

TOWN OF ULSTER
PLANNING BOARD
March 13, 2018

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

Present:

Anna Hayner

Troy Ashdown

Gary Mulligan-Chairman

Karl Allison

Andrew Stravropoulos

Alan Sorensen – Planner

Excused:

Frank Almquist

Lawrence Decker

Roll call was taken.

A motion to approve the minutes from the February 2018 meeting was made by Mr. Allison with a second from Mr. Ashdown; all in favor.

Kingston Commons – Amended Site Plan Review

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

Mr. Sorensen stated that the applicant has responded to Brinnier & Larios' most recent comments and that he spoke with the Engineer who recommended Kingston Commons received conditional site plan approval with one of the conditions being that they submit a SWPPP for acceptance.

Mr. Sorensen stated that after a discussion amongst Mr. Almquist, Mr. Mulligan and Mr. Sorensen they wanted to address the survivability of the sycamore tree by establishing escrow for the next few years to support a Town Arborist. Mr. Patel stated that he already has a \$10,000 escrow with New York State Department of Transportation and since it would be a conflict of interest, he would rather stick with the NYSDOT arborist, as it is their property. Mr. Allison asked if DOT will conduct a yearly inspection to which the Board requested correspondence with escrow. There was a brief discussion regarding the Town of Ulster Planning Board and the Ulster County Planning Boards concern over the sycamore tree.

Mr. Sorensen stated that he wrote up a draft resolution recommending that the Planning Board override the Counties comments. Mr. Sorensen read the resolution.

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Action: A motion for a conditional site plan amendment approval was made by Mr. Ashdown, with a second from Mr. Stravropoulos; all in favor.

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

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

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

- Cover Letter prepared by Stonefield Engineering & Design, dated February 13, 2018;
- Application for Site Plan Review by Kingston NY Retail, LLC, dated February 13, 2018;
- Site Plan Consent Form signed by Bipin Patel, member of property owner dated 2/13/2018;
- SEQR FULL Environmental Assessment Form dated September 15, 2015;
- Traffic Impact Study prepared by Stonefield Engineering & Design, dated 8/28/2015;
- Washington Avenue Traffic Circle Overlay Exhibit by Stonefield Engineering dated 12/01/15;
- Alternative Site Plan Exhibit by Stonefield Engineering & Design, dated December 1, 2015;
- Stormwater Management Report prepared by Stonefield Engineering & Design, dated 8/31/2015;
- Survey Map for SAI Capital Group, LLC by Stonefield Engineering & Design, dated 7/9/2015;
- NYSDOT Highway Work Permit Plans by Stonefield Engineering & Design, dated September 14, 2017;
- Cover Sheet for Plan Set prepared by Stonefield Engineering & Design, dated 2/13/2018;
- Existing Conditions Plan prepared by Stonefield Engineering & Design, dated 2/13/2018;
- Demolition Plan prepared by Stonefield Engineering & Design, dated 2/13/2018;
- Site Plan prepared by Stonefield Engineering & Design, dated 2/13/2018;
- Grading Plan prepared by Stonefield Engineering & Design, dated 2/13/2018;
- Drainage Plan prepared by Stonefield Engineering & Design, dated 2/13/2018;
- Utility Plan prepared by Stonefield Engineering & Design, dated 2/13/2018;
- Lighting Plan prepared by Stonefield Engineering & Design, dated 2/13/2018;

