

TOWN OF ULSTER PLANNING BOARD

November 13, 2018

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, November 13, 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

Roll call was taken.

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

Crystal Ridge/Michael Fink & Karen Pardini – Major Subdivision

A motion to open the Public Hearing was made by Mr. Decker, with a second from Mr. Almquist; 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.

Mr. Sorensen stated that Mr. Fink is back before the Board for reapproval of his major subdivision that was originally approved in 2009. The project was declared a SEQR Negative Declaration. Since the applicant did not pursue moving forward with the project, the site plan expired and Mr. Fink would like reapproval. Mr. Sorensen recommended granting final plat approval.

Mr. Sorensen reviewed the County's comments on the major subdivision; they had two required modifications: having a school pickup location shown on the subdivision map and to also have a bus shelter, and secondly to have the SWPPP provided to the Town's Designated Engineer for review.

The SWPPP had been submitted for review; the original was approved and had been referred back to Brinnier & Larios for any comments and for reapproval.

Mr. Sorensen stated that to require the applicant to add the bus stop and bus shelter to the subdivision map would be burdensome to the applicant and he recommends that the Board grant final plat approval.

Mr. Fink stated that he will have the Town Engineers come out so that they may update the SWPPP.

Action: A motion to override the County's comments requiring a school drop-off/pick-up location and a bus shelter to be provided on the map was made by Mr. Mulligan, with a second from Mr. Decker; all in favor. A motion to approve the resolution as read was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

WHEREAS, the applicant's – Michael Fink and Karen Pardini – submitted an application for Major Subdivision Approval to allow them to subdivide a 99.5-acre parcel into twelve (12) single-family lots; and

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

- Revised Full EAF prepared by Wilkie & Graff, LLC, Counselors at Law dated June 12, 2008;
- SWPPP for Lands of Fink/Pardini prepared by Rothe Engineering dated April 5, 2007;
- Set of Plans prepared by Rothe Engineering dated April 5, 2007;
- Declaration as to the Maintenance of the Private Road and Drainage Facilities & Protective Covenant Declaration prepared by Wilkie & Graff, LLC, Counselors at Law dated June 12, 2008;
- Survey Map prepared by Ringler Land Surveying, PLLC dated September 11, 2008;
- Proposed Access Road Plan Profile prepared by Rothe Engineering dated September 10, 2008; and
- Revised Declaration as to the Maintenance of the Private Road and Drainage Facilities & Protective Covenant by Wilkie & Graff, LLC, Counselors at Law dated September 11, 2008.

WHEREAS, proposed site improvements include the construction of a 2,370-foot private cul-de-sac that will contain a 20-foot running surface and two-foot shoulders to provide access to these residential lots; and

WHEREAS, the Planning Board, Town Board, and Superintendent of Highways granted a waiver from the Section 161-19 (E) of the Town Code to allow the proposed length of the cul-de-sac to exceed 1,200 linear feet after consideration of the site-specific aspects of the proposed development and the incorporation of pull-outs; 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 consultant planner & engineers made via memoranda (which memoranda are incorporated herein by reference) and recommendations from the Town Highway Superintendent and Fire District; and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Full EAF Parts 1 & 2) found that the proposed subdivision will not have an adverse impact on the environment; as Lead Agency made a determination of non-significance and reaffirmed its Negative Declaration pursuant to Part 617 of SEQRA.

WHEREAS, in accordance with Section 161-13 (A) of the Town Code, the Planning Board held a public hearing on November 13, and there were no objections to the Proposed Action.

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 Act (SEQRA); and

FURTHER BE IT RESOLVED, the application by – Michael Fink and Karen Pardini – for Final Plat Approval to subdivide a 99.5-acre parcel into twelve (12) single-family lots is granted, subject to the conditions, limitations and restrictions set forth below.

1. The applicant's SWPPP is reviewed by the Town Designated Engineer for acceptance and compliance with NYSDEC Stormwater Regulations;
2. The following "Note" shall be added to the Final Plat: "The approval of this subdivision plat by the Town of Ulster Planning Board shall not be deemed to constitute or imply the acceptance by the Town of Ulster of any street, easement or storm drainage facility shown on said plat;"

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;
4. The Final Plat and deeds 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.

