

TOWN OF ULSTER  
PLANNING BOARD  
June 12, 2018

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, June 12, 2018 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Karl Allison  
Lawrence Decker  
Alan Sorensen – Planner

Frank Almquist  
Gary Mulligan-Chairman

Absent:

Anna Hayner  
Andrew Stravropoulos

Troy Ashdown

Roll call was taken.

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

### **Uncle B's Carwash – Site Plan Amendment**

Richard Thompkins and Pete Setaro, Morris Associates Engineering and Surveying Consultants, and Bart Panessa, owner of Uncle B's, appeared on behalf of the application to construct an eight thousand, eight-hundred (8,800) square foot carwash and lube with twelve (12) vacuum stations and a four thousand (4,000) square foot laundromat (Phase I) to be located at 400-416 Old Neighborhood Road. There will be a phase II to this project, which will include a two to three story retail building.

Mr. Setaro explained that each building is on a separate water service, and that the sewer will tie into the Old Neighborhood manhole. There will be one sewer tap, but more manholes placed to service. Mr. Setaro also explained that they are working on a drainage redevelopment plan, and that they already have a preliminary Stormwater Pollution Prevention Plan (SWPPP) prepared and in review. Mr. Setaro stated that there would be two infiltration practices put in place: one being below grade for the carwash and laundromat, and the other would be designed separately for the office building. A photometric plan was provided, which showed several pole lights, as well as building mounted lighting. There will also be eight (8) vacuum stations with an arm light attached to the poles.

Mr. Sorensen mentioned increasing the amount of landscaping, especially along the main road and along sidewalks. Mr. Tompkins stated that there are powerlines along Old Neighborhood Road, which deters them from adding tall trees, but if it would please the Board that they would scatter trees and hedges throughout the entire site. Mr. Tompkins stated they would put smaller decorative trees along Route 9W and also keep trees further away from parking to keep a place for snow storage in the winter months.

Sidewalks are required as a part of the 9W Corridor Enhancement Plan, but Mr. Tompkins stated that the location is not a walk-up use and the sidewalks attaching neighboring properties would not be practical. The Board requested that the applicant construct a sidewalk along Old Neighborhood Road and also have interconnecting sidewalks throughout the site.

TOWN OF ULSTER  
PLANNING BOARD

June 12, 2018

The Board requested that the applicant add striping detail, show the flag pole and height on the plans, signage detail, sidewalks, and trees. Once the applicant submits new plans containing everything the Board requested, the project may be referred to the Ulster County Planning Board for review.

At the end of the meeting, before adjournment, the Board mentioned that a sixteen (16) foot tall sign would not be considered a monument sign, and that they would like Uncle B's to abide by the requirements of the 9W Corridor Enhancement Plan that is currently in place.

**Action:** A motion to forward the project to the Ulster County Planning Board was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

### **Kingston Block - Amended Site Plan Review**

Khattar Elmassalemah, Praetorius & Conrad, appeared on behalf of the application for building additions and modifications to Kingston Block, located at 19 Kieffer Lane in Kingston, New York. Mr. Elmassalemah stated that he is addressin the issues brought to his attention by the Board and the Town Water and Sewer. Mr. Elmassalemah stated that he is aware of the current drainage issues on site and that the Supervisor asked all of the land owners on Keiffer Lane to contribute ten thousand (\$10,000) toward drainage improvement, to which the owner had no issue. It was stated that the drainage ponds and catch basins needed cleaning and that has been rectified. The Water Superintendent also told Mr. Elmassalemah that there is currently a main water valve line under an addition on the building and that the owners are proposing to install a new valve where one six inch line will go in and then split underneath the addition.

At the last meeting, the Board expressed interest in what materials Kingston Block made. Billy Wauhop appeared at this meeting to explain extensively what exactly Kingston Block was producing. Mr. Wauhop went into detail and offered the Board an example of the finish product, which looked similar to polished marble. Mr. Wauhop also explained that there is nothing like this in the Country and that Kingston Block is becoming a successful business. There was a brief discussion.

