

ULSTER TOWN BOARD WORKSHOP
DECEMBER 5, 2005 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WADNOLA, CHAIRMAN

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN CRAIG ARTIST
TOWN COUNCILMAN ROBERT VAN KLEECK
TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCIL MEMBER BARBARA WISE
SUPERVISOR FREDERICK J. WADNOLA

COMMUNICATIONS – None

Site Plan Dr. Alan Abolafia: “The Dentist Office” Agent Don Swartz, RA –1733 Ulster Ave.

Mr. Dan Shuster, the Town Planner, stated that this project is at the former Hodge’s Garage property off of Rt. 9W. The proposal is for a 5,000 sq. foot building to be used as a Dentist Office. The Town Planning Board reviewed the project and a couple of modifications were made including a building size reduction. They recommended cross easements for future development along the property lines. The project was referred to the Town Board with a negative declaration.

Councilman Elect David Brink inquired about the Storm Water system. Mr. Shuster stated that water would go to a retention pond, treated and removed off the site.

Cedar Kingston LLC - 1285-1287 & 1307 Ulster Avenue - Hampton Inn

Mr. Dan Shuster, the Town Planner, reported that the proposal has gone through an extensive review. There have been many modifications based on traffic impact, traffic detail, internal circulation of vehicles, surrounding areas’ architecture and engineers’ opinions.

Supervisor Wadnola stated that, at the public hearing, the concern was the drive-thru from the Dunkin Donuts that was a one lane one way. It was changed to a two lane one way that allows people to pass the drive-thru lane.

There were two proposals for the parking lot to the Dunkin Donuts area. One offered angled parking and the other was square parking. The project would lose two spaces with the angle parking. Mr. Wayne Graf stated he favored the straight parking.

Councilman Brink inquired where the trucks would pick up the trash bins and where the loading of goods would be.

Mr. Wayne Graf stated that the trash trucks are very efficient in picking up the trash. They are front loaders and are very agile. The drop off of supplies is usually at off hours and is in front of the store.

Councilman Brink inquired on how oversized vehicles would be handled.

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Mr. Wayne Graf stated that it was unusual for this development, but they would have to park sideways. There is extra parking space.

Extension of settlement with Savanna Partners

Mr. James Maloney, the Town Assessor, explained that Savana Partners has a five year tax pilot program for IBM Buildings #962 & #963, the former Edgewater Buildings. They were purchased from Met-Life, where all pending legal action was dropped with all parties entering into this agreement. The pilot ends this December 31, 2005. The program works based on adjusting the assessment values according to the tenants gained. They are requesting a three year extension with some minor terms that still need to be addressed. They have lived up to their commitments. They are actively looking for tenants and he recommended renewing the program.

Supervisor Wadnola read and motioned the following resolution:

Town of Ulster Water Department - Adopt Water Code for East Kingston Water District

Whereas, the Ulster Town Board is empowered by New York State Town Law §198 3-c, to establish ordinances, rules and regulations for the operation of the water district and the use of water therein, and in addition to the remedies provided in for the enforcement thereof or for the punishment of violators; and

Whereas, the Ulster Town Board wants to promote the health, safety and the general welfare of the inhabitants of the East Kingston Water District;

Now, therefore, be it resolved that Ulster Town Board adopts Town Code Chapter 177 Water with all its terms and provisions as the Water Code for the East Kingston Water District

2nd by Councilman Brink
All Ayes

Supervisor Wadnola read and motioned the following resolution:

Town of Ulster Water Department - To Establish a Water Rate for East Kingston

Whereas, the Ulster Town Board is empowered by New York State Town Law §198 3-d, to establish, from time to time, the water rates to be paid by consumers; and

Whereas, the water rates collected, shall be applied toward the maintenance, operation, enlargement and improvement of the water system and for the payment of the principal and interest of bonds issued for the purposes of such district;

Now, therefore be it resolved, that the Ulster Town Board hereby adopts the following Water Rate to be added to Chapter 194 Section K of the Town Code and to be effective immediately after adoption;

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East Kingston Water District, water rates: Minimum charge \$13.50 for the first 5,000 gal. Over 5,000 gal., or portion, thereof \$2.70 per thousand.

2nd by Councilman Van Kleeck

A Roll Call Vote was taken - All Ayes

Councilman Van Kleeck thanked all the parties involved in getting this water district established. He thanked the City of Kingston and Mayor James Sottile.

Supervisor Wadnola read and motioned the following:

Resolution to award the 2006 Fleet Maintenance Contract

Whereas, the Ulster Town Board is empowered by New York State Town Law, Section §64-3, to manage custody and control of all town properties, to keep them in good repair and insured against loss or damage; and

Whereas, the Ulster Police Fleet is in need of constant maintenance and repair due to daily work use; and

Whereas, a professional service is required to perform such duties;

Whereas, a bid request process has been finalized,

Now be it resolved that the Ulster Town Board awards the Town of Ulster 2006 Police Maintenance Contract to the low bidder, D&D Automotive at an hourly rate of \$60.00.

2nd by Council Member Wise

A Roll Call Vote was taken - All Ayes

Supervisor Wadnola read and motioned the following:

LOCAL LAW NO. 4 OF 2005 OF THE TOWN OF ULSTER, NEW YORK AMENDING THE EMPIRE ZONE LEGISLATION

WHEREAS, by Local Law No. 2 of 1994 of the Town of Ulster and by Resolution #71 of 1994, the County of Ulster authorized the City of Kingston and the Town of Ulster to prepare and submit the joint application for designation of the Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board on July 27, 1994.

WHEREAS, the New York State Legislature and the Governor have enacted into law changes to the Empire Zones program, whereby each existing Empire Zone must configure its existing zone acreage into six “distinct and contiguous” areas with a seventh depending upon need;

WHEREAS, pursuant to Sections 961 and 957(d) of the General Municipal Law, as amended, the City of Kingston and the Town of Ulster are submitting a joint application for

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redesignation of the existing Empire Zone into six “distinct and contiguous areas” with a seventh depending upon need, including a description of the areas identified for such redesignation, to the New York State Commissioner of Economic Development for ultimate approval by the Empire Zones Designation Board; and

WHEREAS, such redesignation could greatly benefit the County of Ulster in that new businesses would be encouraged to locate in the zone area, existing businesses would be encouraged to expand in the zone area, and new and expanded businesses would generate new jobs for County residents; and

WHEREAS, a draft of the amended Zone Development Plan is hereby authorized to be submitted along with the redesignation application to the New York State Commissioner of Economic Development;

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF ULSTER, as follows:

Section 1. The Town of Ulster hereby jointly submits an application for redesignation of certain areas within Ulster County as an Empire Zone; provided, however, that such authorization and empowerment shall be conditioned upon the concurrence, through properly adopted resolution(s) with respect to such application of the governing bodies of any and all cities, towns and villages in which such zone is located.

Section 2. The boundaries of said areas to be included in said Empire Zone shall be as set forth in Schedule A, which is attached hereto and made a part hereof.

Section 3. Pursuant to requirements of Section 963(a) of the General Municipal Law, City of Kingston Comptroller shall continue to serve as the Local Empire Zone Certification Officer of Kingston/Ulster Empire Zone, and shall, pursuant to the regulations promulgated pursuant to Article 18-B of the General Municipal Law, perform the following duty, to wit: certify, jointly with the New York State Commissioner of Economic Development and the New York State Commissioner of Labor, those business enterprises that are eligible to receive those benefits referred to in Section 966 of the General Municipal Law, and any other applicable statutes.

Section 4. Pursuant to Article 18-B of the General Municipal Law, the Local Empire Zone Administrative Board as presently constituted is hereby continued. The Local Empire Zone Administrative Board, pursuant to Section 963(a) of the General Municipal Law, as amended, shall approve for certification by the Zone Certification Officer, the New York State Commissioner of Economic Development, and the New York State Commissioner of Labor, the applications of those businesses eligible for certification to receive the benefits referred to in Section 966 of the General Municipal Law, and shall perform all other duties required of it pursuant to Section 963(b) of the General Municipal Law,

Section 5. This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

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2nd by Councilman Brink

A Roll Call Vote was taken - All Ayes

Councilman Artist stated that he changed his vote from the last meeting as he became more educated on the subject.

Cedar Kingston 4 LLC -Negative Declaration

Supervisor Wadnola motioned to accept and set a negative declaration for Cedar Kingston 4 LLC project located at parcel lot # 48.7-1-18, 48.7-1-19 & 48.7-1-20, located on 1285-1287 & 1307 Ulster Avenue in an RC Zone

2nd by Councilman Van Kleeck

A Roll Call Vote was taken - All Ayes

Supervisor Wadnola read and motioned the following:

RESOLUTION OF APPROVAL - Cedar Kingston 4 LLC

WHEREAS, the Town Board has prior hereto adopted a negative declaration dated December 5, 2005 which together with its finding is incorporated herein by reference; and

WHEREAS, the Planning Board has recommended this project for site plan approval and the Board has fully considered the public comments, the planners and engineer's reports and recommendations, the requirements of the Department of Transportation, the recommendation of the Town and County Planning Board and the presentations of the Applicant, its engineers, architects and attorneys; and

WHEREAS, the Town Board has determined to approve the Special Use Permit and Site Plan as presented to the Board with the Applicant's modifications and that a copy of this Resolution should be forwarded to the County Planning Board within thirty (30) days pursuant to General Municipal Law Section 239-m.

NOW THEREFORE, the Site Plan is granted final approval and Special Use Permit is granted. The following findings and conclusions are made in addition to the findings in the attached, incorporated negative SEQRA Declaration and the conditions and requirements hereto. The Applicant has complied with all Town statutory requirements and requests of the Town Planning Board, DOT and Town agencies and has accommodated all the County's requested modifications to the extent practical. The County's Planning Board suggested certain required modifications. In addition to its findings in its SEQRA Resolution, the Board makes the following specific findings in support of its resolutions of approval and response to the County's recommended modifications.

Vehicle Access. The Dunkin Donuts building has been reduced in size, the transformer relocated, the driving aisle between traffic spaces increased to thirty four (34) feet, and a twenty two (22) foot wide, two lane, one-way drive through and exit lane created to minimize parking/drive through or intersection conflicts. Three (3) cross easement sites have been created on this portion of the site subject to consent and incorporation when the adjoining lands are developed. Removing the only structures from this area could amount to a taking by rendering the lands of Farlazzo and DiDonna valueless except as an intersection for possible future development. Nor is it practical to require a central road to John Clark Drive since none of the

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involved properties adjoin that road and adjoining owners are not even willing at this time to grant cross easements. The Applicant has submitted supplemental traffic studies resolving the concerns of queuing and has indicated compliance with the requirements of the NYS DOT for approval of a modified intersection design and Route 9W access. The Board is satisfied with Applicant's further changes to the parking layouts and landscaped islands and the Applicant's internal traffic directions and cross easements.

Pedestrian Access. Signalized Details and Architectural Elevations. The recommendations of the County Planning Board have been accommodated by the Applicant as set forth in modifications to the plans and materials presented to and filed with the Board.

Landscaping. The Board has accepted the landscaping improvements including streetscape landscaping, additional trees, foundation plantings around the hotel, increased landscaping on expanded islands at the corners of the other buildings along Route 9W and adjacent to the southerly owner. Berms have not been required elsewhere on Route 9W and were not deemed necessary to break up the varying scale of the buildings.

Other. The foregoing findings and attached negative declaration set forth the basis for the Board's determination to the extent that the application as approved varies from the County Recommendations. The Town in particular, forwarded the traffic and other information available at the time of the initial and supplemental referral to the County. The Town, its engineers and planners and the Department of Transportation have focused on the internal and external traffic flow affecting this property and have determined that this is an appropriate proposal based upon the consideration of all factors. These include this Applicant's and the proposed users' ability to comply with those recommendations, the project's compatibility with surrounding uses, the several areas in which this plan substantially exceeds minimum municipal requirements, and the integration of these separately owned parcels into an improved and synchronized intersection along Route 9W.

These Approvals are subject to the following conditions:

- (a) Final curb cut approvals by the NYS DOT;
- (b) Final technical approval of drainage, water and sewer plans by the Town Engineer;
- (c) Final technical approval of water and sewer hookups by the County Health Department;
- (d) Final subdivision approval by the Town Planning Board;
- (e) Filing or recording of the cross easement agreements;
- (f) Resolution of any sums due or refunds of balance remaining

2nd by Councilman Van Kleeck
A Roll Call Vote was taken – All Ayes

Councilman Brink motioned to enter into executive session at 8:25 PM to discuss labor negotiations

2nd by Council Member Wise
All Ayes

Councilman Van Kleeck motioned to exit executive session at 9:05 PM

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2nd by Councilman Artist
All Ayes

Council Member Wise motioned to adjourn the meeting at 9:10 PM
2nd by Councilman Artist
All Ayes

Respectfully Submitted by
Jason Cosenza, RMC
Ulster Town Clerk