

TOWN OF ULSTER
PLANNING BOARD
May 8, 2018

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, May 8, 2018 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Present:

Anna Hayner

Frank Almquist

Andrew Stravropoulos

Alan Sorensen – Planner

Karl Allison

Lawrence Decker

Gary Mulligan-Chairman

Absent:

Troy Ashdown

Roll call was taken.

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

Lands of Central Hudson and Hanss – Minor Subdivision

Patty Brooks, Brook and Brooks Engineering, appeared on behalf of the application for a minor resubdivision. Ms. Brooks explained that the Hanss' have agreed to convey .65 acres of their parcel located at 110 Rockwell Lane to Central Hudson which will give Central Hudson right-of-way fee access to their easement. The remaining .33 acre will be conveyed to the Hanss' adjacent property located at 120 Rockwell Lane. This addition to the Hanss property will make the parcel at 120 Rockwell Lane 1.5 acres will make it comply with the required area of 60,000 square feet. No one appeared in opposition.

Action: A motion to approve the minor subdivision was made by Mr. Allison, with a second from Mr. Decker; all in favor.

WHEREAS, the applicants – CHG&E – Joseph & June Hanss – are seeking a Minor Resubdivision approval involving Town of Ulster Tax Parcels SBL 56.10-1-12, 13 and 18; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Minor Resubdivision, which is subject to the approval of the Town of Ulster Planning Board; and

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

- Consent Form signed by Joseph & June Hanss dated March 20, 2018;
- Consent Form signed by Jessica Caserto, representative of CHG&E Corp., dated March 26, 2018;
- Letter of Agent signed by Joseph & June Hanss dated March 24, 2018;
- Letter of Agent signed by Jessica Caserto, representative of CHG&E Corp., dated March 24, 2018;
- Letter of Intent signed by Patricia Brooks, L.S., PC, with Brooks & Brooks, PC dated March 26, 2018;
- Application Lot Line Revision by Patricia Brooks, L.S., PC, with Brooks & Brooks, PC dated 3/26/2018;
- SEQR Short EAF prepared and signed by Patricia Brooks, L.S., PC, dated 3/26/2018; and

TOWN OF ULSTER
PLANNING BOARD

May 8, 2018

- Map of Lot Line Revision prepared by Patricia Brooks, L.S., PC, dated February 28, 2018.

WHEREAS, the proposed lots comply with the bulk requirements of the R-60 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 Patricia Brooks, L.S., PC. dated February 28, 2018 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the Map of Lot Line Revision with a change of the Title Block to read Map of Resubdivision; and

WHEREAS, a minor subdivision requires two (2) public hearings, but the Planning Board may waive the requirement for a preliminary public hearing in accordance with Section 161-10 B of the Town Code; and

WHEREAS, at its April 10, 2018 meeting, the Planning Board waived the requirement for a preliminary public hearing in accordance with Section 161-10 B of the Town Code; and

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

NOW THEREFORE BE IT RESOLVED, the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues a SEQR Negative Declaration for the Proposed Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Minor Resubdivision approval as described above to CHG&E – Joseph & June Hanss 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 signature of the Chairman of the Planning Board, constituting final approval of the subdivision plat, shall expire 62 days from the date of such approval, unless within such 62-day period, such plan shall have been duly filed by the owner in the office of the Ulster County Clerk, and
4. All fees, including consultant fees, shall be paid.

TOWN OF ULSTER
PLANNING BOARD
May 8, 2018

Lands of Sheila & Robert Henninger – Lot Line Revision

Robert Henninger appeared before the Board for a re-vote on his Lot Line revision that was originally voted on February 13, 2018. Mr. Henninger stated that there was a timing issue with submitting the plans to County so they need to start that process over so he can have the sixty-two (62) days to submit. There was a brief discussion amongst the Board.

Action: A motion grant the Lot Line Revision was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

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

WHEREAS, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Lot Line Revision (Minor Resubdivision), which is subject to the approval of the Town of Ulster Planning Board; and

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

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

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

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

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

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

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

TOWN OF ULSTER
PLANNING BOARD

May 8, 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 Revision (Minor Resubdivision) approval as described above to Robert Henniger subject to the conditions, limitations and restrictions set forth below.

1. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
2. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and
3. The signature of the Chairman of the Planning Board, constituting final approval of the subdivision plat, shall expire 62 days from the date of such approval, unless within such 62-day period, such plan shall have been duly filed by the owner in the office of the Ulster County Clerk, and
4. All fees, including consultant fees, shall be paid.

Ruby Estates - Amended Site Plan Review

Robert Hagopian, Hagopian Engineering, appeared on behalf of the application. The project had been before the Town Board for a Public Hearing and at that time, a neighbor made the applicant aware of a covenant that would not allow building on a piece of the parcel the applicant wanted to put three of the six mobile homes on. As such, the applicant submitted a new site plan for review, which has only three proposed mobile home lots. Issues with traffic were also brought up, to which Mr. Hagopian stated there will be very minimal impact. Mr. Hagopian requested being referred back to the Town Board for approval.

Mr. Sorensen stated that the new proposed plan would have less site disturbance than the original proposal. Mr. Sorensen stated that he would like Brinnier & Larios, Town of Ulster Consultant Planner, to review the new plans. Dennis Larios, of Brinnier & Larios, was in the audience and stated that there is no need for further review. There was a brief discussion amongst the Board.

Action: A motion to refer this project to the Town Board for Amended Site Plan Approval for the site plan dated April 5, 2018, was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

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

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

TOWN OF ULSTER
PLANNING BOARD
May 8, 2018

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

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

- Hagopian Engineering letter dated April 25, 2018;
- Town of Ulster Building Department letter from David Allen, Fire Inspector dated December 20, 2017;
- January 30, 2018 email from Robert Hagopian to Joseph Mihm stating that existing sanitary sewage system and potable water system are adequately sized to accommodate service to the proposed expansion; and
- Sheets No. 1 of 5 through 5 of 5, Proposed Project for Ruby Estates prepared by Hagopian Engineering dated April 24, 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 Town Designated Engineers (TDE) Brinnier & Larios, PC reviewed a revised Site Plan Application dated January 2, 2018 and recommended “acceptance to the Planning Board the above referenced documents on the road and stormwater aspects;” and

WHEREAS, the Current Proposed Action involves the addition of only (3) three additional manufactured home sites, rather than the previous Plan, which called for six (6) new home sites, which will result is far less site disturbance; and

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

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

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby refers this matter to the Town Board with a recommendation that it grant Conditional Site Plan and Special Permit approval to amend the Site Plan as described above on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with final site plan, design plans and all details as cited herein;
4. Compliance with all Ulster County Health Department requirements;
5. 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
6. All fees, including consultant fees, shall be paid.

TOWN OF ULSTER
PLANNING BOARD
May 8, 2018

Esopus Agricultural Center - Lot Line Revision

Bob Bernstein, Esopus Agricultural, appeared on behalf of the application for a lot line revision. Mr. Bernstein stated that the consent form from Willow Manor was signed and submitted to the Town. The Board mentioned a letter than was received by a neighbor's lawyer regarding a right-of-way n her property being used. Mr. Bernstein stated that, as far as he knows, no one uses that right-of-way and that Esopus Agricultural owns an easement that runs off of Mountain View Court that the farmers utilize. The Board stated that the letter had no impact on the Lot Line Revision as it was primarily meant for the Zoning Board of Appeals for an application submitted for a Use Variance.

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 declare this a SERQ Negative Declaration was made by Ms. Hayner, with a second from Mr. Allison; all in favor. A motion to approve the Lot Line Revision was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

Sawkill Country Store – Site Plan Review

Dennis Larios, Brinnier & Larios, appeared on behalf of the application for a site plan review. The applicant proposes building a five thousand (5,000) square foot mixed-use commercial building on the vacant lot where Sawkill Road and State Route 29 meet, in a HC Zone. Mr. Larios explained that the applicant would like to have twenty-five hundred (2,500) square feet for a mechanic's garage and the other twenty-five hundred (2,500) square feet for a county store. Mr. Larios explained that the applicant would like a country feel, similar to a Cracker Barrel.

Mr. Larios explained that the lot had been approved for a store in the late 1908's, but the plan had never gone through and that Stewarts Shops were approved at one point, but also never built. Mr. Larios explained that the site must be filled two (2) feet above the 100 year floodplain grade, and the applicant is proposing to build it 2.2 feet above the base flood elevation.

Mr. Larios stated that the site already had six tenths of land disturbance and they would only be disturbing half an acre of the parcel. The County wanted the building set back as far as practicably possible, so they set it as far back as they could. There will be one exit going north and one exit going South, subject to County Highway review.

The applicant hopes to use the existing septic, which is large enough for the building, and will contact the Department of Health regarding that. There is a well currently on-site, but the applicant plans on, hopefully, hooking into the City Water system that runs along the parcel, but had yet to hear back from the City about it.

Mr. Larios stated that the Code requires sixteen (16) parking spots for this structure, and the applicant is proposing twenty (20), with room for more, if necessary.

There is currently a Stormwater retention area and a swamp pond that bleeds into the Esopus.

Mr. Larios stated that they would like to be referred to the County as soon as possible so that they may get comments back to prepare for the next Town Planning Board meeting.

TOWN OF ULSTER
PLANNING BOARD

May 8, 2018

Mr. Sorensen stated that the application seems complete enough to send to the County for Review and recommends the Board refer this project to the Town Board in order to initiate a SEQR Lead Agency Unlisted Acton Coordinated Review. A brief discussion amongst the Board followed.

Action: A motion to refer this to the Town of Ulster Town Board to initiate a SEQR Lead Agency Unlisted Acton Coordinated Review was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to refer the project to the County Highway Department, County Planning Department, and the Town's alternate Consultant Planner, Praetorius & Conrad, for review was made by Mr. Almquist with a second from Mr. Decker; all in favor.

Discussion regarding a non-conforming pole sign at Metro PCS

Mike Catalinatto, representative of the property owner 1104 Ulster Avenue, appeared before the Board to ask why the tenant, owner of Metro PCS, cannot use the existing pole sign that is currently on site. The Board explained to Mr. Catalinatto that the Town has a 9W Corridor Enhancement Plan, as well as a Town Comprehensive Plan which is replacing pole signs with monument signs to beautify Ulster Avenue. Mr. Catalinatto explained that when the tenant signed the lease to rent the old Enterprise Drive, he had seen the pole sign, assuming he could use it. The board explained that they are making all new applicants take out the pole signs and replace them with monument signs.

Mr. Mulligan stated that when the applicant for Metro PCS had gone to the Planning Board Workshop on December 6, 2017, Mr. Sorensen and himself both told him that the pole sign must come down and be replaced with a monument sign should he want a freestanding sign. The applicant was told again at the Planning Board, December 12, 2017, meeting that he may not use the pole sign and it must be replaced with a monument sign. Mr. Mulligan stated that the applicant stated that he had to move in to the property by a certain date and the Board was very accommodating to that by rushing him through the approval process so he would be able to do so, and made no issue over the sign at that point.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary