

TOWN OF ULSTER PLANNING BOARD

February 9, 2021

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, February 9, 2021, at 7:00 p.m. via the Zoom application. The following members were present:

Present:

Anna Hayner

Lawrence Decker

Andrew Stavropoulos

Geoffrey Ring – Chairman

Frank Almquist – Vice Chairman

John More (alt.)

John Stowell (alt.)

David Church – Planner

The Pledge of Allegiance was recited.

Roll call was taken.

A motion to approve the minutes from the January 2021 meeting was made by Mr. Almquist, with a second from Mr. Decker; all in favor with a roll call vote.

Chairman Ring appointed Mr. More a stand-in member of the Board until Mrs. Hayner was able to join the meeting.

PUBLIC HEARING

Daniel Winn – P-817

240 South Road

SBL : 39.1-5-13.111

Zone : R60

Major Subdivision

Michael Vetere III, Surveyor, and Daniel Winn, property owner, appeared on behalf of an application for a major subdivision to subdivide one (1) lot into four (4) lots.

A motion to open the public hearing was made by Chairman Ring, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

Chairman Ring requested that the public keep their comments to a limit of three (3) minutes since this is now the second public hearing on the project. Mr. Vetere explained the project to the Board.

Mr. Vetere stated that there were two additional notes added to the map as requested. The first note was in reference to the federal wetlands and not disturbing more than one-tenth of an acre in a federal wetland, which the applicant does not plan on doing. The second note states that if there are any changes to driveway locations, the Highway Superintendent must approve them prior to installation.

Chairman Ring stated that members of the Board and members of the community have all gone out to meet on-site with the applicant over the last couple of weeks. Mr. Vetere stated that his client has met with many of the neighbors and has been willing to answer any of their questions and/or address their concerns.

Ted Nordlander – Stated that he appreciated Mr. Winn meeting with them on-site and believes it was a constructive meeting. Mr. Nordlander explained that Mr. Winn seemed open to the neighbors concerns on privacy and believes that they came to conclusions on finding ways to move forward in a way that is mutually beneficial. Mr. Nordlander requested that the applicant keep the neighbors “in the loop” moving forward.

With no further comments, Chairman Ring made a motion to close the public hearing, with a second from Mr. Decker; all in favor with a roll call vote.

Mr. Church read the resolution.

Action: A motion to approve the major subdivision was made by Mr. Almquist, with a second from Chairman Ring; all in favor with a roll call vote.

WHEREAS, the applicant – Daniel Winn - is seeking subdivision approval in accordance with Section 161-10 and the Town of Ulster code; and

WHEREAS, the applicant proposes to create four (4) residential lots from an existing lot utilizing individual driveways accessing a Town road; and,

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the R60 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;
- Map of Showing 4 Lot Subdivision Prepared for Daniel Winn & Sheri Safier as Trustees of D.A. Winn LLC, prepared by Vetere Land Surveying, PLLC ;
- Application for Preliminary Plat Approval;
- SEQR Short Form EAF Part 1;
- Application Project Review Memo by David Church, AICP.

WHEREAS, referral is not required to the Ulster County Planning Board pursuant to the UCPB Land Use Referral Guide; 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 – (January 12, 2021), (February 9, 2021) before taking final action; and

WHEREAS, the Planning Board classifies the Proposed Action as a SEQRA Unlisted Action and made a Negative Declaration upon review of the entire record 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 Daniel Winn & Sheri Safier subject to the conditions, limitations and restrictions set forth below.

1. That the Final Plan filed with the Town of Ulster and the Ulster County Clerk shall include two (2) notes to the satisfaction of the Planning Board Chairman in consultation with Town consultants and staff. These notes are: “Disturbance of potential wetlands on site shall not exceed 1/10 acre for the purposes of construction of a driveway for Lot 4.” and “All driveways shall remain as shown on the Plat and can not be changed or relocated without prior approval of the Town Highway Superintendent.”;
2. The Plat may be filed with the office of County Clerk after signed by the Chairman of the Planning Board.
3. 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
4. The Final Plat must be filed with the Office of the county Clerk within 62 days of the date Final Plat is approved by the Planning Board; and
5. All fees, including consultant fees, shall be paid

OLD BUSINESS

Urban Precast – P-765

6-8 Kieffer Lane

SBL: 48.66-2-2.210

Zone: HC

Site Plan Amendment extension approval

Chairman Ring explained that the applicant required site plan extension approval as they had not started the work within a year of original approval (8/13/2019). The applicant requests one (1) year approval.