Hudson Valley Mall – Minor Subdivison

A motion to open the Public Hearing was made by Mr. Decker, with a second from Mr. Almquist; 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. Mr. Rob Johnson, Hull Property appeared on behalf of the application to subdivide the Hudson Valley Mall. Mr. Johnson is proposing to separate 8.863 acres, which includes the old Macy's building, off of the existing 62.1 acre parcel to convey to Healthquest.

The initial application had the old Macy's building right up against the proposed new lot line and the Board requested that the applicant push it back so it meet setback requirements, which the applicant did and the building is now offset ten feet from the proposed new lot line. Mr. Sorensen stated that it is not required to be sent to county for review.

There is a proposed demolition of part of the old Macy's building that will leave 88,118 square feet for medical office use. The lots being created both comply with Town Zoning Codes and they are both within an ODA (Open Development Area) district, they do not require road frontage. There is sufficient off-street parking for both lots. Mr. Sorensen recommends that the Board approve the subdivision. Mr. Sorensen read the resolution.

Action: A motion to accept the resolution as read was made by Mr. Almquist, with a second from Mr. Allison; all in favor. A motion to grant the approval for their demolition of part of the old Macy's was made by Mr. Almquist, with a second from Mr. Decker; all in favor. A motion to refer this matter to the Town Board for approval was made by Mr. Allison, with a second from Mr. Almquist; all in favor.

WHEREAS, the applicants– Rob Johnson with Hull Property Group for Kingston Mall, LLC (Owner) and Health Quest Systems Inc., have submitted an application for a 2-Lot Minor Subdivison, which will result in an 8.86-acre parcel for Health Quest from the 62.6-acre Hudson Valley Mall property; and

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

- Consent Form signed by John G. Mulherin (Agent) Kingston Mall, LLC dated October 9, 2018;
- Site Plan Review Application by Robert C. Johnson (Agent) for Hull Property Group dated Oct. 9, 2018;
- SEQRA Short EAF Part 1 by Robert C. Johnson (Agent) for Hull Property Group dated Oct. 9, 2018; and
- Cover Sheet prepared by Hull Property Group dated October 16, 2018;
- Demolition Site Plan prepared by Hull Property Group dated October 16, 2018;
- Site Plan prepared by Hull Property Group dated October 16, 2018; and
- Exterior Wall Elevation and Perspective by Hull Property Group dated October 16, 2018.
- Consent Form signed by representative of Hull Property Group, dated October 8, 2018;
- Site Plan Application signed by James Hull, Hull Property Group, dated October 8, 2018;
- SEQR Short EAF Part 1 prepared by Michael Zolnik, Health Quest dated October 8, 2018;

- Existing Conditions and Removal Plan prepared by Tighe & Bond, PC. dated November 13, 2018;
- Proposed Site Plan prepared by Tighe & Bond, PC. dated November 13, 2018;
- Parking Compliance Plan prepared by Tighe & Bond, PC. dated November 13, 2018;
- Fire Apparatus Turning and Landscaping Plan by Tighe & Bond, PC. dated November 13, 2018;
- Floor Plans Health Quest prepared by e4h – Environments for Health Architecture dated 11/13/18;
- Building Elevations prepared by e4h – Environments for Health Architecture dated 11/13/18; and
- Sign Details prepared by e4h – Environments for Health Architecture dated 11/13/18; and
- Map of Subdivision for Kingston Mall, LLC prepared by Brinnier & Larios, P.C., dated 10/26/2018.

WHEREAS, the Town of Ulster Planning Board has the authority to approve the 2-lot Minor Subdivision; and

WHEREAS, the Proposed Action did not require 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 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 determined the proposed layout of the 2-lot subdivision would continue to provide sufficient on-site parking for the Hudson Valley Mall and Health Quest lots and not result in any non-conformities; and

WHEREAS, the Planning Board waived the requirement for a preliminary public hearing on 2-lot Subdivision and held a Final Plat public hearing on November 13, 2018 and closed the public hearing; 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 Minor Subdivision approval as described above subject to the conditions, limitations and restrictions set forth below.

1. Applicant provides deed descriptions for the proposed lots;
2. Final Plat and deeds 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.

Healthquest – Site Plan Amendment

Mark Zolnik and Brandee Nelson appeared on behalf of the Healthquest Site Plan Amendment application. Ms. Nelson showed an aerial photograph of what the proposed Healthquest will look like. They explained that very little is being changed from the last time they were seen before the Board. They will be doing some landscaping removal, as it is in bad shape and that a couple of doors will be moved, decreased in size or created. There will be a green space between the mall and Healthquest and there will be a sidewalk. There is existing water and sewer to the mall that will be extended out to Healthquest. They stated that they are adding six (6) more handicapped spaces to their parking which will create a total of fourteen (14) and a total of six-hundred and fourteen (614) total parking spaces, which is more than the required two-hundred and fifty-three (253.) They explained that there is plenty of access for firetrucks to get around and that they also have plenty of room to accommodate for snow storage.

Mr. Zolnik and Ms. Nelson showed the floor plan of the proposed Healthquest to the Board. They stated that there will be an urgent care, medical imaging, primary care, rehabilitation gym, specialty care, oncology, cardiology and a future ambulatory unit. They explained that there will be emergency egress at numerous areas in the building. There will be windows all around the building and the main entrance will be facing the west. All the signage is within zoning compliance; the ‘Healthquest’ sign will be stationary and the other sign will be variable.

Mr. James Quigley III, Town of Ulster Supervisor, questioned if the proposed number of handicapped spaces is sufficient enough as that is the nature of the business, to which Mr. Zolnik answered that Healthquest has more drop-off/pick-up situations than there are handicapped parking situations. The handicapped parking spaces will be located on two sides of the building.

Action: A motion to approve the resolution and forward the project to the Town Board for site plan amendment approval was made by Mr. Almquist, with a second from Mr. Decker; all in favor.

WHEREAS, the applicants– Rob Johnson with Hull Property Group for Kingston Mall, LLC (Owner) and Health Quest Systems Inc., have concurrently submitted applications for Site Plan Amendment approval for a change-in-use of the former 120,814 square-foot (sf) Macy’s anchor store at the Hudson Valley Mall from retail to medical office; and

WHEREAS, the Proposed Action involves the demolition of 32,965 square feet (sf) of the 120,814 sf former “Macy’s” anchor store and conversion of approximately 88,118-square feet (sf) of the former retail space to a medical office/urgent care facility with ancillary imaging and physical therapy services for Health Quest;

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

- Consent Form signed by representative of Hull Property Group, dated October 8, 2018;
- Site Plan Application signed by James Hull, Hull Property Group, dated October 8, 2018;
- SEQR Short EAF Part 1 prepared by Michael Zolnik, Health Quest dated October 8, 2018;

- Existing Conditions and Removal Plan prepared by Tighe & Bond, PC. dated November 13, 2018;
- Proposed Site Plan prepared by Tighe & Bond, PC. dated November 13, 2018;
- Parking Compliance Plan prepared by Tighe & Bond, PC. dated November 13, 2018;
- Fire Apparatus Turning and Landscaping Plan by Tighe & Bond, PC. dated November 13, 2018;
- Floor Plans Health Quest prepared by e4h – Environments for Health Architecture dated 11/13/18;
- Building Elevations prepared by e4h – Environments for Health Architecture dated 11/13/18; and
- Sign Details prepared by e4h – Environments for Health Architecture dated 11/13/18.
- Consent Form signed by John G. Mulherin (Agent) Kingston Mall, LLC dated October 9, 2018;
- Site Plan Review Application by Robert C. Johnson (Agent) for Hull Property Group dated Oct. 9, 2018;
- SEQRA Short EAF Part 1 by Robert C. Johnson (Agent) for Hull Property Group dated Oct. 9, 2018; and
- Cover Sheet prepared by Hull Property Group dated October 16, 2018;
- Demolition Site Plan prepared by Hull Property Group dated October 16, 2018;
- Site Plan prepared by Hull Property Group dated October 16, 2018; and
- Exterior Wall Elevation and Perspective by Hull Property Group dated October 16, 2018.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Site Plan amendment for this Proposed Action upon a recommendation from the Planning Board; and

WHEREAS, the Proposed Action does not require 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 the Subdivision), upon review of the entire record determined it was a SEQRA Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, the Planning Board determined the 2-lot subdivision would continue to provide sufficient on-site parking for the Hudson Valley Mall and Health Quest lots and not result in any non-conformities and issued a SEQRA Negative Declaration and approved the 2-lot Subdivision following the close of its public hearing on November 13, 2018; 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 Planning Board, as an Interested Agency on the Site Plan, 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 impacts and found the Site Plan should be classified as a SEQRA Type II Action; and

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 classify the Site Plan as a SEQRA Type II Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board recommends the Town Board grant Conditional Site Plan Amendment approval for the Proposed Action on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with final site plan, design plans and all details as cited herein;
4. Applicant provides necessary cross access and common area maintenance agreements in form acceptable to the Town Attorney;
5. The applicant addresses all technical comments by the Town Designated Engineers (TDE) Brinnier & Larios and the Town Planner;
6. 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
7. All fees, including consultant fees, shall be paid.

Aldi's – Site Plan Amendment

Timothy Scheg, APD Engineering & Architecture, PLLC, and Johnathan Eckman, Aldi's, appeared on behalf of the application to construct a two-thousand, three-hundred and thirty-three (2,333) square foot expansion to the rear of the existing Aldi's building. Mr. Scheg explained that the purpose for the expansion is to restructure the back room storage area which would open up the floor plan for the aisle areas. Mr. Scheg also explained that they will need a new pad mount for the new refrigerator/freezer as well as the electricity transformer unit. Aldi's will be adding new energy-efficient lighting and do a remodel of the store's interior.

Mr. Sorensen stated that the Planning Board has the authority to approve this project and that this project is classified a SEQR Type II action. Mr. Sorensen recommends the Planning Board grant site plan amendment approval.

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

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Jonathan Ekman with ALDI Inc., seeking Site Plan Amendment approval to construct a 2,333 square-foot (sf) addition to the existing ALDI Food Market and shopping center, which is situated at 765 East Chester Bypass.; and

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

- Written Narrative by Timothy C. Scheg, PE., with APD Eng. & Architecture dated 10/26/18;
- Consent Form signed by Jonathan Eckman, Director Real Estate, Aldi, dated October 26, 2018;
- Site Plan Application prepared by Jonathan Eckman, dated October 26, 2018;
- SEQR Short Form EAF prepared by Jonathan Eckman, dated October 26, 2018;
- Escrow Agreement signed by Jonathan Eckman, dated October 26, 2018;
- Cover Sheet prepared by APD Engineering & Architecture, PLLC dated 10/26/2018;
- Demolition Plan prepared by APD Engineering & Architecture, PLLC dated 10/26/2018;
- Site Plan prepared by APD Engineering & Architecture, PLLC dated 10/26/2018;
- Detail Sheet prepared by APD Engineering & Architecture, PLLC dated 10/26/2018; and

- Specifications Sheet prepared by APD Engineering & Architecture, PLLC dated 10/26/2018.

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 approved Site Plan involves less than 2,500 SF of new gross floor area; and

WHEREAS, the applicant provided a Site Plan set for the Proposed Action, which were reviewed by the Town's planner with a recommendation to the Town of Ulster Planning Board to accept the Plan Set subject to some minor technical revisions; and

WHEREAS, The Proposed Action did 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 an increase in parking spaces on the site was not required to accommodate the amended Site Plan; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, 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; and

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 ALDI's, Inc. 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 submits a revised plan to address the minor technical comments outlined in the Town Planner's November 10, 2018 Project Review Notes;
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.

Smoothie King – Site Plan Amendment (Façade)

Bob Viani, franchisee, appeared on behalf of the application for the façade change for Smoothie King. Smoothie King had been approved by the Board in August but there was some confusion over the façade as there had been a few changes. Mr. Viani explained that he will now be using a nichiha stone product instead of stucco, which upgrades the look and has a nicer presentation. Mr. Viani stated that he thought he had presented this idea to the Board, but there had been some confusion afterwards. Mr. Viani stated that he got the idea from stores in Albany and Smoothie King is giving him the okay to do it to his store. Mr. Sorensen read the resolution.

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

WHEREAS, the applicant – Kingston SK Cornerstone, LLC – is seeking Site Plan Amendment approval to make changes to the 1,590 square-foot (sf) “Smoothie King” restaurant building façade, which was recently approved by the Town Board; and

WHEREAS, the Town of Ulster Planning Board has the authority to approve the Proposed Action since it only involves changes to the building facade; and

WHEREAS, the materials submitted in support of the Proposed Action included new Building Elevations for Smoothie King and Sign Details by MT Planning, Design, Architecture Sustainability dated July 16, 2018; and

WHEREAS, the Town of Ulster Town Board issued a SEQRA Negative Declaration on the Overall Master Development Plan on March 1, 2012 pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, the Current Proposed Action does not exceed any of the overall thresholds established under the SEQR Negative Declaration thus no further SEQR review is required; and

WHEREAS, the Proposed Action did not require referral to the Ulster County Planning Board (UCPB); 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 Planning Board, as Lead Agency, upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Current Proposed Action did not pose any potentially significant adverse environmental impact.

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;

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan approval to Kingston SK Cornerstone, LLC dba Smoothie King 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. 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
5. All fees, including consultant fees, shall be paid.

Prestige Hyundai – Site Plan Amendment

Rob Dupont, Architect, appeared on behalf of the applicant, Prestige Hyundai, for an application to change their façade and signage. Mr. Dupont stated that the Board sent him to the ZBA to receive sign area variances, which he did receive and is now back before the Planning Board to complete the approval process.

The Board reviewed the County's comments on the project; they required the signage to comply with Town Zoning Codes, dark-sky compliant lighting, abide by the 9W Corridor Enhancement Plan by adding sidewalks, and also to have signage regarding prohibited parking. The Board decided to override all comments except for the requirement to reach out to the NYS DOT regarding prohibited parking signage to be placed along 9W. Mr. Dupont explained that historically the car drop-off is in front of the Toyota building and that there are 'no parking' signs currently there, but the drivers don't listen since it is easier to drop-off on the road than pull into the property. Mr. Dupont stated that the applicant will reach out to DOT regarding the feasibility of getting no parking/standing signs placed in front of the Hyundai building, as well.

Due to the constraints of the property, adding a sidewalk would not work as the business and parking is too close to the road as it is.

Mr. Dupont explained that the project is basically a facelift of the property and they are doing no other work aside from upgrading the look and modernizing the signs.

Mr. Sorensen read the resolution.

Action: A motion to accept the resolution as amended was made by Mr. Allison, with a second from Ms. Almquist; all in favor.

WHEREAS, the applicant – Rob Dupont with the Consent of Jonathan Brauer c/o Brauer Group (Owner) – is seeking Site Plan Amendment approval to allow Prestige Hyundai to replace the Hyundai Dealership signs, remove the cladding materials on the building facade and put a new paint coat over the existing circa 1950's masonry block building located at 768 East Chester Bypass; and

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

- Consent Form signed by Jonathan Brauer c/o the Brauer Group dated July 2, 2018;
- Site Plan Review Application prepared by Robert Dupont, dated June 30, 2018;
- SEQRA Short EAF Part 1 prepared by Robert Dupont, dated June 30, 2018; and
- Proposed Sign & Building Rendering prepared by Robert Dupont, Architect, LLC.

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 applicant proposed signs did not comply with Section 190-33 of the Town Code and this matter was referred to the Zoning Board of Appeals (ZBA) for an area variance; and

WHEREAS, the ZBA referred the Area Variance application to the Ulster County Planning Board pursuant to NYS GML Section 239 l and m; and

WHEREAS, the Ulster County Planning Board issues required modifications as follows:

Required Modifications

If no signage variances for the property exist, all signage should conform to the standards of the statute, particularly with respect to mounting height and square footage. If variances already exist for square footage or height the replacement signs should not exceed the already granted variances. Details regarding the materials used in the pole-mounted/monument style sign should be provided and match the materials utilized in the façade changes.

Required Modifications

All site lighting, as a condition of approval, should be upgraded to full-cutoff, dark sky compliant fixtures with lighting levels that meet the standards of the Town’s zoning statute.

Required Modification

As consistent with the Town’s Route 9W Corridor Enhancement Plan, and with its recent approval of the currently under construction Lia Honda located in the same vicinity as this proposal, a similar treatment and level of detail should be required here as well. Pedestrian access, curbing to define channelized access, and landscaping are all elements that need to be included in similar fashion to that found in the Lia Honda approval.

Required Modification

Signage prohibiting parking, standing, and the unloading of delivery vehicles are to be placed along the frontage, in coordination with NYSDOT. If necessary, to accomplish deliveries and unloading on site and truck turning, templates should be provided to indicate how these vehicle movements will be handled. The removal of parking display spots may be necessary to accommodate these turning movements; and

WHEREAS, the Town of Ulster Zoning Board of Appeals (ZBA), following the close of its public hearing granted an Area Variance for the proposed signs; 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 was an Unlisted Action pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law (since project required area variance for signs).

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 upon review of the Ulster County Planning Board’s required modifications determines to Override the required modification with respect to the area variances for signs, since the ZBA granted the area variance; and the Override required modifications with respect to landscaping and lighting, pedestrian access and curbing; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Site Plan Amendment approval to the Brauer Group (Owner) dba Prestige Hyundai 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 Sign Details, which comply with the area variances granted by the Zoning Board of Appeals;
5. The applicant shall reach out the NYSDOT to assess the feasibility of installing signs prohibiting parking, standing and unloading of delivery vehicles within the NYSDOT right-of-way;
6. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
7. All fees, including consultant fees, shall be paid.

CBR Properties – Lot Line Adjustment

Khattar Elmassalmah, Praetorius & Conrad, appeared on behalf of the applicant, CBR Properties, for a lot line adjustment involving tax map #: 39.12-2-13 & 39.12-2-14. This adjustment creates a 60,000 square foot parcel on lot 14 and will make lot 13 a 3.576 acre lot. Both of these lots are within the R60 zone, and by granting this adjustment, both lots will then be conforming lots. The 60,000 square foot parcel will have an existing house and the other lot will remain vacant; the vacant lot use to have a house on it, but it was worn, so the owner tore it down. Mr. Sorensen recommends approval. Mr. Sorensen read the resolution.

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

WHEREAS, the applicant – CBR Properties, Ltd. – is seeking a Lot Line Adjustment approval involving Town of Ulster Tax Parcels SBL 39.12-2-13&14; and

WHEREAS, the Proposed Action involves the relocation of the boundary line between the two parcels so that no new lot is created. As a result of the Proposed Action, the lot area of SBL 39.12-2-13 would decrease from 4.585 acres to 3.576 acres and the lot area of SBL 39.12-2-14 would increase from 0.369-acres (16,077 sf) to 1.377-acres or 60,000 square feet (sf); 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 Ray Rabenda – CBR Properties, Ltd., dated October 8, 2018;
- Application for Lot Line Adjustment prepared by Praetorius & Conrad PC, dated 10/5/18;
- SEQR Short EAF [Pending]; and
- Sketch Plan by Praetorius & Conrad PC, Professional Eng. & Land Surveying dated 10/5/18.

WHEREAS, the lots would continue to 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 public hearing is not required in accordance with Section 161-11.1 (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 Lot Line Adjustment approval as described above to CBR Properties, Ltd. subject to the conditions, limitations and restrictions set forth below.

1. The applicant provides a Final “Lot Line Adjustment Map” showing the proposed Lot Line Adjustment; and
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.

CBR Properties – Minor Subdivision

Khattar Elmassalmah, Praetorius & Conrad, appeared on behalf of the applicant, CBR Properties, for a minor subdivision located at 132 Potter Hill Road in an R60 Zone. The applicant would like to subdivide an 11.2 acre parcel into one 1.3 acre parcel that will contain a residence and another 9.8 acre parcel that will remain vacant. Mr. Sorensen stated that since both lots meet the minimum lot requirement, the Board can waive the preliminary plat hearing and move to a final plat hearing. Mr. Sorensen recommends that the Board accept the sketch plan, issue a SEQR Negative Declaration and schedule a Public Hearing to be held on December 4th.

Action: A motion to classify this project as a SEQR Negative Declaration was made by Mr. Decker, with a second from Mr. Almquist; all in favor. A motion to accept the sketch plan a waive the need for a preliminary Public Hearing was made by Mr. Almquist, with a second from Mr. Decker; al in favor. A motion to schedule the Final Plat Public Hearing for December 4th was made by Mr. Almquist, with a second from Mr. Allison; all in favor.

Partner Rentals – Site Plan Amendment

Zachary Schrowang, Solar Generation, appeared on behalf of the applicat, Partner Rentals, for a site plan amendment to add ground mounted solar panels to the property. Mr. Schrowang stated that the applicant wanted to add ground and roof mounted solar panels, and that they need site plan approval for the addition of the roof mounted. Mr. Schrowang stated that there will be 45 modules on the ground and that there is no penetration to the ground required to install. Mr. Schrowang also stated that they have enough components specialized to the area for racking.

Mr. Sorensen stated that this project will be classified a SEQR Negative Declaration and recommends conditional site plan approval. Mr. Sorensen read the resolution.

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

WHEREAS, the applicant – Zach Schrowang dba Solar Generation with the consent of Herman del Aguila of Partner’s Rentals – is seeking Site Plan approval to construct, operate and maintain a 13.5 kW ground-mounted solar array on the subject site.; and

WHEREAS, the solar panels are a permitted accessory use to the proposed development, subject to Site Plan amendment approval by the Planning Board; and

WHEREAS, the Town of Ulster Planning Board has the authority to approve the Proposed Action since less than 2,500 SF of new Gross Floor Area (GFA) is proposed; and

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

- Consent Form & Agent Authorization signed by Herman del Aguila, Landowner dated October 4, 2018;
- Application for Site Plan Review and Special Permit by Zach Schrowang dated October 5, 2018;
- SEQRA Short EAF Part 1 prepared by Zach Schrowang with Solar Generation dated October 5, 2018;
- Site Plan for Volvo Rents Site Plan and Details prepared by Brinnier & Larios, P.C., dated Jan. 2000;
- Site Plan for Volvo Rents Site Lighting/Elevations/Details by Brinnier & Larios, P.C., dated Jan. 2000;
- Site Information Aerial View by DBM Solar Design and Consulting, LLC dated 9/20/2018;
- Site Information Site Plan by DBM Solar Design and Consulting, LLC dated 9/20/2018;
- Site Information Electrical Detail by DBM Solar Design and Consulting, LLC dated 9/20/2018; and
- Site Information Electrical Detail by DBM Solar Design and Consulting, LLC dated 9/20/2018.

WHEREAS, the Proposed Action did not require referral to the Ulster County Planning Board (UCPB) pursuant to the Land Use Referral Guide between the Town and County; 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 Planning Board, as Lead Agency (only Involved Agency), upon review of the entire record (including SEQR Short EAF Part 1 & 2) determined the Proposed Action (i.e., installation of ground-mounted solar panels) was an Unlisted Action and found it did not pose any potentially significant adverse environmental impacts.

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 issues SEQR Negative Declaration for the Proposed Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby grants Conditional Site Plan Amendment approval to Partner's Rental – Solar Generation 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. 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
5. All fees, including consultant fees, shall be paid.

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

Respectfully Submitted,
Gabrielle Perea
Planning Secretary