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- ATM Lighting Plan prepared by Stonefield Engineering & Design, dated 8/31/2015;
- Phase I Soil Erosion and Sediment Control Plan by Stonefield Engineering & Design, dated 2/13/2018;
- Phase II Soil Erosion and Sediment Control Plan by Stonefield Engineering & Design, dated 2/13/2018;
- Soil Erosion and Sediment Control Details by Stonefield Engineering & Design, dated 2/13/2018;
- Landscape Plan prepared by Stonefield Engineering & Design, dated 2/13/2018;
- Landscaping Details prepared by Stonefield Engineering & Design, dated 2/13/2018;
- Construction Details prepared by Stonefield Engineering & Design, dated 2/13/2018;
- Proposed Floor Plan Quick Service Restaurant 1 prepared by gk&a Architects, PC dated 2/12/18;
- Proposed Floor Plan Quick Service Restaurant 2 prepared by gk&a Architects, PC dated 2/12/18;
- Proposed Floor Plan Retail and Bank prepared by gk&a Architects, PC dated 2/12/18;
- Proposed Elevations Quick Service Restaurant 1 prepared by gk&a Architects, PC dated 2/12/18;
- Proposed Elevations Quick Service Restaurant 2 prepared by gk&a Architects, PC dated 2/12/18;
- Proposed Elevations Retail and Bank prepared by gk&a Architects, PC dated 2/12/18;
- Monument Sign Detail prepared by Stonefield Engineering & Design, dated 2/12/2018;
- Proposed Renderings Quick Service Restaurant 1 prepared by gk&a Architects, PC dated 2/12/18;
- Proposed Renderings Quick Service Restaurant 2 prepared by gk&a Architects, PC dated 2/12/18; and
- Proposed Renderings Quick Service Retail and Bank prepared by gk&a Architects, PC dated 2/12/18.

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

WHEREAS, the Current Proposed Action was referred to the Ulster County Planning Board (UCPB) 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 recommended that the Town Board override the required modifications since planting under the drip line of the Sycamore Tree would adversely affect the long-term health of the tree; and

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WHEREAS, the Planning Board is satisfied that the Site Plan provides for a detailed landscaping plan, which balances the need for aesthetic enhancements with the commercial function of the developed site; and

WHEREAS, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Town of Ulster Town Board, as the Lead Agency for this Unlisted-Action Coordinated Review, granted a SEQRA Negative Declaration in 2016 for the proposed development; and

WHEREAS, the proposed changes to the Site Plan do not exceed any of the thresholds established in the original SEQRA Negative Declaration.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation to the Town Board override the required modification of the Ulster County Planning Board; reaffirm its Lead Agency Status and confirms that there are no changes within the plans and associated documents, which would require amendment of the existing Negative Declaration or a reopening of SEQRA [6NYCRR Part 617.7(e)]; and grant Conditional Site Plan Amendment approval to Kingston NY Retail, LLC (Owner) to amend the Site Plan for Kingston Commons on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with final site plan, design plans and all details as cited herein;
4. Compliance with all agreements between applicant and the Ulster County;
5. The applicant addresses all technical comments by the Town Designated Engineers Brinnier & Larios as cited in their January 31, 2018 letter and provides a SWPPP for acceptance;
6. The applicant provides documentation of the escrow agreement with the NYSDOT that provides for the annual pruning and fertilization of the Sycamore Tree on Washington Avenue, which is to be done only at the direction of the NYSDOT;
7. In order to avoid impacting the Northern Long Eared Bat summer roosting, the applicant will perform any tree removal associated with the proposed project between November 1st and March 31st;
8. 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
9. All fees, including consultant fees, shall be paid.

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Buzzanco Timber Harvest – Special Use Permit for Timber Harvest

Cory Creagan, Lower Hudson Forestry Services, LLC, appeared on behalf Shawn Charles for Angela Buzzanco for the application for Special Use Permit to harvest timber located off of Sawkill-Ruby Road behind Buzzanco Greenhouses. Mr. Creagan stated that there are existing quarries located there that will be their landing and dropping site, and that they will be harvesting approximately 40 trees per acre; mostly oak, white pine and possible maples. Mr. Creagan explained that they will be conducting a select harvesting of dead and/or dying trees. The Board was concerned about erosion and skid roads post-harvesting, to which Mr. Creagan stated that they will leave logging and timber behind for erosion and they will have water bars. Any excessive ruts left behind will be filled in and smoothed over.

There are no encroachment issues as of now, but that they plan on setting the boundary lines clearly. If the boundary lines are clearly identified, the buffer will be around twenty-five (25) feet. Should the boundary not be as clear, the buffer may be seventy-five (75) feet up to one hundred (100) feet should houses be near the property lines.

Mr. Sorensen recommends that this project be forwarded to the Town Board and stated that the Town Board will hold a Public Hearing on this proposal, and that the Public Hearing will be held in April. Mr. Sorensen stated that the project will also need to be referred to the Ulster County Planning Board, The Ulster County Highway Department. Mr. Sorensen stated that should there be a need for a bond to be taken out, Brinnier & Larios will be responsible for setting that bond.

Action: A motion to refer this project to the Town Board was made by Ms. Hayner, with a second from Mr. Allison; all in favor.

WHEREAS, the applicant – Shawn Charles with the Consent of Angela Buzzanco - has submitted a Special Permit application to allow a Timber Harvest in accordance with Section 190-25 (E) of the Town Code; and

WHEREAS, pursuant to Chapter 190-25 (E) of the Town Code, the Town Board has the authority to approve the Site Plan and Special Permit; and

WHEREAS, a public hearing must be held before taking action on the Special Permit request; and

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

- Cover Letter prepared by Cory J. Creagan, Forester dated March 9, 2018;
- Site Plan Consent Form signed by Angela Buzzanco dated February 14, 2018;

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- Application for Special Permit prepared by Shawn Charles dated February 14, 2018;
- SEQRA Short EAF prepared by Shawn Charles dated February 14, 2018; and
- Timber Harvesting Plan prepared by Cory J. Creagan, Forester dated March 9, 2018.

WHEREAS, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Planning Board, as an Interested Agency, upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action is a SEQRA Unlisted Action and that the Town Board Declare Its Intent to be the Lead Agency; and

WHEREAS, other Involved Agencies include the NYSDEC (Best Management Practices and Consultation for Northern Long-eared Bat) and Ulster County Highway Department (Highway Access); and

WHEREAS, Interested Agencies include the Town of Ulster Planning Board (Advisory Recommendation) and Ulster County Planning Board (NYS GML 239 l and m review); and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board so that it can declare its intent to be Lead Agency for an Unlisted Action-Coordinated Review and directs the Town Clerk to circulate a Notice of Intent to all Involved Agencies; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board with a recommendation that it schedule a public hearing on the applicant's Special Permit application for a Timber Harvest as described above on the above referenced site subject; and

FURTHER BE IT RESOLVED, this matter should be referred to the Ulster County Planning Board and Ulster County Highway Department for their review and recommendations on the Proposed Action.

Uncle B's Carwash and Lube – Amended Site Plan Review

Richard Thompkins, Architect, and Bart Panessa, owner of Uncle B's, appeared on behalf of the application to construct a seven thousand, nine hundred and ninety-two (7,992) square foot carwash and lube with twelve (12) vacuum stations to be located at 400-416 Old Neighborhood Road. In addition to the carwash, there will also include another pad site of approximately four thousand (4,000) square feet, that was initially for a bank with

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a drive thru, but they are now thinking about a laundromat, instead. Also on site, there will be a two (2) or three (3) story office building with approximately seven thousand five hundred (7,500) square feet per floor; amount of floors depending on tenant use. Mr. Thompkins stated that he received notice that the Highway Superintendent, Frank Petramale, was concerned about the circulation and the distance from 9W and the entrance and exits of the project. Mr. Thompkins stated that they moved the third building back twenty (20) feet from the property line. Mr. Thompkins stated that his client just wanted the Board to review his project and provide any comments or opinions before they went any further with the project. Mr. Panessa explained that the carwash can wash up anywhere from one hundred (100) to one hundred and fifty (150) cars per hour. There will be two car queue lanes and Mr. Panessa stated that the presoak is included within the carwash tunnel, and they there are conveyor belts that keep it constantly running. You may purchase a monthly pass similar to that of an EZ-Pass that will let you through by scan of a barcode, or the customer may pay for just one single wash. There will be one person to tell the customer to place their car into neutral at the entrance to the tunnel. As of now, the applicant is interested in building the carwash and lube as well as the laundromat, and the third building will be in the future.

The Board mentioned that there was the 9W Corridor Enhancement Plan in place, and the Plan requires sidewalks to advance pedestrian circulation. Mr. Thompkins asked if it was possible to use interconnection to enhance the sidewalks without having to go the entire length of Neighborhood Road, to which the Board stated it should help both businesses. Lighting and utilities will be addressed in their next revisions.

Mr. Sorensen suggested that Mr. Thompkins and Mr. Panessa schedule to attend another Planning Board Workshop meeting so that Mr. Sorensen may have a chance to look at the revised plans and at that point, there will be a better understanding to give better direction. The Workshop meeting will be held with the Town of Ulster's Designated Engineers, Brinnier and Larios, in attendance.

Action: No action was made by the Board.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary