

ULSTER TOWN BOARD WORKSHOP  
December 4, 2006 AT 8:00 PM

**CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN**

**SALUTE TO THE FLAG**

**ROLL CALL BY CLERK**

TOWN COUNCILMAN CRAIG ARTIST  
TOWN COUNCILMAN DAVID BRINK  
TOWN COUNCILMAN JOEL B. BRINK  
TOWN COUNCILMAN ROCCO SECRETO  
SUPERVISOR NICKY B. WOERNER

Mrs. Hilary Smith, the Town Planner, reviewed aspects of the Chambers Housing project where questions were raised at the November 20, 2006 meeting. She stated that there is no sub-division proposed so no sub-division design standards will take effect. The property is in an R-10 district and is served by municipal water and sewer. Based on the existing and proposed development, approximately 11.44 single-family dwelling equivalencies are proposed over the permitted number of market rate units allowed. Pursuant to §190-25 F (1), the Town Board may approve a greater density where the additional units are for low-to-moderate income housing purposes.

There were a large number of people who expressed they are in favor of the proposed senior housing project and the need for healthy, clean, safe, and affordable housing in the area. There were also residents from the impacted area who expressed opposition to the project, not due to senior housing, but due to it exceeding the permitted usage allowed. They expressed concerns about the project being out of character for the area and being too dense for the location.

**Upcoming Appointed Board Positions.**

Supervisor Woerner announced that there are positions that will be available in 2007 for appointment for the Town Planning Board, Town Zoning Board and the Town Comprehensive Committee. Any person interested should send a letter of interest to his office by December 20, 2006.

Supervisor Woerner motioned to set a public hearing for revision of the Town Fee schedule for December 18, 2006 at 7:30 PM  
2<sup>nd</sup> by Councilman Joel B. Brink  
All Ayes

Supervisor Woerner excused himself as Chairman in proceedings concerning the Birchez Associates project and motioned to appoint Councilman Joel B. Brink as chair at 9:08 PM.  
2<sup>nd</sup> by Councilman Secreto  
All Ayes

**Issuance of Final Site Plan Approval for the Birches at Chambers**

Councilman Secreto motioned to approve the following:

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**BIRCHES AT CHAMBERS II, Senior Citizens Housing Complex  
(Section 48.49, Block 1, Lot 20.110)**

**ISSUANCE OF SPECIAL PERMIT AND SITE PLAN APPROVAL**

**WHEREAS**, the Town of Ulster has received an application for Site Plan and Special Permit Application (P-346) from Birchez Associates, LLC, pertaining to the expansion of an existing low to moderate income senior citizen residential development; and

**WHEREAS**, the subject property consists of approximately 11.43 acres (currently 411 Chambers Court), located within an R-10 Residential Zoning District and designated on the Tax Maps of the Town of Ulster, as Section 48.49, Block 1, Lot 20.110; and

**WHEREAS**, a portion of the subject property is developed with existing cottage-style dwelling units and related infrastructure and amenities (Chambers I); and

**WHEREAS**, the remaining undeveloped portion of the site is proposed to be developed with Chambers II, consisting of 67 new units of low to moderate income housing senior housing in a 2-story apartment building-style structure, along with the addition of new/expanded utilities, landscaping and parking areas; and

**WHEREAS**, the proposed action is consistent with the density requirements permitted for low to moderate income senior housing as set forth in the Town of Ulster Zoning Code, §190-25I and §190-25F(1), specifically:

- < The subject property is in an R-10 district and is served by public water and sewer, therefore the maximum number of market rate units (single-family dwelling equivalencies) determined by dividing the site area by 10,000, is 49.56;
- < Based on the existing and proposed development, approximately 11.44 single-family dwelling equivalencies more than the permitted number of market rate units is proposed;
- < Pursuant to §190-25.F.(1), the Town Board may approve a greater density where the additional units are for low-to moderate income housing purposes;
- < All of the units proposed (and all of the existing units) are intended for this under served population; and

**WHEREAS**, materials submitted in support of the proposed action include:

- < Application for Site Plan / Special Permit;
- < Letter to the Planning Board from Nadine Feiden Shadlock, Esq., July 6, 2006;
- < Part 1 Full Environmental Assessment Form;
- < Copy of Letter to the Applicant from Ruth L. Pierpont, NYSOPRHP, May 25, 2006;
- < Letter to Planning Consultant, from Robert Kurzon, AIA, Kurzon Architects, with attached Use Narrative, July 18, 2006;
- < Letter from Robert Kurzon, AIA, Kurzon Architects to Chief Molinaro, July 17, 2006;
- < Letter from Robert Kurzon, AIA, Kurzon Architects to Chief Molinaro, August 29, 2006;
- < Use Narrative (email), Robert Kurzon, AIA, Kurzon Architects, September 8, 2006;
- < Site Engineering Report, Kurzon Architects, July 26, 2006, revised to August 29, 2006;
- < Stormwater Pollution Prevention Plan, Delaware Engineering, P.C., October 2006;
- < Color Architectural Renderings;
- < Proposed Site Plan, SD-1, Kurzon Architects, February 13, 2006, revised to November 30, 2006;
- < Landscaping and Lighting Plan, SD-2, Kurzon Architects, June 30, 2006, revised to November 15, 2006;

