice a week now.

Mr. Church asked Jason Kovacs, Town Attorney, if it was possible to have temporary approval due to the pandemic. Mr. Kovacs stated that it is possible to have a temporary approval. The applicant would have to come back before the Board if they would like to make their proposal for outdoor seating permanent.

Mrs. Hayner questioned if the applicant had just come before the Board for the outdoor seating if the thought of the dumpster would even be questioned where the new location is proposed. Mrs. Hayner believes it wouldn't even be a discussion since it's by the County property and not any neighbors.

Action: A motion to conditionally approve the site plan amendment for twelve (12) months with the option to return before the Board for further approvals was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor.

WHEREAS, the applicant – Kings Valley Diner – is seeking Amended Site Plan approval for the installation of flower beds and planters, temporary outdoor seating, and for a small concrete pad and bench; and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- Consent Form signed and prepared by Theodore S. Matthews, June 3, 2020;
- Escrow Agreement signed, prepared and dated by same Theodore S. Matthews;
- Site Plan Amendment Application signed, prepared and dated by same Theodore S. Matthews;
- Full EAF Part 1 dated June 3, 2020;
- Sketch site plan submitted June 3, 2020 and resubmitted June 13, 2020; and

WHEREAS, the Town of Ulster Planning Board retains the authority to approve the Site Plan Amendment in accordance with the Town Code;

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster, and said Board has recommended, by memo dated 8/5/2020, a Required Modification “that the placement of the dumpster near residential uses be avoided . . .the Planning Board to determine a location that most closely meeting the goals of the applicant, avoids potential traffic safety issues, and avoids a potential nuisance for its residential neighbors;” and;

WHEREAS, the Town of Ulster Planning Board, upon review of the entire record determined the Proposed Action is a Type II Action and no additional action is required under SEQRA.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan Amendment approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

1. Compliance with comments cited above from Ulster County Planning Board regarding improved location and management of dumpster on site. Specifically, the dumpster and enclosure shall be relocated to a location that meets all Town Code requirements including required side yard setbacks and is also along the north boundary of the property to be shown on a resubmitted site plan noted below in item 7;
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;
4. Submittal of an updated site plan acceptable to the Town's consulting planner and/or Building Inspector showing suitable scale, legend, and date as well as all site plan amendments proposed to and reviewed by the Town Planning Board;
5. Temporary outdoor seating is permitted, in response to operational needs during the COVID-19 pandemic, and authorized for a twelve (12) month period expiring August 12, 2021.
6. Compliance with site plan, design plans and all details as cited herein;
7. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
8. All fees, including consultant fees, shall be paid.

Jass Holdings – P-805
625 Route 28
SBL : 47.2-3-22
Zone: HC
Site Plan Amendment

Paul Jankovitz appeared on behalf of an application to construct a 14' x 36' single-story building addition and a 40' x 80' engineered steel warehouse.

Mr. Jankovitz stated that there is an existing auto repair shop on the site. Mr. Jankovitz stated that the site has extensive pavement and two curb cuts.

Mr. Jankovitz stated that he did receive the UCPB's comments and has made notes addressing the comments.

The County requested a memo on the plans stating that the trees between this parcel and the Rail Trail would not be cut down to maintain screening. Mr. Jankovitz stated that he noted the location of the well and septic on the plans, also. Mr. Jankovitz stated that because the septic field is on the east side of the pavement, he has moved the proposed four (4) parking spaces to

the west side of the parking lot. Mr. Jankovitz stated that the photometrics are on the plans. The lighting is a dark-sky compliant wall fixture which will be installed on the overhead doors and the mantle. Mr. Jankovitz stated that there is an existing sign and the applicant will make use of that sign.

Mr. Jankovitz stated that the applicant is trying to avoid any extra costs if possible and to do work on Route 28 would be costly and more involved than he would like to do. Mr. Jankovitz stated that this is the only thing the applicant would like the Board to override. Chairman Mulligan asked how many accesses were currently on site and Mr. Jankovitz stated two (2). Chairman Mulligan asked how abiding by the UCPB's requirements to contact DOT would affect the applicant and Mr. Jankovitz stated that it would affect the parking, but the issue is more financial.

Mr. Tutt explained that the traffic coming in and out of the business is minimal; the employees would come in the morning grab a vehicle and materials and go to job sites and then come back to this site at the end of the day. The daily traffic is stagnant. Mr. Jankovitz agreed and stated that at any given time there may be three to four (3-4) people on-site.

There was a brief discussion on the financial hardship which would be created if the applicant agreed to the County's access comment.

Action: A motion to refer this project to the Town Board for final site plan amendment approval was made by Mr. Stavropoulos, with a second from Mr. Almquist; all in favor. A motion to override the County's comments on the access was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

WHEREAS, the applicant – JASS Holdings – is seeking Amended Site Plan approval to renovate an existing commercial structure and site by adding a 14' by 36' office addition and construction of a new 40' by 80' warehouse plus delineation of parking and other site improvements; and

WHEREAS, the materials submitted to the Planning Board consist of a complete application for such approval; and

WHEREAS, the Town of Ulster Town Board retains the authority to approve the Site Plan Amendment in accordance with the Town Code while the Planning Board serves as advisory to said Town Board; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster; and

WHEREAS, the Town of Ulster, upon review by the Planning Board of the entire record and decision by the Town Board determined the Proposed Action is an Unlisted Action and a negative declaration is warranted under SEQRA.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board recommends to the Town Board the grants Conditional Site Plan Amendment approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

1. Compliance with comments from Ulster County Planning Board.
2. Issuance of a Negative Declaration under SEQRA;
3. Compliance with applicable zoning and building laws, rules and regulations;
4. Compliance with all representations made by the applicant;
5. Compliance with submitted site plan, design plans and all details noting that said site plan should show the following: a. notes clarifying references to Parcel I and Parcel II, b. additions of SBL references for adjoining lots, c. documentation of all new light fixtures, and d. note that vegetative slope on extreme rear of site will be left undisturbed;
6. Compliance with any requirements from NYSDOT regarding construction and access to the Route 28 right of way;
7. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
8. All fees, including consultant fees, shall be paid.

Romeo KIA – P-796
1670-1678 & 1680-1694 Ulster Avenue
SBL: 39.82-2-3.110 & 120
Zone: RC
Site Plan

Chairman Mulligan stated that Lucia Romeo was before the Board earlier requesting that once the application is complete, which she believe will be in time for the UCPB September review, that the Board refer it to the County for review. There was a brief discussion on submission deadline for the County. Chairman Mulligan stated that if the applicant can have their materials together in time, there is no reason to delay the project off another month.

Action: A motion to refer the Romeo Kia application for review to the UCPB once the application is complete was made by Mr. Almquist, with a second from Mr. Stravopoulos; all in favor.

NEW BUSINESS

Buffalo Wild Wings – P-807
1266 Ulster Avenue
SBL: 48.8-1-19
Zone: RC
Site Plan Amendment

Mark Day, Engineer, appeared on behalf of an application for a façade change for Buffalo Wild Wings.

Mr. Day explained that he had submitted a plan with two modifications from the approved site plan amendment; the change to the façade and a change for the freestanding sign – the applicant would like to utilize the existing pole sign instead of building a monument sign as approved.

Mr. Day explained that the applicant understands the code, but believes there will be visibility issues when travelling north on Route 9W.

Chairman Mulligan stated that he wants to address the façade changes first. Chairman Mulligan explained that the Planning Board will play an advisory role and the final approval will come from the Town Board.

Chairman Mulligan stated that per our Code, 9W Corridor Enhancement Plan and the Town Comprehensive Plan, the Board is requiring applicants to remove any poles signs and erect monument signs.

Chairman Mulligan stated that he conducted a site visit and does not see any visibility issues with a monument sign. Even if the monument was placed in the exact location of the existing pole sign, there would be no visibility issues. Chairman Mulligan stated that in order to keep consistent with the Code and approvals of previous applicants he does not see the Board approving the request. Mr. Decker and Mrs. Hayner both agree with the Chairman. Mr. Almquist stated that he has driven by that site for years and all the other businesses with monuments are noticeable. Mr. Decker stated that this project has been going on for quite some time and the request to change it is not reasonable. When the site plan amendment was first before the Board the monument sign was a part of the approval.

Mr. Day stated that he understood and that being seen before the Zoning Board for the Use Variance is now moot.

Action: A motion to refer the façade change to the Town Board for final approval was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

DISCUSSION

Twin Creeks

Chairman Mulligan asked if the Board saw the correspondence about the length of the two (2) dead ends roads. The Code for a dead-end road is no longer than twelve-hundred feet (1,200') and the proposals are sixteen-hundred feet (1,600'). Mr. Kovacs asked if the Highway Superintendent had any comments and the Planning Secretary, Gabrielle Perea, stated that she had reached out to the Fire Chief in Ruby, as well as the Highway Superintendent, and has not heard anything back from either of them. The roads in Twin Creeks are to be privately maintained.

Mr. Kovacs stated that this is a project that the community has concerns over so he recommends the Board should require the applicant to adhere to the Code and construct loops instead of cul-de-sac's.

Chairman Mulligan asked for a motion to request the applicant change the two (2) cul-de-sac dead ends to a loop; the motion was made by Mr. Almquist, with a second from Mr. Decker; all in favor. Chairman Mulligan stated that a note can be made in the resolution that any road within the development can not exceed the Town Code requirements.

Mr. Tutt stated that since the proposed lots are large, along with the note on the Town Code requirement, the resolution should state that there can not be more than the twenty-one (21) lots allowed if approved.

Chairman Mulligan asked Mr. Kovacs what his thoughts were on the Ms. Mulas' right-of-way (ROW) on the property. Mr. Kovacs stated that the property owner and Ms. Mula need to work that out and that the Planning Board can approve a subdivision and it would not negate any easements that Ms. Mula has on that property. The Board cannot remove rights to her property.

There are no roads proposed to join the new roads to North Brigham Lane.

Mr. Stavropoulos asked if it would be the applicant's responsibility to run a water test. Mr. Kovacs stated that the property is over one-hundred acres and is proposing twenty-one (21) lots so the neighborhood will not be dense. Mr. Kovacs does not believe that there will be any issue with water or the community, but if the neighbors want to hire an engineer to do a test, they can. Had the applicant wanted to put more house in he would think it a possibility to have the applicant run a water study, but with the lots being as large as they are and few homes, he does not think it should be required. Mr. Kovacs stated that this is an opportunity for the Town to get the water district out to that area.

Chairman Mulligan stated that there is another public hearing required for this subdivision and due to the concerns of the neighbors, the Zoom application would not work; it is awkward and hard to hear. Chairman Mulligan believes that the Board should wait to hold the second public hearing for this project until it is safe to schedule some assemblance of a public meeting which is capable of social distancing.

Mr. Tutt asked what the feasibility of having to pre-register for the public hearing so the Board can gauge where they would need to hold the meeting. Without a formulated plan, the Board agreed to hold off on the second public hearing for Twin Creeks.

Chairman Mulligan stated that he does not want to hold up the applicant, but circumstances are out of the Board's control and the Board needs to be fair to the applicant and the community.

A motion to adjourn was made by Mr. Decker, with a second from Mrs. Hayner; all in favor.

Respectfully Submitted,
Gabrielle Perea
Planning Secretary