**Action:** A motion to forward this project to the Town of Ulster Town Board so that they made grant conditional site plan amendment approval was made by Mr. Allison, with a second from Mr. Almquist; all in favor. A motion to accept the resolution classifying this project as a SEQR Negative Declaration was made by Mr. Allison, with a second from Mr. Almquist; all in favor with a roll call vote.

**WHEREAS**, Issac Schwarz dba Kingston Block & Masonry – is seeking Site Plan Amendment approval to construct several additions to the existing Kingston Block building and to construct a new stand-alone storage shed.; and

**WHEREAS**, the proposed expansion of the manufacturing use is allowed within the OM-Office Manufacturing Zoning District subject to Site Plan approval; and

TOWN OF ULSTER  
PLANNING BOARD

June 12, 2018

**WHEREAS**, the Town of Ulster Town Board has the authority to approve the Proposed Action since more than 2,500 SF of new gross floor area is proposed with this Site Plan application, upon a favorable recommendation from the Town of Ulster Planning Board; and

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

- Site Plan Consent Form signed by Isaac Schwarz dated March 26, 2018;
- Site Plan Application signed by Isaac Schwarz dated March 26, 2018;
- SEQR Short EAF Part 1 prepared by Khatte Elmassalemah dated March 26, 2018;
- Existing Site Plan for Kinston Block & Masonry by Praetorious & Conrad, PC., dated 3/26/18; and
- Proposed Site Plan for Kinston Block & Masonry by Praetorious & Conrad, PC., dated 3/26/18.
- Proposed Site Plan for Kinston Block & Masonry by Praetorious & Conrad, PC., revised 6/6/18; and
- Drainage Improvement Plan prepared by Praetorious & Conrad, PC., dated June 6, 2018.

**WHEREAS**, the Town of Ulster Planning Board, upon review of the application materials determined the Proposed Action was an Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

**WHEREAS**, Involved Agencies include: Town of Ulster Town Board (Site Plan Approval) NYSDEC (General Permit for Construction Activities), Town of Ulster Water Department, and Town of Ulster Sewer Department; and

**WHEREAS**, Interested Agencies include the Town of Ulster Planning Board (Advisory Recommendation to the Town Board), and Ulster County Planning Board; and

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board (UCPB) and the UCPB provided a written response wherein it recommended several required modifications; and

**WHEREAS**, the upon review of the UCPB required modifications, the Planning Board found that the revised Site Plan application addressed all the required modification except for the recommendation for Dark Sky Compliant, LED exterior lighting; and

**WHEREAS**, the Planning Board felt the issue of lighting could be resolved as a condition of granting Site Plan Amendment approval; 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

TOWN OF ULSTER  
PLANNING BOARD  
June 12, 2018

**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 Conditional Site Plan approval to Issac Schwarz dba Kingston Block & Masonry 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 Town Designated Engineers (TDE) Brinnier & Larios, PC;
5. The applicant provides cut-sheet to replace exterior lighting that is not Dark Sky compliant with new International Dark Sky Association (IDA) compliant, LED fixtures;
6. The applicant contributes \$10,000 to the Town's drainage improvement fund that was established for the area around Kieffer Lane;
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.

### **Sawkill Country Store - Site Plan Review**

Dennis Larios, Brinnier & Larios, appeared on behalf of the application to construct a five thousand (5,000) square foot mixed-use commercial building on the vacant lot where Sawkill Road and State Route 209 meet, in a HC Zone. Mr. Larios explained that he had received the comments received back from Praetorius & Conrad, the Town's alternate Consultant Engineers regarding detail questions. Mr. Larios stated that there would be no floor drains and that everything would be stored within double vault containers that will be stored outside. Mr. Larios stated that they will also be adding snouts to the existing catch basins. The building will be built 2.2 feet above the required FEMA flood code. There will be some minor filling, but the development is not in the base flood elevation.