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- < Site Grading Plan, SD-3, Kurzon Architects, June 30, 2006, revised to November 15, 2006;
- < Site Utilities Plan, SD-4, Kurzon Architects, July 12, 2006, revised to November 15, 2006;
- < Site Details, SD-5, Kurzon Architects, July 25, 2006, revised to November 15, 2006;
- < Sanitary Sewer Profile, SD6, Kurzon Architects, dated November 15, 2006; and

**WHEREAS**, the proposed action is an Unlisted Action pursuant to SEQRA 6 NYCRR Part 617 for which a Negative Declaration was issued by the Town Board on November 20, 2006, and was not subject to a coordinated environmental review; and

**WHEREAS**, the application was referred to the Ulster County Planning Board pursuant to General Municipal Law §239, l, m and n; and

**WHEREAS**, required modifications were included in the Ulster County Planning Board's Referral Response (#2006181) dated October 4, 2006; and

**WHEREAS**, by letter dated November 2, 2006, the Town of Ulster Planning Board issued its Report and Recommendation to the Town Board pursuant to Chapter 145 of the Code of the Town of Ulster; and

**WHEREAS**, after duly published notice the Town Board held a public hearing regarding the proposed action; and

**WHEREAS**, the Town of Ulster Town Board hereby overrides the recommended modifications of the Ulster County Planning Board for the following reasons:

- < Architectural Elevations and Context: This Board and the Planning Board are satisfied with the architectural drawings submitted. It is noted that the applicant will be required to indicate landscaping on the plans, to the satisfaction of the Town and the Kingston Consolidated School District;
- < Fire Safety: The fire department has reviewed the plans and at a workshop meeting of the Town Planning Board, Chief Edward Molinaro (Ulster House #5) and David Allen, Fire Inspector, advised that the access is acceptable. Emergency exits will be shown on the plans.
- < Pedestrian Access: It is the opinion of this Board and the Planning Board that pedestrian walkways are not necessary between the school and the subject property, as the senior citizen housing units will not generate pedestrian traffic to the school. The existing easement will be required to be maintained.
- < Public Transit: The applicant has demonstrated that there is a bus stop located at the site, and is currently working with the Ulster County Area Transit to coordinate transportation at the site.
- < Density: The Ulster County Planning Board apparently based its recommendation on the original plan, which involved a subdivision action that has since been withdrawn. The combined usage of Chambers I and Chambers II fall with the permitted density requirements of the Town Code. The total approximately 11 acre parcel now contains 60 one-bedroom apartments and 12 two-bedroom apartments (total of 72 apartments in Chambers I), and 52 one-bedroom and 15 two-bedroom apartments, resulting in a total site development of 139 apartments which is equivalent to 61 dwelling units under the

Town of Ulster Code.

**WHEREAS**, the Town Board has considered the application materials submitted by the applicant in support of the proposed action, has considered the comments of the Board's consultants made via memoranda (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings;

**SPECIAL PERMIT and SITE DEVELOPMENT PLAN APPROVAL**

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Ulster hereby grants Special Permit Approval and Site Development Plan Approval to Birchez Associates for Chambers II, consisting of the addition of 67 units of low to moderate senior citizen housing (52 one-bedroom units and 15 two-bedroom units) to the existing low to moderate income senior citizen residential development known as Chambers I, subject to the following conditions:

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**PRIOR TO ENDORSEMENT OF FINAL PLANS**

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*The following conditions shall be completed by the applicant prior to endorsement of the plan as final:*

1. Approval from the Ulster County Health Department shall be obtained, copies thereof provided to the Town Board and Building Inspector, and any changes to the plans as a result shall be detailed and submitted to the Town Board and/or Planning Board for its review and approval.
2. All requirements of the Town Engineer and Sewer and Water Departments regarding drainage, sewer and water improvements shall be satisfactorily addressed.
3. Within six (6) months of the date of this Resolution of Approval, the applicant shall furnish two (2) originals of the Special Permit Site Plans for final review by the Planning Consultant and endorsement by a Town Board and Planning Board Member as the final Special Permit Site Plans. This Resolution authorizes only the activities approved herein and as delineated on the signed and filed final Special Permit Site Plans. Any alterations or modifications to the approved plans shall require prior review and approval.
4. The applicant shall finalize the Site Plans for final review as follows:
  - a. Clearly show and label fire exits.
  - b. Note the existing easement between Chambers Elementary School and the subject property is to remain.
  - c. Include reference to the existing approvals pertaining to Chambers I and note that the current approvals do not replace or supercede any conditions related thereto.
  - d. Landscaping or other screening/separation measures shall be shown to the satisfaction of the Kingston Consolidated School District.

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- e. Provide all plans in a bound and coordinated set, with a common title block and revision date, as well as original signatures of preparer and owner as appropriate.
5. The applicant shall pay to the Town of Ulster all outstanding professional review fees
6. An Inspection and Engineering fees in an amount determined by the Building Inspector shall be paid.
7. Upon determination that the final Plans are acceptable for endorsement, five (5) copies of said plans shall be provided for subsequent endorsement as *final*. One set will be returned to the applicant; the remaining sets will be distributed and retained in accordance with Code Chapter 145 of the Town of Ulster.
8. Upon submission of copies of revised *final* Site Plans evidencing the applicant's compliance with the conditions of this Resolution of Approval, including confirmation of plan revisions by the Town Consulting Planner and Town Engineer, the members of the Town Board and Planning Board shall be authorized to endorse the revised Site Plans as *final*. ***No Building Permit shall be granted by the Building Inspector until the required final signed print sets are provided to the Town.***

**BE IT FURTHER RESOLVED**, that this Resolution of Approval is not intended to replace any existing approvals pertaining to Chambers I and all related conditions pertaining thereto will continue to remain in full force and effect; and

**BE IT FURTHER RESOLVED**, that all development of the site shall comply with the approved, filed site plan and construction plans and all applicable local laws, regulations and ordinances of the Town of Ulster and any conditions attached to permits issued thereunder; and

**BE IT FURTHER RESOLVED**, that this Approval shall be deemed to authorize only the particular site use and improvements specified herein, and shall be null and void without further written notice, if revised Site Plans are not signed as *final* within six (6) months as required above, or a Building Permit is not obtained and work initiated pursuant thereto within one (1) year, or if the approved improvements are not completed and a Certificate of Occupancy is not obtained within three (3) years from the date of this Resolution, or if the construction or use shall cease for more than one (1) year for any reason, or if the approved improvements are not maintained and all conditions and standards complied with; and

**BE IT FURTHER RESOLVED**, that the time frames set forth in this Resolution of Approval may only be amended or extended by the Town Board. Any request for extension of the approvals granted herein shall be made in writing a minimum of forty-five (45) days prior to the expiration date as stipulated in this Resolution of Approval, and shall state the circumstances for the requested extension.

2<sup>nd</sup> by Councilman David Brink

A Roll Call Vote was taken – 4 Ayes – Supervisor Woerner abstained due to his relationship with the developer.

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Supervisor Woerner assumed the chair at 9:23 PM

Supervisor Woerner recessed the meeting at 9:30 PM

The meeting was resumed at 9:32 PM

**Awarding Contract TU-053 (Furnishing Dogwood Street Prefabricated Pump Station for the Ulster Water District) to ITT Flowtronex in the amount of \$ 172,992.00, Contract TU-052E (Site Preparation for Dogwood Street Prefabricated Pump Station for the Ulster Water District) to Hudson Valley E.C. & M., Inc. in the amount of \$ 9,022.00, and Awarding Contract TU-052G (Site Preparation for Dogwood Street Prefabricated Pump Station for the Ulster Water District) to Leo Boice & Sons, Inc. in the amount of \$25,569.00.**

Councilman Joel Brink motioned to approve the following resolution:

Whereas, the Ulster Water District is purchasing water from the City of Kingston Water Department pursuant to an agreement dated July 20, 2004, and

Whereas, the installation of a pump station and meter system is required in order to reliably and properly deliver the water supply to the Ulster Water District distribution system, and

Whereas, plans and specifications for this project have been prepared by Brinnier and Larios, P.C., engineers for the Ulster Water District, and

Whereas, the plans and specifications have been approved by the Ulster County Department of Health, and

Whereas, public bidding was previously authorized by the Town Board for Contract TU052, "Site Preparation for Dogwood Street Prefabricated Pump Station for the Ulster Water District" and Contract TU-053, "Furnishing Dogwood Street Prefabricated Pump Station for the Ulster Water District" and

Whereas, bids were received on Wednesday November 29, 2006, and the engineer has made recommendations of award, dated December 1, 2006.

Therefore be it resolved that the Town Board hereby authorizes award of the contracts to the lowest qualified bidders, as follows:

TU-052 General Construction to: Leo Boice & Sons, Inc. of Kingston, NY in the amount of \$25,569.00.

TU-052 Electrical Construction to: Hudson Valley E C &M, Inc. of Milton, NY in the amount of \$ 9,022.00.

TU-053 Furnishing Prefabricated Pumping Station to: ITT Flowtronex of Dallas, Texas in the amount of \$ 172,992.00.

2<sup>nd</sup> by Councilman Secretò

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A Roll Call Vote was taken – All Ayes

Councilman Woerner motioned to adjourn the meeting at 9:35 PM in memory of State Supreme Court Justice Vincent Bradley  
2<sup>nd</sup> by Councilman Secreto  
All Ayes

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk