

## TOWN OF ULSTER PLANNING BOARD

September 8, 2020

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday, September 8, 2020, at 7:00 p.m. via the Zoom application. The following members were present:

### Present:

Anna Hayner  
Lawrence Decker  
Andrew Stavropoulos  
David Church – Planner

Frank Almquist – Vice Chairman  
Dan Furman  
Gary Mulligan – Chairman

### Absent:

John More (alt.)

Roll call was taken.

A motion to approve the minutes from the July 2020 meeting was made by Mrs. Hayner, with a second from Mr. Almquist; all in favor. A motion to approve the August 2020 minutes was made by Mr. Almquist, with a second from Mr. Stavropoulos; all in favor.

### OLD BUSINESS

**Target – P-769**  
**1300 Ulster Avenue**  
**SBL : 48.8-1-38**  
**Zone : RC**  
***Site Plan Amendment Extension***

Tim Zhang, Kimley Horn, appeared on behalf of an application to extend a site plan amendment approval for the façade change at Target.

Chairman Mulligan stated that Target received approval for a facade change in 2019. Due to Covid-19, they were unable to start in the allowed time period, so they are requesting a one-year extension.

Mr. Almquist asked when the project would be started and Mr. Zhang stated that they would like to start before summer of 2021, so probably sometime in May of 2021.

**Action:** A motion to reaffirm a SEQR Type II action was made by Mr. Decker, with a second from Mrs. Hayner; all in favor. A motion to approve the one-year extension was made by Mr. Decker, with a second from Mrs. Hayner; all in favor with a roll call vote.

Site Plan Amendment Approval Waiver of twelve (12) months commencement of construction Resolution:

**WHEREAS** the applicant – Kevin Van Hise with the Consent of Robert Johnson (Agent) with Hull Property Group for Kingston Mall, LLC (Owner) - aka Target Department Store – is seeking a waiver of the requirement Town of Ulster code section 145-13 (A) requiring commencement of construction within twelve (12) months of approval; and

**WHEREAS**, the applicant - Target Department Store - was granted by the Town of Ulster Planning Board on September 10, 2019 unanimous Conditional Site Plan Approval Amendment for certain façade and sign improvements defined in a completed application to the Town of Ulster Planning Board; and

**WHEREAS**, due to complications associated with the COVID 19 pandemic the applicant was not able to commence construction within the twelve (12) months from the above reference approval; and,

**WHEREAS**, the Town of Ulster Planning Board retains the authority to approve the Site Plan Amendment in accordance with the Town Code; and

**WHEREAS**, the Town of Ulster Planning Board has authority under Town of Ulster Code 145-14 to waive provisions of site plan approval if circumstances are justified; and,

**WHEREAS**, the application approved on September 10, 2019 included a finding of negative impact under SEQRA, and also did not required referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster; and

**WHEREAS**, the same application approved on September 10, 2019 remains otherwise unchanged with this proposed waiver;

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants a waiver of the condition that construction commence within twelve (12) months of September 10, 2019 and approves a condition that said construction commence within twelve (12) months of September 8, 2020; and,

**BE IT FURTHER RESOLVED** that all conditions, limitations and restrictions set forth in the September 10, 2019 approval by the Town of Ulster Planning Board are still valid and binding including as follows:

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 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
5. All fees, including consultant fees, shall be paid.

**Joseph Emanuele – P-800**  
**2310-2332 Route 9W, 71, 77 & 79 Old Stage Road**  
**SBL: 39.12-1-7.110, 7.120, 24 & 8**  
**Zone: HC & R60**  
***Preliminary Plat Major Subdivision***

Chairman Mulligan stated that Mr. Emanuele had been on last month's agenda, but he has now formally withdrawn his application. The Board had tabled the discussion at last month's meeting, so the Board needs to close the public hearing on the matter.

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

## **DISCUSSION**

### **Adams Fairacre Farms**

Warren Tutt, Building Inspector, was approached by Adam's regarding an awning that would be placed on the portion to the West side of the building and asked the Board if this would need Planning Board review or if it was ministerial in nature. Mr. Tutt explained that the awning would match the existing elevations.

The Board agreed that it would need to be reviewed by the Planning Board for approval as it was changing the footprint of the building.

Mr. Tutt stated that Central Hudson will start site work in the fall so they should make their site plan approval timing.

Mr. Furman asked where King's Valley Diner stood and Mr. Tutt confirmed a permit has been issued for their work.

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

Respectfully Submitted,  
Gabrielle Perea  
Planning Secretary