Mr. Larios stated that they are hoping for action at the July meeting, as they received the County comments and everything had been addressed. There will be no changes to the building, aside from possibly a window or a door.

TOWN OF ULSTER  
PLANNING BOARD  
June 12, 2018

**Action:** No motion was made.

### **Old Navy – Site Plan Amendment**

James Anderson, Sargenti Architects, appeared on behalf of the application for a site plan amendment for the old Modell's in the Kings Mall Plaza, an RC Zone. Mr. Anderson explained that Old Navy would like to switch the exterior sign and that they will be renovating the vestibule, making it smaller with two side lights. There will be vinyl decals on the glass windows, and the sign on the front and back of the building will be metal boxes with the words perforated and internally lit. Alan read the resolution.

**Action:** A motion to grant conditional site plan amendment approval was made by Mr. Decker, with a second from Mr. Almquist; all in favor with a roll call vote.

**WHEREAS**, the applicant – James Anderson for Sargenti Architects with the consent of Kingston Real Estate, LLC (Owner) – is seeking site plan amendment approval to convert the former Modell's to an Old Navy retail store; and

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

- Consent Form signed by Joan Dugin, as Authorized Agent of Kingston Real Estate, LLC dated 5/23/18;
- Site Plan Application signed by James Anderson with Sargenti Architects dated June 6, 2018;
- SEQRA Short EAF Part 1 prepared by James Anderson with Sargenti Architects dated June 6, 2018;
- Demo-Storefront Plan and Elevation prepared by Robert J Sargenti, Jr., RA dated May 14, 2018;
- Entry Area Enlarged Plan & Details prepared by Robert J Sargenti, Jr., RA dated May 14, 2018;
- Exterior Elevations – Storefront and Rear prepared by Robert J Sargenti, Jr., RA dated May 14, 2018; and
- Exterior Signage Details prepared by Robert J Sargenti, Jr., RA dated May 14, 2018.

**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 all signs will be required to comply with the Town Code requirements; 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.

TOWN OF ULSTER  
PLANNING BOARD  
June 12, 2018

**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 Kingston Real Estate, LLC (Owner) 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 applicant shall submit revised Exterior Elevations – Storefront and Exterior Elevations – Rear to show wall signs, which comply with Section 190-33 of the Town Code;
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.

### **George Ahl III & Duncan Properties – Lot Line Revision**

Michael Vetere III, Michael Vetere Land Surveyors, appeared on behalf of the application for a lot line revision. Mr. Vetere explained that Duncan Properties recently purchased Duke’s Pit property and that there is an open DEC mining permit. In order to close the permit out, the entire mine needs to be located on one property, so Duke’s Pit and Mr. Ahl would like to swap portions of land. Duncan Properties would be conveyed 2.199 acres from Mr. Ahl, and Mr. Ahl would receive 1.644 acres from Duncan Properties. The lot area for Duncan Properties would increase by 1.039 acres and Mr. Ahl’s property would decrease by 0.555 acres.

Mr. Sorensen stated that a conditional of approval would be to update the parcel descriptions to include the correct deeded name. Mr. Vetere stated that the deeds were on file with the County and that he can update the descriptions. The resolution was read.

**Action:** A motion to declare this lot line revision a SEQR Negative Declaration was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to approve the lot line revision was made by Mr. Almquist, with a second from Mr. Allison; all in favor will a roll call vote.

**WHEREAS**, the applicant – Michael C. Vetere, PLS for Randal L. Richers (Owner) – is seeking a Lot Line Revision (Minor Resubdivision) approval involving Town of Ulster Tax Parcels SBL 63.5-1-3 & 56.17-2-19; 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:

TOWN OF ULSTER  
PLANNING BOARD

June 12, 2018

- Consent Form signed by Randal L. Richers, dated February 27, 2018;
- Application for Lot Line Revision by Michael C. Vetere, PLS dated February 27, 2018;
- SEQR Short EAF prepared by Michael C. Vetere, PLS dated February 27, 2018; and
- Map of Lot Line Revision prepared by Michael C. Vetere, PLS dated February 8, 2018.

**WHEREAS**, the proposed lot would comply with the bulk requirements of the R-10 and R-60 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

**WHEREAS**, a Map of Lot Line Revision was prepared by Michael C. Vetere, PLS., dated February 8, 2018 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the Map of Lot Line Revision, subject to some minor revisions and clarifications; 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 herby issues a SEQR Negative Declaration for the Proposed Action; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board herby grants Lot Line Revision approval as described above to Duncan Properties and George W. Ahl, III subject to the conditions, limitations and restrictions set forth below.

1. The applicant provides the new deed descriptions for the parcel identified as SBL 63.5-1-3, as well as for both plots of land to be exchanged in this Lot Line Revision (Minor Resubdivision).
2. Plat may be filed with 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.

TOWN OF ULSTER  
PLANNING BOARD  
June 12, 2018

**Garty Realty – Lot Line Adjustment**

Daniel McCarthy, Praetorius & Conrad, appeared on behalf of the applicant for a lot line adjustment located on Seremma Court, in a Office & Manufacturing (OM) Zone. Mr. McCarthy explained that the applicant would like to delete the lot line between parcels 39.19-3-48.32 and 39.19-3-48.33 so that it can become one parcel. Mr. McCarthy stated that the land is currently vacant and has access to public water and sewer. Across the street there are wooded wetlands. Mr. Sorensen stated that a public hearing is not required.

**Action:** A motion to declare this project a SEQR Negative Declaration was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to grant the lot line adjustment was made by Mr. Allison, with a second from Mr. Decker; all in favor with a roll call vote.

**WHEREAS**, the applicant – Garty Realty, LLC (Jacob Adler) – is seeking a Lot Line Adjustment approval involving Town of Ulster Tax Parcels SBL 39.19-3-48.32 & 48.33; 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 Form signed by Jacob Adler dated May 2, 2018;
- Application for Lot Line Revision prepared by Praetorius & Conrad, P.C., dated May 2, 2018;
- SEQR Short EAF by Daniel J. McCarthy with Praetorius & Conrad, P.C dated May 1, 2018; and
- Lot Line Revision Map by Praetorius & Conrad, P.C., Eng. & Land Surveying dated May 1, 2018.

**WHEREAS**, the proposed lot would comply with the bulk requirements of the OM-Office Manufacturing 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

**WHEREAS**, a Lot Line Revision Map was prepared by Praetorius & Conrad, P.C., dated May 1, 2018 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the Map of Lot Line Revision, subject to the Title being changes to Map of Lot Line Adjustment; and

**WHEREAS**, a public hearing is not required in accordance with Section 161-11.1 (B) of the Town Code; and

TOWN OF ULSTER  
PLANNING BOARD

June 12, 2018

**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 Adjustment approval as described above to Jacob Adler 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. 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.

### **Fredenberg – Lot Line Adjustment**

Jason and Diana Fredenberg appeared on behalf of the application for a lot line adjustment located at 214 and 218 Windsor Drive in an R60 Zone. The Fredenberg's are proposing to convey 0.542 acres from parcel 56.29-1-24.100 (214 Windsor) to parcel 56.29-1-24.200 (218 Windsor) so that the lot area would increase to 1.641 acres and make it compliant with the R60 zoning.

**Action:** a motion to waive the Public Hearing was made by Mr. Almquist, with a second from Mr. Decker; all in favor. A motion to grant this proposal a SEQR Negative Declaration was made by Mr. Allison, with a second from Mr. Almquist; all in favor. A motion to grant the lot line adjustment was made by Mr. Allison, with a second from Mr. Almsquist; all in favor with a roll call vote.

**WHEREAS**, the applicants – Jason & Diana Fredenberg – are seeking Lot Line Revision (Minor Resubdivision) approval involving Town of Ulster Tax Parcel SBL 56.29-1-24.100 & 24.200; and

**WHEREAS**, the Proposed Action involves the transfer of lands between these adjoining tax lots as follows: 0.542-acres from SBL 56.29-1-24.100 would be conveyed to SBL 56.29-1-24.200; and

**WHEREAS**, the lot area of SBL 56.29-1-24.100 would decrease from 4.721-acres to 4.179-acres and the lot area of SBL 56.29-1-24.200 would increase from 1.1-acres to 1.641 acres.

**WHEREAS**, pursuant to Section 161-9 of the Town Code, the Proposed Action is classified as a Lot Line Revision which is subject to the approval of the Town of Ulster Planning Board; and

TOWN OF ULSTER  
PLANNING BOARD

June 12, 2018

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

- Application for Lot Line Revision by Jason & Diana Fredenberg dated May 20, 2018;
- SEQR Short EAF prepared and signed by Jason Fredenberg dated May 22, 2018; and
- Map of Lot Line Revision prepared by Christopher J. Zell, P.L.S., dated January 3, 2018.

**WHEREAS**, the proposed lots would comply with the bulk requirements of the R-30 Residential Zoning District; 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

**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 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; and

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

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

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board herby waives the requirement for a public hearing in accordance with Section 161-10 C of the Town Code; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board herby grants Lot Line Adjustment approval as described above to Jason & Diana Fredenberg 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. 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.

TOWN OF ULSTER  
PLANNING BOARD

June 12, 2018

**Kingsvale Water Company – Site Plan Amendment**

Allan Dumas III, Brinnier & Larios, appeared on behalf of the NY American Water for site plan amendment approval, which is located on Kukuk Lane in an R10 Zone. Kingsvale Water serves the Woodier and Deer Run communities. Currently, there is an existing gravel driveway that brings you to the existing pump house that has a raised berm next to it, where the tanks are currently buried. There are a series of wells on the property which go to the pump house, where the water gets disinfected and goes to the tank, where two pumps bring the water back out of the tank and put it into the system. Mr. Dumas explained that NY American Water wants to remove their underground tank that is towards the end of its lifespan, and would like to construct a new, aboveground water tank with a new pump tank on a concrete slab. The pump house will be twelve (12) feet by twenty-six and a half (26½) feet, and eight (8) feet high. The total height of the tank tower will be fourteen (14) feet tall and the tank itself will be ten (10) feet high, with a thirty-four (34) foot diameter and will be made out of steel panels, on a concrete foundation with a metal dome. The tank is a glass fused to steel enamel; similar to bathtub enamel. The dome will have a safety railing around it and the tank is all bolted and caulked. Mr. Dumas stated that the Health Department must also review and approve this project, but that it is still within the FAA regulations. The system will have sensors so that the water may not fall below a couple of feet.

The tank they are proposing can be expanded to one-hundred and fifty(150) gallons at a later date, should they decide to do so. There is currently seventy-five thousand (75,000) gallons of storage, and for starters they will keep it that amount until any expansion is necessary. There has been several proposed developments, so they are keeping the option open to expand. In order to expand, the tank would need to be jacked up, and then additional rings can be added. Should they choose to expand in the future, it would then be a twenty (20) foot tank, but it would still be well below the tree line, which stands at about forty (40) to fifty (50) feet tall. The client is still pricing color schemes for the tank, but the color is usually a dark blue or green. A brief discussion followed.

Mr. Sorensen stated that with respect to SEQR, the only other involved agency would be the Health Department. The Planning Board will be lead agency for this project and it will be declared a SEQR Type II action. Mr. Sorensen recommends having the Town's Alternate Designated Engineers, Praetorius & Conrad, review the project, as well and recommends input from Chief McDermott from East Kingston Fire Department as a fire hydrant is being added to flush the tanks, if need be.

Mr. Kovacs questioned what impact this would have on the fire hydrants for Whittier, and Mr. Dumas stated that currently, the hydrants are only designed for flushing and not for firefighting. In the existing pump building, you only have two single-speed pumps, which address the domestic demand, not the firefighting demand. The new pump station will have two domestic pumps to address the needs of the community, however they are bringing in provisions for a future high-flow pump, which would address fire demand. Mr. Dumas stated that it makes more sense to fabricate the station now with that in mind so that it will have all the piping and fittings it needs for that in the future. A brief discussion followed.

**Action:** A motion to declare this project a SEQR Type II action and refer this matter to the Department of Health and East Kingston Fire Department was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

TOWN OF ULSTER  
PLANNING BOARD  
June 12, 2018

**Buffalo Wild Wings – Site Plan Amendment**

Mark Day, M.A. Day Engineering, and George Banta Jr., Banta BWW KG, LLC, appeared on behalf of the application to convert the old Ruby Tuesdays, 1266 Ulster Avenue, RC Zone, into a Buffalo Wild Wings. Mr. Day explained that it is a rebranding and that there will be no structural building changes, just minor façade changes, such as changing to the franchise colors of browns, black and yellow. They will be utilizing a ground mounted sign. Mr. Day stated that they will be restriping the parking lot, as well as reestablishing the landscaping. Mr. Sorensen stated that the parking was sufficient and that he requests that they add a double stripe at the end of the aisles. Mr. Sorensen requested that they submit revised plans showing the elevation orientation. Mr. Sorensen read the draft resolution.

**Action:** A motion to grant conditional site plan amendment approval was made by Mr. Almquist, with a second from Mr. Decker; all in favor with a roll call vote.

**WHEREAS**, the applicant – Banta Holdings with the consent of 2017 Ulster, LLC (Owner) – is seeking site plan amendment approval to convert the former Ruby Tuesday restaurant to a Buffalo Wild Wings sports bar and restaurant; and

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

- Written Narrative prepared by Anita Odell with M. A. Day Engineering, P.C., dated May 24, 2018;
- Consent Form signed by Richard A. DiDonna – Individually as Member of 2017 Ulster, LLC dated 5/23/18;
- Site Plan Application signed by George Banta of BANTA BWW KG, LLC dated June 6, 2018;
- SEQRA Short EAF Part 1 prepared by George Banta of BANTA BWW KG, LLC dated June 6, 2018
- Lighting Specifications for LED Wall Packs by Hubbell Outdoor Lighting and Techlight;
- Monument Sign Details prepared by Lawrence Sign dated May 10, 2018;
- Wall Sign Details prepared by Lawrence Sign dated April 21, 2016; and
- Amended Site Plan prepared by M. A. Day Engineering, P.C., dated May 25, 2018 and revised June 5, 2018.

**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 all signs will comply with the Town Code requirements; 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 SEQRA is required.

TOWN OF ULSTER  
PLANNING BOARD

June 12, 2018

**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 Banta Holdings 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 applicant shall submit revised Exterior Elevations to correctly label each side of the building;
5. The parking lot shall be restriped to provide a double striped line closed at the aisle end;
6. A sidewalk Memorandum of Understanding (MOU) is filed with the Town of Ulster;
7. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
8. All fees, including consultant fees, shall be paid.

### **Discussion on Proposed Local Law on Shipping Containers**

There is a concern that residents in R10 Zones are using shipping containers as more than temporary storage or for building uses, and they are unsightly when they age and rust. The Town had not been regulating these containers, so they are proposing a law to do so. The Proposed Law would prohibit shipping containers in R10 Zones, unless for temporary construction use, and the other Zones (R30, R60, LC, RC, HC, OM and I) would have a two (2) year cap on utilization of storage containers. A brief discussion amongst the Board followed. The Town of Ulster Supervisor, Mr. Quigley III, requested the Board think about it and get back to him with any comments or concerns.

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary