

TOWN OF ULSTER PLANNING BOARD

July 14, 2020

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, July 14, 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 June 2020 meeting was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor.

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.

Mr. Hakim stated that he had submitted a revised Environmental Assessment Form (EAF) as well as another application. Mr. Hakim stated that the only outstanding issue is the submission of a consent form and that he would get the missing consent form into the Planning Secretary.

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

Action: A motion to refer the project to a Final Plat Public Hearing in August was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor.

Karen Rua – P-801
35 Swart Lane
SBL : 39.12-4-8.410
Zone : R60

Final Plat for a Minor Subdivision

Karen Rua appeared on behalf of an application to subdivide a 3.3 acre lot off of her 13.3 acre existing lot, leaving a 10 acre lot on the westernmost portion of the proposal. The 10 acre lot will consist of a single-story single family residence, with existing well, septic and shared gravel driveway. The 3.3 acre lot consists of an existing unpaved driveway and a proposal for a new single family residence.

Chairman Mulligan stated that the lots are compliant with Zoning.

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

Mr. Church read the resolution.

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

WHEREAS, the applicants – Karen Rua – is seeking Minor subdivision approval in accordance with Section 161-10 and the town of Ulster code; and

WHEREAS, the applicant proposes to resubdivide subject 13.3-acre Lot 3 shown on a filed map #7671 into two (2) lots as follows: Proposed new Lot No. 3 with an area of 10.01 acres, which will encompass the western most portion of the proposal, which includes an existing one-story house with on-site well and septic and shared gravel driveway from Swart Lane, and 2) Proposed Lot No. 5 with an area of 3.32-acres that will encompass the remaining lands with an existing unpaved driveway – proposed for new single family residence; and

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the R-60 Residential Zoning District; and

WHEREAS, pursuant to Section 161-9 of the town Code, the Proposed Action is classified as a Minor 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 signed by Karen M. Rua, dated 5/12/20
- Application for Preliminary Subdivision by Karen M. Rua, dated 5/12/20;
- SEQR Short Form EAF Part 1 prepared by Karen M. Rua, dated 5/12/20; and
- Minor Subdivision Map prepared by Michael A. Dalbo, L.S. dated 5/14/20
- Application Project Review Notes by Alan Sorensen, AICP dated 5/31/20

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves few 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

WHEREAS, in accordance with Chapter 161, Section 161-9 the Proposed Action is a Minor Subdivision and the Planning Board must hold at least one (1) public hearing before it can take final action but can waive the requirement for a preliminary public hearing; and

WHEREAS, at the June 9, 2020 meeting the Planning Board granted Sketch Plan approval and waived the requirement for a preliminary plat public hearing and scheduled this matter for a Final Plat public hearing on July 14, 2020; and

WHEREAS, at its July 14, 2020 meeting the Planning board opened the public hearing and thereafter closed the public hearing; and

WHEREAS, the Planning board classified the Proposed Action as a SEQRA Unlisted Action and 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 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 2-Lot Minor Subdivision approval as described above to Karen Rua subject to the conditions, limitations and restrictions set forth below.

1. The Plat may be filed with the office of County Clerk after signed by the chairman of the Planning Board;
2. Relocation of a single shed discussed at the June 9, 2020 and July 14, 2020 Town Planning Board meetings;
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

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/Meuer, .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 that the zoning district changes along the border of the parcels, the parcels on Old Stage being residential and the parcel Mr. Emanuele owns being commercial. Mr. Vetere stated that they still had met all the Zoning requirements for this area and are creating a more conforming parcel.

Mr. Vetere stated that he had Robert Baum with him tonight to answer any questions the neighbors may have.

Mr. Baum handed out packets to the Board that had the answers to the neighbor's questions which had been submitted via email. Mr. Baum stated that the first two pages answered three of the questions that were asked by the neighbors, and the last three pages addressed a stream that was mentioned which runs south of 145 Old Stage Road.

The question was regarding the stream runoff that starts at 134 Old Stage Road and alongside of 145 Old Stage Road and continues down past 19 Old Stage Road. Mr. Baum stated that there is no stream there but there is one to the North of that by Katrine Lake. Mr. Baum stated that this access would provide service to the East of the building as well as provide service to the residents from a lower point.

Mr. Baum stated that the property being acquired is the required amount to provide for an acceptable accessible road for emergency vehicles as required by Ulster Hose. Mr. Baum stated that the area zoned residential will not change. Mr. Baum stated that once the road for the emergency access is created, there should be no more room for any addition structures.

Mr. Baum stated that the last question was from Mrs. Hayner, and she asked about there being an opportunity down the road to build additional structures. Mr. Baum stated that because they have a smaller addition, this will create a larger buffer for emergency access around the perimeter and that is reason enough to allow the property being acquired to be the same zone as commercial.

Mr. Vetere stated that typically the Town of Ulster requires access for an Aerialscope Seagrave 2, which has a 45.5' turning radius. Mr. Vetere stated that with this proposal, they would have ample room for more than one emergency vehicles around the building.

Mr. Vetere stated that there are no proposals to build any structures on the strip that Mr. Emanuele would be acquiring.

Chairman Mulligan asked if there were trees that needed to be removed and Mr. Vetere stated that the area has already been cleared once. Mr. Vetere explained that this exact proposal was brought before the Board about 14 years ago, but was never followed through with. Mr. Vetere stated that the configuration had slight changes since 2006, but all zoning criteria is still being met.

Mr. Vetere stated that they are not currently asking for a variance for the property being acquired to be rezoned, but it may be the likely thing to do later. Mr. Vetere stated that at this point they just want to add the acreage to the parcel and make it more conforming.

Chairman Mulligan asked if there was a ravine behind Mr. Emanuele's property. Mr. Vetere stated that if you took a ride in the back of Mr. Emanuele's property you would see that it is a grassy area with no trees present. Mr. Baum stated that any ravine is on the neighboring Del Rio property and runs North. Mr. Vetere stated that it is the same ravine that runs behind the beaver scraps property and then flows into the Esopus.

Chairman Mulligan asked if there were any structures being proposed, whether mobile or permanent, being placed on the land being acquired and Mr. Vetere stated no. Chairman Mulligan made sure that it would not be an issue down the line if it was a condition of approval to not build any structure within that area and Mr. Vetere stated no it would not be an issue, but it was not part of their current proposal. Mr. Vetere explained that they are not looking to develop that area it is more of a buffer between the business and the property line. Chairman Mulligan stated that the concern of the neighbors is that perhaps Mr. Emanuele does not plan on developing that area of land, but the next owner may want to.

Mr. Vetere stated that he is not sure the Town knows exactly where the zoning district for HC stops as the lines on parcel viewer, zoning maps, and the map on DEC's website are all in a different spot.

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

Kim Williams, 89 Old Stage Road – She is concerned about the ravine that they were speaking of which runs from 19 Old Stage all the way down. There is a drought, so it is dry. Blocking any part of that ravine will flood neighboring properties. She also does not understand the purpose for moving the property line back. She stated there are rumors going around that Mr. Emanuele plans on building an addition

Mr. Vetere stated that there will be no change in water flow what-so-ever as nothing is being proposed to be built in that area. There will be no damming of the area. Mr. Vetere explained that the property will remain the same. Mr. Vetere explained that the area Mr. Emanuele wants to take is a buffer for the commercial property, not the residential property. The purpose is to be able to have enough room for emergency access. Mr. Vetere stated that taking the existing fence down and opening it up and moving the emergency access further east they can fit more vehicles.

Ms. Smith asked if they were changing residential zoning to commercial zoning because it was done incorrectly in the first place. Mr. Vetere said no, they are not changing it to commercial so it will not be allowed to be developed on. Ms. Smith asked if five year down the road someone wanted to build on this portion of land, it could not be developed commercial nor residential and Mr. Vetere concurred. Mr. Vetere explained that in order to change the residential zoning to commercial zoning they would need an appeal to the Zoning Board of Appeals, which they are not doing. The applicants plan is to add this acreage to the commercial property to allow for a commercial buffer. Chairman Mulligan stated that it would be a condition of approval that this location will not be built upon. Ms. Smith questioned if storage containers would be placed on the portion of land and the Chairman stated that no structure of any sort will be on this portion of land. Ms. Smith requested a copy of the responses from Mr. Baum.

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

Action: A motion to forward the project to the Final Plat public hearing in August was made by Mr. Decker, with a second from Mr. Almquist; all in favor.

Joseph & Cheryl Gaddis – P-803
300 Potter Hill Road & 1575 Route 32
SBL: 39.8-2-11 & 12
Zone: R60
Lot Line Adjustment

Michael Vetere III, Surveyor, appeared on behalf of an application for a lot line adjustment off of Route 32. Mr. Vetere explained that they had been before the Town Board for this matter to acquire approximately 400' of an abandoned road that ran from Potter Hill to Route 32. Mr. Vetere stated that the Town gave that road to the Gaddis' via resolution approximately a month or two ago.

Mr. Vetere explained that the northernmost lot will was 1.8 acres and will now be 1.38 acres, which meets zoning requirements. The southernmost portion of land will go from 3.4 acres to 3.8 acres and will keep the garage and workshop and a new proposed home.

Mr. Vetere stated that there are two easements shown – one for the well and one for the electric line that feeds the garage. Mr. Vetere stated that one will serve the existing home and one will serve the proposed home site.

Mr. Vetere stated that the applicant plans on applying for a building permit for the proposed home as soon as the proposal get approved.

Mr. Church stated that this project should be classified as a SEQR Type II action and should be renamed a lot line adjustment. There was a brief discussion on lot line revisions versus lot line adjustments.

Action: A motion to classify the project as a SEQR Type II action was made by Mr. Almquist, with a second from Mr. Decker; all in favor with a roll call vote.

WHEREAS, the applicant – Joseph and Cheryl Gaddis – are seeking Lot Line Adjustment in accordance with Section 161-9 & 10 and the town of Ulster code; and

WHEREAS, the applicant Joseph and Cheryl Gaddis, owner of both involved land parcels, seek to convey 0.472 acres from 39.8-2-11 to 39.8-2-12; and

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the R-60 Zoning District; and

WHEREAS, pursuant to Section 161-9 of the town Code, the Proposed Action is classified as a Lot Line Adjustment, 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 provided by Cheryl Gaddis (Gaddis) and Michael C. Vetere (Vetere), Licensed Professional Land Surveyor dated 6/15/2020

- Application for Lot Line Adjustment provided by same Gaddis and Vetere, dated 6/15/2020;
- SEQR Short Form EAF Part 1 , provided by same Vetere dated 6/15/2020; and
- Map of Lot Line Revision prepared by Vetere Land Surveying, PLLC dated 3/29/2020

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 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 Lot Line Adjustment and no public hearing is required; and

WHEREAS, at its July 14, 2020 meeting the Planning Board granted approval; and

WHEREAS, the Planning board classified the Proposed Action as a SEQRA Type II action and no further action is required upon review of the entire record (including SEQR Short Form EAF Part 1 & 2).

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined they have fully complied 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 Lot Line Adjustment approval as described above subject to the conditions, limitations and restrictions set forth below.

1. The Plat to be filed shall be titled as a “Lot Line Adjustment” and that a note on such Plat shall state that this Lot Line Adjustment is for “residential purposes only”; and
2. The Plat may be filed with the office of County Clerk after signed by the chairman of the Planning Board; and
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.

Swart/Legg Minor Subdivision – P-786

51 Swart Lane

SBL: 39.12-4-6

Zone: R60

Reapproval for Minor Subdivision

The applicant was not present as this project had gone over the 62-day filing deadline and as a formality must be reapproved.

Action: A motion to reapprove the minor subdivision was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor with a roll call vote.

Romeo KIA – P-796

1670-1678 & 1680-1694 Ulster Avenue

SBL: 39.82-2-3.110 & 120

Zone: RC

Site Plan

Bruce Utter, Praetorius & Conrad, & Lucia Romeo appeared on behalf of an application to construct an automobile dealership to the North of the Quickchek in Lake Katrine.

Mr. Utter explained that the cars will come in through an existing curb cut from QuickChek. Mr. Utter stated that last time he was before the Board a comment was made about the traffic through that location, so he added stop signs and a stop bar there.

Mr. Utter stated that he reached out to several traffic engineers, including the original engineer, about a traffic study at the traffic light coming out of Quick Check.

Mr. Utter explained that the building is all a single story and there will be a ramp from grade to the building, which is roughly a 6% grade difference.

Mr. Utter stated that the retaining wall is approximately seventeen and a half feet (17.5').

Mr. Utter stated that the applicant will tap into the waterline and sewer line that is existing along 9W.

Mr. Utter explained that there will be two underground chambers for stormwater and that there is existing drainage on the property line which runs around the property and into a retention basin. Mr. Utter stated that there is potential to tie into the retention basin.

Mr. Utter stated that they will be moving the proposed sign further North from the intersection.

Mr. Utter stated that the largest emergency vehicle the Town has is ninety-five feet (95') and the length of the truck that is in his system is one-hundred feet (100') with a similar turning radius. Mr. Utter explained that the truck has plenty of room to drive around the building and back out.

Mr. Utter stated that the tractor trailer that drops the cars off has room to pull onto the site between the cars, drop the new cars off, and then back out again.

Mr. Utter stated that the applicant will put landscaping around the property and will provide screening for the neighbors to the North of the site.

Mr. Almquist asked where snow storage would be. Mr. Utter stated that they will plow the snow to the back by a rock pile.

Chairman Mulligan asked if the street trees to the South of the entrance would remain and Mr. Utter stated yes.

There is an area on the map that was darker that Mr. Utter explained was supposed to be dedicated to DOT during the last site approval for this site and they plan on finalizing that with this application.

Mr. Utter explained that he received and submitted a letter from State Historic Preservation Office (SHPO) stating that there will be no impact to the site.

Mr. Utter sated that they will be moving forward with the stormwater plans and they will be submitted to Brinnier & Larios for review.

There was a brief discussion on the building elevations, which will match Romeo Chevrolet across the street in the color scheme.

Chairman Mulligan asked if they would be blasting. Mr. Utter stated that he does not believe they can blast that close to a gas station. Mr. Utter explained that should the need to remove rock, they will use a jack hammer.

Chairman Mulligan stated that he would like to be able to send it to the Ulster County Planning Board (UCPB) for review, but the stormwater needs to be more complete.

Mr. Utter stated that he is also working on the traffic study and he is hoping to have everything ready for the September meeting.

Mr. Decker stated that the applicant had asked for permission to cut some trees and asked if those were the only trees they would be cutting down. Mr. Utter stated that they will be taking more trees down but they will do it when they are allowed to.

Action: A motion to schedule a public hearing was made by Mr. Almquist, with a second from Mrs. Hayner; all in favor.

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

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

Mrs. Matthews explained that they can not put the seating area in the front since it is too close to the road, they can't put it on the side due to traffic flow and the only safe location to put it would be directly behind the building, except their dumpster is located there. The applicant is proposing to move the dumpster to the rear of the property, ten feet (10') from the rear property line and twenty-three feet from the side property line with an eight-foot (8') fence surrounding it. Mrs. Matthews stated that the plan is to keep the relocation of the dumpster permanent. Mrs. Matthews stated that she did not want to mess with the traffic

flow, and it was safer for the patrons and the servers to have the outdoor seating directly behind the building.

Mr. Church asked that the applicant put everything that they plan on doing on a single site plan.

Mr. Tutt stated that restaurants, in the current condition during the pandemic, can have outdoor seating to expand their business since the indoor seating is limited due to social distancing. Mr. Tutt stated that the Town of Ulster does not have a code on outdoor seating.

Mrs. Matthews explained that this outdoor dining is a temporary solution for an immediate problem, but that is the patrons enjoy it and it is feasible, they may submit plans and apply for a more permanent structure.

Mrs. Matthews stated that the configuration of the restaurant, they cannot meet 50% capacity and having the outdoor dining would bring them to the 50% capacity. Mrs. Matthews stated that she has had customers say that they will not return because there is no outdoor seating.

Mrs. Matthews stated that they were not prepared for this situation with outdoor seating and they need a solution because they do not have business as usual and they still must pay their bills.

Chairman Mulligan stated that the Board can do conditional approval pending County's comments. Mr. Church stated that the County will want a clear plan on what exactly is being proposed. Mr. Church explained that with a conditional approval, the applicant would have to comply with the required modifications from the County unseen. If they can not comply with the County's comments, they will have to come back before the Planning Board.

There was a brief discussion regarding the relocation of the dumpster. Mr. Church read the resolution with the condition to comply with County's comments.

Mrs. Matthews stated that they want to make the area greener and nicer as it looks industrial right now. Mrs. Matthews stated that they want to put the bench outside so that people waiting in line have somewhere to sit and it has curb appeal.

Mrs. Matthews stated that her business is suffering and she's trying to bring in business while making it safe for everyone by moving the dumpster and having outdoor seating where the dumpster currently stands.

Action: A motion to classify this project as a SEQR Type II action was made by Mr. Almquist, with a second from Mr. Decker; all in favor. A motion to forward the matter to the UCPB for review was made by Mr. Almquist, with a second from Stavropoulos; all in favor with a roll call vote.

WHEREAS, the applicant – Kings Valley Diner – is seeking Amended Site Plan approval for the installation of flower beds and planters, 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. Mathews, June 3, 2020;
- Escrow Agreement signed, prepared and dated by same Theodore S. Mathews;

- Site Plan Amendment Application signed, prepared and dated by same Theodore S. Mathews;
- 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 8/5/20, 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;
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;
4. Compliance with site plan, design plans and all details as cited herein;
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.

Jass Holdings/Bryant’s Towing – 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 explained that the building had a fire and the building had been vacant since said fire. Mr. Jankovitz stated that his client is moving from Washington Avenue to this location and would like to make some changes.

The property is located on Route 28 and the backend of the property abuts the railroad property

Mr. Jankovitz explained that there is an existing curb cut that is paved and an existing parking area that is gravel behind an existing fence. The applicant wants to keep the site the same except for the two building changes.

Mr. Jankovitz stated that there is existing parking and his client only expect three to four (3-4) employees on-site. Most of the employees are out of the building during the day, then come back to return the trucks later in the day.

Mr. Jankovitz stated that there will be some building materials stored inside the warehouse and the other building.

Mr. Jankovitz stated that he has a map showing that there are two parcels, but it is one parcel, with one Section Block and Lot (SBL) number.

Mr. Jankovitz explained that there will be a couple dark sky compliant lights facing down installed on the warehouse which will be the only new lighting installed and it will be between the two buildings.

Mr. Jankovitz stated that he does a lot of consulting work with the company and there will not be a lot of traffic on this site. Mr. Jankovitz explained that most of the work is done going out to a site where they would meet the client and discuss their needs.

Mr. Jankovitz stated that the company's signage is on the side of their vehicle and he has not had any input from his client regarding a sign to be located on the building itself.

Mr. Church stated that this project will have to be reviewed by the County Planning Board (UCPB) when the application is ready. The Town Board will have final approval since they will be the lead agency. Mr. Church recommends the Town takes lead agency and refers the project to the County for review. Mr. Church stated that this project also requires a public hearing.

Mr. Church stated that the idea of two separate parcels being one is slightly confusing and asked if the surveyors felt they needed to mention it. Mr. Jankovitz stated yes. Mr. Church requested that the surveyor make a note on the map explaining the reasoning.

Action: A motion to refer this matter to the Town Board to Designate themselves for SEQR Lead Agency was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to refer this matter to the UCPB for review was made by Mrs. Hayner, with a second from Mr. Stavropoulos; all in favor.

Kingswood Plaza – P-804

1204 Ulster Avenue

SBL: 48.8-1-36

Zone: RC

Site Plan Amendment

Paul Jankovitz, Architect, appeared on behalf of an application to change the façade for Kingswood Plaza.

Mr. Jankovitz stated that the applicant had been before the Board for a couple of years, first with a two-story building, then with a single-story building and now the applicant is proposing a partial two-story commercial building.

Mr. Jankovitz stated that there are people questioning what is happening at the mall and want the option for more stability for businesses. There may be possibly some mall tenants relocating to this site in the future.

Mr. Jankovitz stated that the second-story portion of the building will stay on the south side of the building and the bridge that was previously going to be built in the middle of the building will now be relocated to the second level down to the East side of the building.

Mr. Jankovitz stated that the applicant has all approvals in place including DOT, Central Hudson, and DEC. Mr. Jankovitz stated that they have not had any issues with King's Mall. Mr. Jankovitz stated that King's Mall used to dump their snow on their site, but everything seems to be falling into place.

Mr. Jankovitz stated that the applicant wants to get the project built and there will be no more delays.

Mr. Jankovitz stated that since they are behind Five Guys they need their building to stand out and showed the Board the elevations.

Chairman Mulligan questioned if it needed to be referred to the UCPB for review. The first approval had gone to the County for the two-story building and the proposal has no change to anything except the façade. There was No County Impact for the initial approval nor when it switched to a single-story.

The proposal is currently from 7,200 sf and they are proposing a 3,000 sf addition. Mr. Church stated that the code says that if the site plan does not 100% comply with the resolution, then it will need site plan amendment approval.

Action: A motion to send it to the Town Board for approval was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor.

Scenic Hudson/Samuel Watson - P-806

Devils Lake Road & 172 John Street

SBL: 48.52-7-9 & 48.16-3-8.100

Zone: R10 & OM

Lot Line Adjustment

Wil Eadie, Scenic Hudson Land Trust, appeared on behalf of a lot line adjustment to correct a property encroachment issue of a shed.

Mr. Church stated that this was a Type II action and no public hearing was required as it is not a subdivision. Mr. Church read the resolution.

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

WHEREAS, the applicants – Scenic Hudson Land Trust representing Quarry Waters LLC and Samuel W. Watson III – are seeking Lot Line Adjustment in accordance with Section 161-9 & 10 and the town of Ulster code; and

WHEREAS, the applicant Scenic Hudson Land Trust representing Quarry Waters LLC proposes to convey to Samuel W. Watson III 0.109 acres; and

WHEREAS, the proposed lots comply with the minimum lot size and dimensions of the R-10 and OM Zoning Districts; and

WHEREAS, pursuant to Section 161-9 of the town Code, the Proposed Action is classified as a Lot Line Adjustment, 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 signed by , Seth McKee for Scenic Hudson Land Trust and Quarry Waters LLC, dated 6/18/2020; and
- Application for Lot Line Adjustment by Quarry Waters LLC and Samuel W. Watson III, dated 6/18/2020; and
- SEQR Short Form EAF Part 1 prepared by Seth McKee as noted above, dated 6/18/2020; and
- Map of Lot Line Revision prepared by Brinnier & Larios, PC , dated 6/8/2020

WHEREAS, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide, since the Proposed Action involves few 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

WHEREAS, in accordance with Chapter 161, Section 161-9 the Proposed Action is a Lot Line Adjustment and no public hearing is required; and

WHEREAS, at its July 14, 2020 meeting the Planning Board granted approval and waived the need for a public hearing; and

WHEREAS, the Planning board classified the Proposed Action as a SEQRA Type II action and no further action is required upon review of the entire record (including SEQR Short Form EAF Part 1 & 2) .

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 Lot Line Adjustment approval as described above subject to the conditions, limitations and restrictions set forth below.

1. The Plat may be filed with the office of County Clerk after signed by the chairman of the Planning Board; and
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. 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
4. All fees, including consultant fees, shall be paid

DISCUSSION

Mr. Tutt told the Board that he received awning samples from Casa Vallarta because they had wanted to put a pop of color on the building. Mr. Tutt asked the Board if this was considered ministerial in nature or if they require site plan amendment approval. Mr. Tutt stated that there is red in the elevations and showed the Board the samples. The Board decided on the darker of the two reds.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary