

TOWN OF ULSTER  
PLANNING BOARD  
February 13, 2018

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, February 13, 2018 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Anna Hayner

Frank Almquist

Larry Decker

Gary Mulligan-Chairman

Karl Allison

Troy Ashdown

Andrew Stravropoulos

Alan Sorensen – Planner

Roll call was taken.

A motion to approve the minutes from the January 2018 meeting was made by Mr. Almquist with a second from Mr. Decker; all in favor.

### **LHV Precast – Extension of Conditional Site Plan Approval**

Paul Jankovitz, architect, appeared on behalf of the application to extend the site plan approval for LHV Precast, located at 530-600 Ulster Landing Road. Mr. Jankovitz stated that business opportunities did not come through as quickly as anticipated. Mr. Jankovitz stated that they plan on starting the project within the next couple of months and that Mr. Jim Willis is present should the Board have any questions about the business. Mr. Mulligan stated that the Planning Board was made aware of a homeowner that owns property to the North of LHV Precast, to which Mr. Willis stated it was also brought to his attention. The concerns are issues with a drainage easement and drainage pipe that runs across both properties and the future well to be placed on Ms. Mitchell's property. Mr. Willis stated that if he needs to realign that drainage pipe he is willing to do so and he that contacted Praetorius and Conrad regarding this issue, as well. Said homeowner, Amber Mitchell, was present along with her father, Ralph Mitchell, and her sister. The Mitchell's presented their concerns to Mr. Willis. There was a brief discussion. It was mentioned that the Mitchell's should discuss the project privately with Mr. Willis in the hallway should they have any further questions or concerns.

Ms. Jankovitz stated that, with the exception of this drainage issue, it looks as though the result look positive to which Mr. Mulligan stated he doesn't see and material changes in the application. Mr. Jankovitz stated that he will have the line reviewed by engineers to satisfy the Board and the homeowner. There was a brief discussion.

**Action:** A motion for a conditional approval of the site plan to be referred to the Town Board, subject to the condition that an engineer must evaluate the sediment in the stream and the discharge from the site, was made by Ms. Hayner, with a second from Mr. Almquist; all in favor.

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**WHEREAS**, the applicant – LHV Precast – received Site Plan Amendment approval in November of 2016 to construct a 14,400 square foot (sf) addition to their existing 14,400 sf manufacturing building so they can expand their manufacturing operation at 540 Ulster Landing Road; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Town Board had the authority to approve the Site Plan; and

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

- Project Narrative prepared by James R. Willis of LHV Precast Incorporated;
- Historical Traffic Generation from Subject Site provided by LHV Precast Incorporated
- Site Plan Consent Form signed by James R. Willis –property owner agent - dated July 26, 2016;
- Site Plan Application prepared by Paul B. Jankovitz, RA, Architects/Planners dated 7/26/2016;
- SEQR Short EAF prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;
- Title Sheet prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;
- Site Plan prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;
- Site Plan Enlarged prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;
- Existing Pre-cast Facility prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;
- Proposed Addition prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;
- Site Details prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;
- Site Signs prepared by Paul B. Jankovitz, RA, Architects/Planners not dated; and
- Lighting Fixtures prepared by Paul B. Jankovitz, RA, Architects/Planners not dated.
- Title Sheet prepared by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/16;
- Site Plan prepared by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/16;
- Pre-cast Facility Existing by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/16;
- Pre-cast Facility-Proposed Floor Plan by Paul B. Jankovitz, RA, Arch./Planners dated 9/15/16;
- Site Details prepared by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/16;
- Site Signs prepared by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/16; and
- Lighting Fixtures prepared by Paul B. Jankovitz, RA, Architects/Planners dated 9/15/16.
- Title Sheet prepared by Paul B. Jankovitz, RA, Architects/Planners dated 11/1/16;
- Site Plan prepared by Paul B. Jankovitz, RA, Architects/Planners dated 11/1/16;

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- Pre-cast Facility Existing by Paul B. Jankovitz, RA, Architects/Planners dated 11/1/16;
- Pre-cast Facility-Proposed Floor Plan by Paul B. Jankovitz, RA, Arch./Planners dated 11/1/16;
- Site Details prepared by Paul B. Jankovitz, RA, Architects/Planners dated 11/1/16;
- Site Signs prepared by Paul B. Jankovitz, RA, Architects/Planners dated 11/1/16; and
- Lighting Fixtures prepared by Paul B. Jankovitz, RA, Architects/Planners dated 11/1/16.