Action: A motion to approve a one (1) year extension was made by Mr. Decker, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

WHEREAS, the applicant, Urban Precast, seeks a time extension to August 13, 2021 for the Conditional Site Plan Approval as described below; and

WHEREAS, Town of Ulster Planning Board and its consultant planner have reviewed an application by *Urban Precast* seeking Site Plan Amendment approval to make site improvements within a 5,104 square-foot (sf) area on the west side of the building that will consist of truck ramps and bins for the storage of sand and gravel; and

WHEREAS, the proposed “Material Storage” building would total 1,750 sf in size giving the Planning Board the authority to approve the Site Plan amendment; and

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

- *Site Plan Consent Form* signed by David Auringer – property owner - Pending;
- *Site Plan Application* prepared by Elizabeth Mello, P.E., Brooker Eng., PLLC Pending;
- *SEQR Short EAF* signed by David Auringer – property owner - Pending;
- *Building Addition Plan* prepared by Elizabeth K. Mello, P.E., dated August 16, 2019; and
- *Aggregate Storage Details* prepared by Elizabeth K. Mello, P.E., dated August 16, 2019.

WHEREAS, pursuant to Section 161-9 of the Town Code, the Planning Board has the authority to approve the Site Plan application, since less than 2,500 SF of new gross floor area is proposed with this application; and

WHEREAS, pursuant to NYCRR Part 617.5(c)(9) of SEQRA, the "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities" is a Type II Action; and

WHEREAS, the proposed addition is more than 500-feet from the Ulster County Planning Board’s jurisdiction and referral to the UCPB is not required for this SEQRA Type II Action; and

WHEREAS, the Planning Board, upon review of supporting application materials and SEQR Short EAF Part 1 determined the Proposed Action was a SEQRA Type II Action for which no further review pursuant to SEQRA was required.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board has determined the Town has 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 grants an extension of time to August 13, 2021 for Conditional Site Plan Amendment approval for the Proposed Action 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. *Approval is granted to allow the limited striping of the site at this time, subject to the owner agreeing to provide additional spaces within three (3) months notice of the Building Department of the need for more spaces.*
5. *The applicant consents to signing an agreement to participate in the stormwater improvement district when one is created for the area surrounding the subject site and the deposit of \$10,000 with the Town of Ulster towards the creation of a stormwater district.*
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.

JLM – P-822

1076-1090 Morton Boulevard

SBL : 48.42-3-22

Zone : HC

Site Plan Amendment

Joseph Mesuda, owner, appeared before the Board to add a drive-thru to the old TCBY yogurt location on Morton Boulevard.

Chairman Ring stated that the applicant came to the Planning Workshop the prior week with parking changes. Mr. Church stated that the application should have an amended site plan based off of the requests of the Boards and interested agencies.

Mr. Church read the draft resolution.

Action: No action was made.

Tarpon Towers – P-823

901 Miron Lane

SBL : 48.12-1-21.110

Zone : OM

Site Plan Amendment

Brett Buggelin, Chief Operation Officer of Tarpon Towers, appeared before the Board for a one-hundred- and ninety-two-foot (192') monopole to be located at the transfer station behind the mall.

Mr. Church stated that there is a Tarpon Towers I which is on a different parcel owned by the Town and this is Tower II. The applicant is proposing a one-hundred and ninety foot plus (190+') monopole with pad and associated equipment which will collocate cellular phone uses with public utility uses, including radio use for the Town of Ulster.

Mr. Church stated that the Planning Board can approve site plan, but there is also lease approval through the Town which would be approved by the Town Board. Mr. Church stated that there is some legal memorandum showing how this project is in the hands of the Planning Board for site plan approval. Mr. Church stated that there is extensive documentation on this project. The applicant has done a full environment assessment (FEAF), visual impact, a balloon test, a computer generation model of how it relates to a visual impact. A discussion of last month's meeting about the engineered fall zone and how if it tipped over it would fall outside of the property and onto the Home Depot lot. Mr. Church stated they received documents showing that the tower is engineered to collapse onto itself, so that has satisfied the Planning Board.

The outstanding issues would be the County's binding comment which requested additional analysis on need, alternative site location, and justification for the height. The Board has a choice of following the modifications or override the modifications.

Mr. Jason Kovacs, Town Attorney, explained how there is a need in the Town for public safety. The Town will be benefiting from this by utilizing the top of the Tower for municipal use (police, highway, local fire companies, neighborhood.) Mr. Kovacs stated that the County's comments are always well reasoned, but that if the Board feels it's appropriate, there is enough legal documentation to support an override.

Mr. Buggelin stated that he can address the four (4) issues that were brought up at last month's meeting. Mr. Buggelin stated that he had changed the Town pad to and eight by eight (8 x 8), as requested by the Town. Mr. Buggelin stated that there had been a question as to whether or not Verizon had a generator, and he verified that it was T-Mobile that had a generator, not Verizon. There had been an issue with the catastrophic failure zone and Mr. Buggelin has resubmitted an engineer's letter confirming the fall zone is now sufficient at forty-seven feet (47'). The tower has been moved into the parcel so the setback is now fifty feet (50').

Mr. Buggelin stated that he had submitted a site justification letter after work hours today.

Chairman Ring asked if the tower could have four (4) tenants since there are four (4) meters and Mr. Buggelin confirmed. Chairman Ring asked if the applicant foresees a situation where there will be four (4) generators and Mr. Buggelin stated that should the need arise, there is enough room. Mr. Buggelin stated that if the tenants do not ask for their generators now, they will have to pursue the proper approvals and permits.

There was a discussion regarding the late submittal and deadlines. The Board decided to hold a special meeting next week to be able to review the newly submitted document so that they were informed before they made any decisions.

Action: A motion to accept the resolution as read, striking paragraph three (3), was made by Mr. Almquist, with a second from Mr. Decker; all in favor with a roll call vote.

Bussani Mobility – P-826
32-42 Old Sawkill Road
SBL : 48.14-1-12.100
Zone: R30
Site Plan Amendment/Change of Use

Chairman Ring explained that this property was a pre-existing, non-conforming use as a commercial site in a residential district and that the applicant will require a use variance to allow the proposed business and that there are some minor changes to the building that the Planning Board can address.

Mr. Church stated that if the Board pleases, there can be a simple resolution to support the application to the ZBA for a Use Variance.
Chairman Ring stated that this is a reuse of a currently vacant building.

The Board agreed to a simple resolution stating that the Planning Board supports the application from Bussani Mobility for the Use Variance with the understanding that it needs to return to the Planning Board for site plan approval.

Action: A motion to approve the simple resolution was made by Mr. Decker, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

5 Guys – P-827
1202 Ulster Avenue
SBL: 48.87-1-15.100
Zone: RC
Site Plan Amendment for Façade

Chairman Ring stated that this is a façade renovation and that the Board would like to confirm that there are no exterior light changes nor changes to the freestanding sign. Chairman Ring stated that this project is a SEQR Type II action, which requires no further action under SEQR and is not referable to the County nor the Town Board.

Ken Nicastro, 5 Guys, confirmed that lighting and signs that are currently there will remain.

Mr. Almquist asked what is being done to the façade. Mr. Nicastro stated that they will be changing the windows to squared windows and they will be installing a brick facade. The wall sign will be changing slightly. Mr. Church stated that the issue that is being raised is if the freestanding sign is being changed, it must conform with the Corridor Enhancement Plan.

The current wall sign conforms to the Corridor and Zoning requirements. The proposed wall sign is a reduction in size.

Mr. Church read the draft resolution.

Action: A motion to accept the resolution as read was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote.

WHEREAS, the applicant – 5 Guys, seeks approval to amend site plan for façade upgrades and interior upgrades; and

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

- Consent Form signed;
- Escrow Agreement signed;
- Complete Application for Site Plan Amendment Application;
- Short EAF Part 1;
- site plan titled Five Guys Burgers Building Refresh – Store No.339 showing Existing Conditions and Site Plan Modification, plus two sheets showing proposed Storefront Elevations as prepared by Thomas J. Mesuk Architect, LLC and PJH Design Group Inc.; and

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

WHEREAS, the Proposed Action is exempt from referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster; 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 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. Compliance with the Town’s U.S. Route 9W Corridor Enhancement Plan;
5. 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
6. All fees, including consultant fees, shall be paid.

The Farm Bridge – P-828
101-899 Enterprise Drive
SBL: 48.7-1-29.100
Zone: OM
Site Plan Amendment

Chairman Ring explained that this site plan amendment is a relocation and expansion of a food production facility. The facility currently is located at Tech City and would like to move across the street. The Town would like to keep the business in the Town instead of having it relocate to a different municipality.

Dennis Larios, Brinnier & Larios, stated that Jim Hyland is the applicant from Farm Bridge and that the timeline for this project is urgent.

Mr. Almquist asked what the schedule is. Mr. Hyland stated that they are trying to get into the location as quickly as possible. Mr. Hyland explained that the building must go into surplus and that there are certain parameters with the County in order to sign a lease. Mr. Hyland stated that they are hoping to start construction in April or May with hopes of getting in by October 31st.

Mr. Church stated that due to the size, the Town Board has final approval so to get the process moving, the Planning Board needs to refer the project to the Town Board in order to initiate SEQR and refer the project to the County for review.

Mr. Tutt asked if Mr. Larios will be handling the engineering end of the project and Mr. Larios stated he would be. Mr. Larios stated that there is almost no site work except for the construction of a recessed ramp down to the new loading area. There will be new landscaping in this area.

Mr. Larios stated that the County was concerned about tractor trailer movement being orderly and workable on the site which facilitated the need to put the addition on the west side of building 201 to accommodate the tractor trailer movements with limited disturbance to the site.

Mr. Larios stated that the building is service by the City of Kingston Water Department and any work on the Sewer system would be internal plumbing that could be reviewed at the time of building permit issuance. Mr. Tutt stated that he spoke with the Town Sewer Superintendent, Vincent Maggiore, and currently all the sewage runs to the defunct sewage treatment plant and then back. Mr. Maggiore is concerned where all of the infrastructures will be relocated to and where would the sewage discharge. Mr. Larios stated that it will discharge the way it currently does for their current location across the street which has an exterior grease trap. Mr. Larios stated that in this case the grease interceptor will have to be internal because all the plumbing runs northerly through the three (3) buildings. Mr. Larios stated that it bypasses the old plant to the north of building 203 and they can go over the details with Mr. Maggiore. Mr. Tutt asked that Mr. Larios follow-up with Mr. Maggiore so that all the concerns can be addressed.

Mr. Church stated that they will have to get Mr. Maggiore's review on the sewage treatment well in advance of the March meeting since the Board now wants water, sewer and highway comments addressed in advance of any decisions made before the Board.

Mr. Church stated that there is a simple resolution that can be approved by a motion to send the project to the Town Board in order for the Town Board to initiate SEQR Lead Agency and refer the project to the County for review in March.

Dennis Doyle, Planning Director for Ulster County, stated that he would have no issues accepting this project as a late submittal for the County to review. Mr. Doyle stated that he has reviewed all the documents submitted to the Town and there are no surprises. Mr. Doyle stated that the County is comfortable with the project.

Action: A motion to approve the simple resolution was made by Chairman Ring, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

WHEREAS, the applicant –The Farm Bridge, seeks Site Plan approval for relocation of an existing food production business currently located in Tech City to Building 201 including the construction of an approximate 9,300 square foot addition for storage and shipping/distribution purposes; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Planning Board, in coordination with the Ulster Town Board, including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Planning Board agrees that the Ulster Town Board has final review and approval authority for this application; and,

NOW THEREFORE BE IT RESOLVED, Planning Board recommends that the Town Board initiate the SEQRA process by designating this application as an Unlisted Action and assuming Lead Agency, and that the Town Board refer this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

Industrial Brewing Company – P-829
268 Forest Hill Drive
SBL: 48.13-3-16.100
Zone: HC
Site Plan Amendment

Chairman Ring stated that this project is to repurpose and complete the geodesic domes on Route 28. Chairman Ring stated that the applicant will require permits from both the New York State Department of Transportation (DOT) and Ulster County Department of Public Works (DPW) to utilize some of the property that borders the site for parking.

Mr. Church stated that this would take the same route as the previous application which involves a simple resolution sending the project to the Town Board to initiate SEQR and refer the project to the County for review. Mr. Church asked if the Board was comfortable sending it to County

not knowing the status of the two (2) required permits. Chairman Ring stated that he believes it may be a lengthy process and would not like to hold up the applicant.

Jeff O’Neill, managing partner of Industrial Brewing Company, stated that he made an application for a Use Permit for all three (3) parcels and he believes that it can take a few months to have the permit issued. Mr. O’Neill stated that it would be six (6) parking spaces and the proposed sign would be in those locations which require permits. Chairman Ring asked if this project was started six (6) or seven (7) years ago and Mr. O’Neill concurred.

Mr. Church asked that the applicant explain what it is he will be requesting from DPW for the County Planning Director so that they would have a better understanding when it goes before the County. The applicant explained that the proposed freestanding sign is within the green area that is subject to a use and occupancy permit through the DPW. The applicant explained the six (6) parking spaces that would require a use and occupancy permit from the DOT. Mr. O’Neill stated that to move things along, those six (6) parking spaces could be sacrificed until they receive approval through DOT as there currently is sufficient parking.

Chairman Ring stated that there are two (2) buildings and asked if one of them will be seating and one a kitchen. Mr. O’Neill stated that there will not be a “kitchen”, but that there will be a short menu of prepared food from a caterer they currently use. The proposed usage for the indoor space is to use the westerly dome as a seating area and the eastern dome as a serving bar and retail/to-go area. Mr. O’Neill stated that they are proposing fifty-four (54) seats on the western dome and sixteen (16) seats in the eastern dome.

There are two (2) wells and one (1) septic that will service the site.

Mr. Church stated that if approved pending DOT and DPW approvals and those agencies decide to disapprove or require modifications, the site plan will then have to go before the Planning Board again for reapprovals. The Town Board may get the process moving along if they start the SEQR process and refer the project to the County for their review while waiting on the DOT and DPW permit approvals.

Mr. O’Neill stated that the alternative would be to negate those six (6) parking spaces and move the freestanding sign further into the property so it would be on the applicants property. Mr. Church advised getting the process started by referring it to the Town Board in order to initiate SEQR and refer the matter to the County for review.

Action: A motion to approve the simple resolution was made by Chairman Ring, with a second from Mr. Stavropoulos; all in favor with a roll call vote.

WHEREAS, the applicant – Industrial Arts Brewing (aka Spectacle Brewing LLC), seeks Site Plan approval for construction of and conversion of existing buildings for a beer garden and craft beer tasting room with retail; and,

WHEREAS, the applicant has submitted a complete Site Plan Amendment application to the Town of Ulster Planning Board, in coordination with the Ulster Town Board, including a

submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Ulster Town Board has final Site Plan review and approval authority for this application.

NOW THEREFORE BE IT RESOLVED, based on a review of the application the Town of Ulster Planning Board recommends to the Town Board the following actions; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Ulster should determine that the Site Plan application is an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA) and that the Town Board of the Town of Ulster declares to be the Lead Agency for coordinated review with the Town of Ulster Planning Board; and,

NOW BE IT FURTHER RESOLVED, the Planning Board recommends that the Town Board formally refer the Site Plan application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

Burlington – P-830
1137-1187 Ulster Avenue
SBL: 48.42-3-1.100
Zone: RC
Site Plan Amendment

Mr. Church stated that aside from a façade change, the applicant is proposing a new compactor with pad and equipment and a masonry wall in the rear of the building. Mr. Church stated that it is a former retail location that will be reused as a retail location.

Chairman Ring explained that this is to relocate Burlington to where Barnes & Noble is today.

Mr. Church stated that the Board will need affirmation from the applicant that there will no exterior lighting changes, no changes to the freestanding sign aside from putting their name on the existing monument and that there will be no changes to the water or sewer.

James Boglioli, Benderson Attorney, is representing this project and introduced himself. Mr. Boglioli stated that it is a relatively simple change and that he had submitted the elevations for review. Mr. Boglioli stated that the work includes filling in some glass bays so that they will match the building, paint and EIFS work, as well as the Burlington sign. In the rear of the building they are proposing a screen wall to match the existing screen wall that will hide the compactor.

Mr. Boglioli stated that there will be no changes to lighting, water or sewer.

Mr. Church read the draft resolution.

Mr. Decker asked what the timeframe on this project is and if they will relocate prior to the holidays. Mr. Boglioli stated that they are trying to get in as soon as possible and it will definitely be before the holidays.

Action: A motion to approve the amended resolution as read was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor with a roll call vote.

WHEREAS, the applicant – Benderson Development Company LLC (aka Burlington), seeks approval to amend site plan for façade upgrades, interior upgrades and addition of a rear compactor pad with screen wall and equipment to reuse a former retail building for new retail use; and

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

- Consent Form signed;
- Escrow Agreement signed;
- Complete Application for Site Plan Amendment Application;
- Short EAF Part 1;
- Site plan consisting of four (4) sheets consisting of Drawing C4.0 Detailed Site Plan prepared by James Allen Rumsey Architect dated 01/28/2020 as well as A2.0 Enlarged Plans, A5.0 Exterior Elevations, and A5.1 Burlington Enlarged Elevation and Floor Plan prepared by Michael Crislip Architect dated 01/29/2021; and,

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

WHEREAS, the Proposed Action is exempt from referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster; 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 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. Compliance with the Town’s U.S. Route 9W Corridor Enhancement Plan;
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.

DISCUSSION

The Board had a brief discussion about receiving pertinent documentation in a timely fashion in order to have time to review it prior to the meetings.

A motion to adjourn was made by Mr. Almquist, with a second from Chairman Ring; all in favor.

Respectfully Submitted,
Gabrielle Perea
Planning Secretary