**WHEREAS**, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide, and the Ulster County Planning Board determined the Proposed Action had No County Impacts; 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 Planning Board, as an Interested Agency, upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose any potentially significant adverse environmental impact; and

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby recommends the Town Board as Lead Agency issue a SEQR Determination of non-significance and grant a SEQR Negative Declaration for the Proposed Action; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby refers this matter to the Town Board with a recommendation that it grant an extension of the Conditional Site Plan approval to LHV Precast to amend the Site Plan as described above on the above referenced site 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 final site plan, design plans and all details as cited herein;
4. Applicant addresses all technical comments by the Alternate Town Designated Engineers (TDE) Praetorius & Conrad, PC;
5. Compliance with Ulster County Health Department required conditions;
6. The applicant shall an engineer to evaluate the sediment in the stream and the discharge from the site prior to moving forwarded with the approved Site Plan improvements,

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7. The Town's consulting planner, engineer 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.

**Premiere Fire Apparatus – Amended Site Plan Review & Special Use Permit**

Kenneth Finke, Premiere Fire Apparatus, and Ciro Interrante, Architect, appeared on behalf of the application for Special Use Permit to open a Fire Apparatus service and sales business at 68 Leggs Mills Road. Mr. Interrante stated that they worked with Mr. Sorensen on addressing all the comments. Mr. Interrante stated that they will be eliminating the uplighting on the sign and are choosing an internally lit sign, instead with surrounding landscaping. All of the comments made have been addressed.

**Action:** A motion to declare this a SEQR Type II action was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to grant amended site plan approval and forward to the Town Board for Special Use Permit approval was made by Mr. Allison, with a second from Mr. Almquist; all in favor.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Kenneth Finke dba Premiere Fire Apparatus, Inc., seeking Site Plan Amendment and Special Use Permit approval for a change-in-use within an existing 16,180 square-foot (sf) manufacturing building to establish an automotive sales and service business (Fire Trucks); and

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

- Site Plan Consent Form signed by Kenneth Finke, dated January 3, 2018;
- Site Plan Application signed by Kenneth Finke dated January 3, 2018;
- SEQR Short EAF Part 1 prepared by Ciro Interrante, Architect dated January 3, 2018; and
- Site Plan for Premiere Fire Apparatus, Inc., by Ciro Interrante, Architect dated December.
- Site Plan Consent Form signed by Kenneth Finke, dated January 3, 2018;
- Site Plan Application signed by Kenneth Finke dated January 8, 2018;
- SEQR Short EAF Part 1 prepared by Ciro Interrante, Architect dated 1/3/2018, revised 1/5/18;
- Site Plan for Premiere Fire Apparatus, Inc., by Ciro Interrante, Architect revised 1/7/2018; and
- Building Elations for Premiere Fire Apparatus, Inc., by Ciro Interrante, Architect dated 1/7/2018.
- Project Narrative prepared by Ciro Interrante, Architect dated 1/3/2018; revised 1/5/18 and 2/1/18;

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- Site Plan Consent Form signed by Kenneth Finke, dated January 3, 2018;
- Site Plan Application signed by Kenneth Finke dated January 8, 2018;
- SEQR Short EAF Part 1 prepared by Ciro Interrante, Architect dated 1/3/2018, revised 1/5/18;
- Site Plan for Premiere Fire Apparatus, Inc., by Ciro Interrante, Architect revised 2/5/2018; and
- Building Elations for Premiere Fire Apparatus, Inc., by Ciro Interrante, Architect dated 2/5/2018.

**WHEREAS**, the Town of Ulster Town Board retains the authority to review the Special Permit application to allow an automotive sales and service business on the subject site, which is situated in the LC-Local Commercial and OM-Office Manufacturing Zoning Districts, where such use requires a Special Permit in both districts by the Town Board; and

**WHEREAS**, all applications for Special Permits require the Town Board to hold one (1) public hearing, which must first be scheduled and noticed by the Town Board; and

**WHEREAS**, the Town Board held public hearing on February 1, 2018 and plans to make a final decision on the Special Permit at its February 15, 2018 meeting; and

**WHEREAS**, the Town of Ulster Planning Board retains the authority to approve the Site Plan amendment for this Proposed Action since the proposed modifications to the existing Site Plan does not result in new gross floor area; and

**WHEREAS**, the Proposed Action does not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan and change in use; and

**WHEREAS**, the Town of Ulster Planning Board, as Lead Agency (only Involved Agency for Site Plan), upon review of the entire record determined the Proposed Action is a Type II Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster 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 Site Plan Amendment approval to Premiere Fire Apparatus, Inc. on the above referenced site 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 site plan, design plans and all details as cited herein;

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4. Applicant address minor technical revisions to application materials as cited in the Planner's February 8, 2018 Project Review Notes;
5. The Town Board grant the Special Permit at its February 15, 2018 meeting;
6. 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
7. All fees, including consultant fees, shall be paid.

### **Ruby Estates – Amended Site Plan Review**

Robert Hagopian, Hagopian Engineering, and Pietro Altomare, property owner, appeared on behalf of the application to extend his existing Mobile Home Park by 6 lots. Mr. Hagopian stated that they were addressing Mr. Sorensen's and Brinnier & Larios's comments regarding the proximity of a stream next to the proposed Mario's Lane and have shifted the lane further from the stream. The DEC's wetland delineation map showed wetlands but there is no encroachment issue as per David Allen, Town Fire Inspector, and Steve Dachenhausen, Ruby Fire Chief. There was a written letter from Mr. Allend submitted to the Board stating his approval. Mr. Dachenhausen reviewed the plans and access routes and was satisfied. There will be a roadway parking restriction as each lot has two parking spaces, two hundred (200) square feet per space, as required by Town Code, so no one should be parked in the road. Mr. Hagopian stated he hopes they have satisfied the Board so that they may move forward toward Department of Health (DOH) approvals. There is a wellhead issue that the DOH is currently handling.

**Action:** A motion to refer this project to the Town Board for project approval subject to DOH was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

**WHEREAS**, the applicant – Pietro & Mario Altomare – are seeking Site Plan and Special Permit approval to increase the number of manufactured home sites in the Ruby Estates manufactured home park, which is a pre-existing non-conforming use, from 15 units to 21 units.; and

**WHEREAS**, the Proposed Action is subject to Site Plan and Special Permit review by the Town Board pursuant to Sections 190-25 (H) and 190-48 (K) of the Town Code and regulated pursuant to Section 114-14 of the Town Code; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Town Board has the authority to approve the Site Plan; and

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

- Site Plan and Special Permit Application prepared by Pietro Altomare, dated February 23, 2017;
- SEQR Short EAF prepared by Pietro Altomare, dated February 23, 2017;

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- Existing Conditions Plan prepared by Hagopian Engineering, dated February 6, 2017;
- Site Plan prepared by Hagopian Engineering, dated February 6, 2017;
- Fire Truck Access Plan prepared by Hagopian Engineering, dated February 6, 2017;
- Water & Sewer Details prepared by Hagopian Engineering, dated February 6, 2017;
- Road Details and Profiles prepared by Hagopian Engineering, dated February 6, 2017; and
- Erosion Control Plan prepared by Hagopian Engineering, dated February 6, 2017.
- Hagopian Engineering letter dated January 2, 2018
- Town of Ulster Building Department letter from David Allen, Fire Inspector dated December 20, 2017
- Sheets No. 1 of 5 through 5 of 5, Proposed Project for Ruby Estates prepared by Hagopian Engineering dated December 29, 2017;
- Sheet No. 1 of 1, Existing Conditions for Ruby Estates by Hagopian Engineering dated December 29, 2017
- Sheet No. 1 of 51, Fire Truck Access for Ruby Estates by Hagopian Engineering dated December 29, 2017
- January 30, 2018 email from Robert Hagopian to Joseph Mihm stating that existing sanitary sewage system and potable water system are adequately sized to accommodate service to the proposed expansion.

**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 Designated Engineers (TDE) Brinnier & Larios, PC reviewed a revised Site Plan Application dated January 2, 2018 and recommended “acceptance to the Planning Board the above referenced documents on the road and stormwater aspects;” and

**WHEREAS**, the Planning Board, as an Interested Agency, upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose any potentially significant adverse environmental impact; and

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby recommends the Town Board as Lead Agency issue a SEQR Determination of non-significance and grant a SEQR Negative Declaration for the Proposed Action; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby refers this matter to the Town Board with a recommendation that it schedule a public hearing on

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the applicant's Special Permit application to amend the Site Plan as described above on the above referenced site subject.

### **Kingston Commons – Amended Site Plan Review**

Joshua Kline, Stonefield Engineering, and Bipin Patel appeared on behalf of the application that was previously approved on September 15, 2016 to construct a seven thousand four hundred and twenty five (7,425) square foot retail space, a three thousand one hundred and ninety (3,190) square foot bank with 2 drive-thru service lanes, a four thousand four hundred and thirty (4,430) square foot fast food restaurant with 2 drive-thru service lanes, and a two thousand two hundred (2,200) square foot coffee/donut shop on 2 existing parcels.

Mr. Kline stated that within the last couple of weeks they have done two rounds of revisions to the plans. Mr. Kline went through Mr. Sorensen's recommendations addressing each comment. It was stated that they added additional landscaping to the Right-of-Way and that the applicant has gone above and beyond what was asked of him in order to execute and come to an agreement with the County. Mr. Kline explained the elevation renderings to the Board, explaining that the color scheme are carried throughout the small and large building, all being the same color brick, stone or precast concrete and painted aluminum post or wood post for the sides of the monument sign. Mr. Kline stated that they have been working extensively with the County, the Town and DOT and the applicant wants to start construction as soon as possible so any help getting the project moving forward will be much appreciated.

Mr. Sorensen stated that the one comment left standing would be that the Ulster County Planning Board (UCPB), while they have met have not provided their comments yet and those comments need to be taken into consideration before final action can be taken. Mr. Almquist, a member of the County Board, stated that the County's suggestion was that they'd like to see a visual rendering of the site with the trees in place with the concern being the trees in a mature state, after the issues had with the historical sycamore tree onsite. Mr. Kline stated that he understands the request, but that they are going above and beyond with the landscaping on this project as it is a great site for the Town, so to delay the process feels unfair to the applicant as the County and Town have had plenty of time and should not delay the project moving forward. Mr. Sorensen that he is aware that there was a concern about cutting trees on site and there is a SEQR Negative Declaration on file and that they should have no problem starting to clear the trees, but Mr. Patel stated the site is essentially clean and there are not many trees there. Mr. Kline asked if they would need to attend the next meeting or is it was more of an administrative decision, and Mr. Sorensen stated that they should attend the Town Board meeting more so than the next Planning Board Meeting.

**Action:** The project was tabled until March 13<sup>th</sup>'s meeting at which point the Planning Board will receive and have time to review the UCPB comments.



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**WHEREAS**, the Town of Ulster Planning Board and its consultant planner and engineer have reviewed an application by SAI Capital Group, LLC for Kingston Circle Properties, LLC (Owner) seeking site plan amendment approval for the construction of 7,425 square feet (sf) of retail space, 3,190 sf bank with two (2) drive-thru service lanes, a 4,430 sf fast-food restaurant with two (2) drive-thru service lanes, and a 2,200 sf coffee/donut shop with one (1) drive-thru service lane along with ancillary on-site parking and a sidewalk, which is proposed within the NYSDOT r-o-w; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Town Board has the authority to approve the Site Plan; and

**WHEREAS**, the Town of Ulster Town Board, as the Lead Agency for this Unlisted-Action Coordinated Review, has granted a SEQRA Negative Declaration; and

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

- Cover Letter prepared by Stonefield Engineering & Design, dated January 5, 2018;
- Application for Site Plan Review by SAI Capital Group, LLC, dated 8/18/2015;
- Site Plan Consent Form signed by John H. Gill, property owner dated 8/10/15;
- SEQR FULL Environmental Assessment Form dated September 15, 2015;
- Traffic Impact Study prepared by Stonefield Engineering & Design, dated 8/28/2015;
- Washington Avenue Traffic Circle Overlay Exhibit by Stonefield Engineering dated 12/01/15;
- Alternative Site Plan Exhibit by Stonefield Engineering & Design, dated December 1, 2015;
- Stormwater Management Report prepared by Stonefield Engineering & Design, dated 8/31/2015;
- Survey Map for SAI Capital Group, LLC by Stonefield Engineering & Design, dated 7/9/2015;
- NYSDOT Highway Work Permit Plans by Stonefield Engineering & Design, dated September 14, 2017;
- Cover Sheet for Plan Set prepared by Stonefield Engineering & Design, dated 1/24/2018;
- Existing Conditions Plan prepared by Stonefield Engineering & Design, dated 1/24/2018;
- Demolition Plan prepared by Stonefield Engineering & Design, dated 1/24/2018;
- Site Plan prepared by Stonefield Engineering & Design, dated 1/24/2018;
- Grading Plan prepared by Stonefield Engineering & Design, dated 1/24/2018;
- Drainage Plan prepared by Stonefield Engineering & Design, dated 1/24/2018;
- Utility Plan prepared by Stonefield Engineering & Design, dated 1/24/2018;
- Lighting Plan prepared by Stonefield Engineering & Design, dated 1/24/2018;
- ATM Lighting Plan prepared by Stonefield Engineering & Design, dated 8/31/2015;

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- Phase I Soil Erosion and Sediment Control Plan by Stonefield Engineering & Design, dated 1/24/2018;
- Phase II Soil Erosion and Sediment Control Plan by Stonefield Engineering & Design, dated 1/24/2018;
- Soil Erosion and Sediment Control Details by Stonefield Engineering & Design, dated 1/24/2018;
- Landscape Plan prepared by Stonefield Engineering & Design, dated 1/24/2018;
- Landscaping Details prepared by Stonefield Engineering & Design, dated 1/24/2018;
- Construction Details prepared by Stonefield Engineering & Design, dated 1/24/2018;
- Proposed Floor Plan Quick Service Restaurant 1 prepared by gk&a Architects, PC dated 8/25/15;
- Proposed Floor Plan Quick Service Restaurant 2 prepared by gk&a Architects, PC dated 8/25/15;
- Proposed Floor Plan Retail and Bank prepared by gk&a Architects, PC dated 8/25/15;
- Proposed Elevations Quick Service Restaurant 1 prepared by gk&a Architects, PC dated 8/25/15;
- Proposed Elevations Quick Service Restaurant 2 prepared by gk&a Architects, PC dated 8/25/15; and
- Proposed Elevations Retail and Bank prepared by gk&a Architects, PC dated 8/25/15.

**WHEREAS**, the Town of Ulster Town Board has the authority to approve the Current Proposed Action since it was the Lead Agency that granted Conditional Site Plan Approval; and

**WHEREAS**, the Current Proposed Action was referred to the Ulster County Planning Board (UCPB) since it is not exempt from the referral agreement between the County and Town; and

**WHEREAS**, the applicant's revised Plan Set dated January 24, 2018 complies with the required modifications of the UCPB; 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 reaffirmed its Lead Agency Status and find the Current Proposed Action does not exceed any of the thresholds established in the original SEQRA Negative Declaration.

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**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation to the Town Board to reaffirm its SEQRA Negative Declaration and grant conditional Site Plan Amendment approval to SAI Capital Group, LLC for Kingston Circle Properties, LLC to amend the Site Plan as described above on the above referenced site 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 final site plan, design plans and all details as cited herein;
4. Compliance with all agreements between applicant and the Ulster County;
5. The applicant addresses all technical comments by the Town Designated Engineers and Consulting Planner (as agreed to by the Planning Board);
6. In order to avoid impacting the Northern Long Eared Bat summer roosting, the applicant will perform any tree removal associated with the proposed project between November 1st and March 31st;
7. The Town's consulting planner, engineer 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.

### **Gander Outdoor – Amended Site Plan Review**

James Wallace, site Superintendent, appeared on behalf of the application. Mr. Wallace stated that Mr. Ted Anderson and his project manager asked him to go before the planning Board after attending the Planning Workshop to answer any remaining questions, should the Board have any, before the project may be approved. Mr. Sorensen stated that he had a chance to review the application package. The sign specs and everything abide by Town Code or prior approvals. The awnings will be changed from a darker green to a blue and color swatches have been submitted. This project would be declared a SEQR Type II action and Mr. Sorensen recommends to the Board that they grant site plan amendment approval.

**Action:** A motion to classify this as a SEQR Type II was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to grant site plan amendment approval was made by Ms. Hayner, with a second from Mr. Almquist; all in favor.

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application the applicant – Roger Bernstein with the Consent of Hudson Valley 2011, LLC (Owner) – is seeking Site Plan Amendment approval introduce a new exterior color scheme (from green to blue) of the former Gander Mountain Store located at 705 Frank Sottile Boulevard in order to establish a Gander Outdoors store; and

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

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- Consent Form signed by the sole member of Hudson Valley 2011, LLC dated January 16, 2018;
- Site Plan Review Application prepared by Roger Berstein, dated January 16, 2018;
- SEQRA Short EAF Part 1 prepared by Roger Berstein, dated January 16, 2018;
- Sign Details and Elevations prepared by SignArt Company dated January 11, 2018; and
- Permit Set prepared by Patrick G. Blee, Architect dated December 27, 2017.

**WHEREAS**, the Town of Ulster Planning Board retains the authority to approve the Site Plan amendment for this Proposed Action since the proposed modifications to the existing Site Plan does not result in new gross floor area; and

**WHEREAS**, the Proposed Action does not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan and change in use; and

**WHEREAS**, the Town of Ulster Planning Board, as Lead Agency (only Involved Agency for Site Plan), upon review of the entire record determined the Proposed Action is a Type II Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster 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 Site Plan Amendment approval to Roger Bernstein for Gander Outdoors on the above referenced site 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 site plan, design plans and all details as cited herein;
4. 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
5. All fees, including consultant fees, shall be paid.

### **Lands of Henninger – Lot Line Revision**

Robert Henninger, property owner, appeared on behalf of the application to adjust his property line between his mother's house and his. Mr. Henninger stated that he would like to take a sliver off of his mom's property and add it to his own so that the sheds that are located between properties that are his will be all on his property. Mr. Henninger

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stated that he would like to build a garage by the sheds in the future. There is an existing right of way to provide access to both properties.

**Action:** A motion to declare this a SEQR Unlisted action was made by Mr. Almquist, with a second from Mr. Decker; all in favor. A motion to waive the Public Hearing was made by Ms. Hayner, with a second from Mr. Allison; all in favor. A motion to grant the lot line revision was made by Mr. Almquist, with a second from Ms. Hayner; all in favor.

**WHEREAS**, the applicant – Robert Henniger– is seeking a Lot Line Revision (Minor Resubdivision) approval involving Town of Ulster Tax Parcels SBL 39.20-3-12.200 & 13.100; and

**WHEREAS**, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Lot Line Revision (Minor Resubdivision), 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:

- Project Narrative prepared by Chris Zell, P.L.S, with Brinner & Larios, PC dated January 26, 2018;
- Cover Letter prepared by Chris Zell, P.L.S, with Brinner & Larios, PC dated January 26, 2018;
- Affidavit of Ownership signed by Sheila and Robert Henninger dated January 26, 2018;
- Application for Lot Line Revision by Sheila and Robert Henninger dated January 26, 2018;
- SEQR Short EAF prepared and signed by Robert Henninger dated January 26, 2018; and
- Map of Lot Line Revision prepared by Christopher J. Zell, P.L.S., dated January 3, 2018.

**WHEREAS**, the proposed lots comply with the bulk requirements of the RC-Regional Commercial and R-10 Residential Zoning Districts; and

**WHEREAS**, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves fewer than 5 lots and access roads and structures are not situated within the 100-year floodplain; 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

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PLANNING BOARD

February 13, 2018

**WHEREAS**, a Map of Lot Line Revision was prepared by Christopher J. Zell, P.L.S. dated January 3, 2018 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the Map of Lot Line Revision; and

**WHEREAS**, the Planning Board waived the requirement for a public hearing in accordance with Section 161-10 C of the Town Code; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose a potentially significant adverse environmental impact.

**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 hereby issues a SEQR Negative Declaration for the Proposed Action; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Lot Line Revision (Minor Resubdivision) approval as described above to Robert Henniger subject to the conditions, limitations and restrictions set forth below.

1. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
2. 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
3. All fees, including consultant fees, shall be paid.

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary