ULSTER TOWN BOARD WORKSHOP
FEBRUARY 5, 2007 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN

SALUTE TO THE FLAG

ROLL CALL BY CLERK
TOWN COUNCILMAN CRAIG ARTIST - absent
TOWN COUNCILMAN DAVID BRINK
TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR NICKY B. WOERNER

Supervisor Woerner recognized Frederick Wadnola, a former Town Supervisor and Larry Decker, a former Town Councilman from the audience.

COMMUNICATIONS
Girl Scout Troop 158 – Marissa Barbarito – asked permission to fix and photograph the Eddyville Cemetery as part of her Silver Award for Girl Scouts.

Supervisor Woerner motioned to grant permission to Marissa Barbarito in Troop 158, to fix up the Eddyville Cemetery as part of her Silver Award.
2nd by Councilman Joel B. Brink
Four Ayes – Councilman Artist was absent

There was a brief discussion among the audience members about the term of office for elected officials.

Increasing office for the Town Clerk, Superintendent of Highways and Town Supervisor from two to four years effective January 1, 2008.

Supervisor Woerner recommended a four year term for continuity purposes.

Councilman Secreto is in favor of a four year term for the Supervisor so that he can spend more time in the office (than campaigning).

Councilman David Brink is in favor of four year term for all the offices.

Councilman Joel B. Brink inquired when the term change would take effect. It would be effective for terms that start January 1, 2008.

Supervisor Woerner reported that public hearing will have to be held for the term of office and it will be placed on the ballot for the public to vote on. A public hearing will be on the next meeting agenda.

Town Clerk Cosenza has no objection with the service orientated positions for Town Highway Superintendent, Tax Collector and Town Clerk being four years but has reservations about the Town Supervisor position, due to it political nature.

Highway Superintendent Tinnie has no problem with it going to a public referendum.

Vacancies in the Town Court.

Councilman Joel B. Brink reported that there are some court clerk vacancies that needed to be filled. There are two temporary part-time court clerk positions and one permanent, civil service competitive position. A list of candidates to interview will soon be available from the civil service commission. The Town Justices and the Personnel Committee will interview the people and a determination will be made with the primary input coming from the Town Justices. Filling the permanent position will take some time, about two to three weeks.

Association of Town's Conference in New York City February 18-21.

Councilman Secreto motioned to appoint Supervisor Woerner as the delegate to the Association of Town's Conference
2nd by Councilman Joel B. Brink
Four Ayes – Councilman Artist was absent

Supervisor Woerner motioned to appoint James Maloney as the alternate delegate.
2nd by Councilman Joel B. Brink
Four Ayes – Councilman Artist was absent

Supervisor Woerner announced that the next Town Board meeting will be held February 21, 2007 at 7 PM. The Police Commission meeting will be held at 5 PM on the same date.

Establishment of the Town of Ulster Softball League.

Councilman Secreto reported that the Town of Ulster is widening its recreation plan. The recreation commission voted to take over the Town of Ulster Softball League. He felt that the Town should be running it. Fritz Genther was appointed as the Softball Director, as a volunteer with no pay. All moneys collected from that league will go back into the league.

Supervisor Woerner motioned to establish a Town of Ulster Softball League Reserve Fund, where the Town Supervisor will be custodian and check signer.
2nd by Councilman Secreto
A Roll Call Vote was Taken - Four Ayes – Councilman Artist was absent.

The Town of Ulster Summer Camp Program

Councilman Secreto reported that the summer camp program will be extended from 6 weeks to 8 or 9 weeks. There will be a new camp director that will be hired and an increased registration fee. The Recreation Board will get together to discuss the price.

The appointment of an additional Part-Time Court Officer, Jerrold J. Brainard Jr.

Supervisor Woerner motioned to appoint Jerrold J. Brainard Jr. as a part-time court officer at a rate of $15.00 an hour. This is due to the need for increased security purposes, as recommended

by State Court Administration. All the court officers have been certified in the use of firearms. Effective start date would be February 13, 2007.
A Roll Call Vote was Taken - Four Ayes – Councilman Artist was absent.
It was further reported there is a need for three court officers to run security.

The reappointment of the Town of Ulster Assessor, James Maloney.
Supervisor Woerner motioned to appoint James Maloney Town Assessor for a six-year term effective September 30, 2007
2nd by Councilman Joel B. Brink
A brief discussion followed with the Town Board offering kudos for Mr. Maloney's good work ethic.
A Roll Call Vote was Taken - Four Ayes – Councilman Artist was absent.

The appointment of the Interim Director of Recreation to Director of Recreation, Edward "Doc" Norton.
Supervisor Woerner motioned to appoint Edward "Doc" Norton as the Director of Recreation pursuant to his passing the civil service exam
2nd by Councilman Secreto
Councilman Secreto felt Mr. Norton would be an excellent recreation director.
Councilman Joel B. Brink pointed out that the position is non-competitive.
Supervisor Woerner stated that he is confident in Mr. Norton's leadership ability to handle and improve the recreation department for the residents.
A Roll Call Vote was Taken - Four Ayes – Councilman Artist was absent.

Revising the November 20, 2006 Resolution approving of the Site Plan for Quick Chek located at Rte. 9W

Supervisor Woerner motioned to approve the following revised resolution:
SITE DEVELOPMENT PLAN APPROVAL
NOVEMBER 20, 2006 REVISED FEBRUARY 5, 2007

WHEREAS, the Town of Ulster has received an application for Site Plan Approval (#339-1) from Quick Chek Corporation for the development of approximately 7.5 acres; and

WHEREAS, the subject property is located on the easterly side of NYS Route 9W, as designated on the Tax Map of the Town of Ulster as Map Section 39,082, Block 2, Lot 3,1 and Lot 4, within an RC Regional Commercial Zoning District; and

WHEREAS, on October 19, 2006, Final Subdivision Plat Approval was granted by the Town of Ulster Planning Board which reconfigures the existing two tax parcels to create three new building lots:

Proposed lot 3.2, consisting of approximately 3,729 acres;
Proposed lot 3.3, consisting of approximately 0.838 acres;
Proposed lot 3.4, consisting of approximately 2.762 acres; and

WHEREAS, on January 18, 2007, an amended resolution granting Final Subdivision Plat Approval was approved by the Town of Ulster Planning Board to reflect an additional right-of-

way dedication to be required of the applicant by NYSDOT, not to exceed 5 feet in excess of the 10 foot dedication initially contemplated; and

WHEREAS, the Town Board acknowledges that the lot areas described above will necessarily be reduced as a result of such additional right-of-way dedication, but will still comply with all applicable zoning requirements; and

WHEREAS, the proposed site development plan action includes the demolition of an existing former single-family residence and related improvements, and subsequent development of the three new lots as follows:

Lot 3.2 is proposed to be developed with a retail facility consisting of approximately 9,000 SF and approximately 52 parking spaces;

Lot 3.3 is proposed to be developed with a bank facility consisting of approximately 4,526 SF and approximately 22 parking spaces; and

Lot 3.4 is proposed to be developed with a "Quick Chek" retail and gas facility, comprised of an approximately 7,254 SF convenience-type store, an approximately 1,184 SF separate car wash building, a related gas station providing eight fueling islands, two diesel pumps, and approximately 50 parking spaces; and

WHEREAS, the applicant intends to develop the project in phases, with Lot 3.4 to be developed initially with the Quick Chek facility, and Lots 3.3 and 3.2 to be developed subsequently with bank and retail facilities, respectively; and

WHEREAS, the Town of Ulster Town Board recently accepted an Environmental Impact Statement pertaining to potential future by-pass road improvements in the vicinity of the subject property, which plans potentially include the development of a new by-pass road connecting from NYS Route 199 south of the subject property to NYS Route 9W; and

WHEREAS, some of the proposed improvements associated with the Quick Chek facility will be located in the southerly portion of the subject property, which location has been identified as the anticipated terminus of the by-pass road, as it would form an intersection with NYS Route 9W opposite of Grant Avenue; and

WHEREAS, the applicant is aware of the potential for the future by-pass road to be constructed over portions of the subject property and has offered to deed over that portion of land designated "Potential Future Roadway" on the Site Plan dated February 28, 2006, revised October 4, 2006, for establishment of street right-of-way purposes at such time as the road project is implemented; and

WHEREAS, the applicant is further aware that existing aspects of the developed site within the area designated "Potential Future Roadway" on the Site Plan dated February 28, 2006, revised October 4, 2006, which may be affected by the proposed new road will be removed accordingly; and

WHEREAS, the applicant has also indicated a willingness to grant an easement at no cost to the adjacent "Vision Works" site immediately adjacent to the south at such time as is desired by that property owner or at the request of the Town, and subject to negotiation of mutually agreeable terms and conditions concerning the nature, installation, funding and maintenance of improvements, the responsibility for filing fees, legal expenses and other costs, and such other matters as the parties deem appropriate; and

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

Site Plan Application;
Copies of Deeds, etc;

Site Photos;
Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione. March 1, 2006:
Letter the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione. April 26, 2006;
Letter to the Planning Board from Bohler Engineering P.C., April 26, 2006;
Submittal Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, July 5, 2006;
Response Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, July 5, 2006;
Submittal Letter to the Planning Board from Howard D. Gencslaw, Gibbons. Del Dec, Dolan, Griffinger & Vecchione, September 7. 2006;
Response Letter from Paul Going, P.E. and Alicia Costa, Atlantic Traffic & Design Engineers with attachments, October 4, 2006;
Submittal and Response Letter from Tung-To Lam and Jeffery A. Mancil, Bohler Engineering. P.C. October 4, 2006;
Proposed Scope of Traffic Analysis, Atlantic Traffic & Design Engineers, Inc., May 25, 2006;
Traffic Impact Analysis, Raymond J. Dipasquale P.E. and Paul Going, P.E., Atlantic Traffic & Design Engineers Inc., dated September 7, 2006:
Stormwater Management Report, Robert L. Streker, P .E. Bohler Engineering. P.C.. January 2006, revised to October 2006:
Part 1 Environmental Assessment Form, Jeffrey Martell, Design Engineer, January 13, 2006 revised to August 11, 2006;
Project Description;
Table of Deviations from Zoning Local Law;
Proposed Floor Plan, A1. Sheet 1 of 4, Gary Kliesch, RA. GK+A Architects, January 12, 2006, revised to July 5, 2006.
Proposed Elevations. A2, Sheet 2 of 4., Gary Kliesch, RA. GK+A Architects. January 12, 2006, revised to July 5, 2006;
Proposed Elevations, A3, Sheet 3 of 4, Gary Kliesch, RA. GK+A Architects. January 12, 2006 revised to July 5, 2006;
Gas Canopy Elevations, Etc, A4. Sheet 4 of 4, Gary Kliesch, RA. GK+A Architects January 12, 2006, revised to July 5, 2006;
Cover Sheet. Sheet 1 of 21, R.L. Streker PE, Bohler Engineering. P.C., February 28, 2006 revised to October 4, 2006;
General Notes Plan: Sheet 2 of 21, R.L Streker PE, Bohler Engineering P.C. February 28, 2006, revised October 4, 2006;
Demolition Plan, Sheet 3 of 21, R.L. Streker PE, Bohler Engineering. P.C., February 28, 2006, revised to October 4, 2006;
Overall Site Plan, Sheet 4 of 21. R.L. Streker PE, Bohler Engineering. P.C. February 28, 2006, revised to October 4, 2006;
Site Plan, Sheet 5 of 21, R.L. Streker PE, Bohler Engineering. P.C. February 28, 2006. revised, October 4, 2006;
Signage Plan, Sheet 6 of 21, R.L. Streker PE, Bohler Engineering. P.C.. February 28, 2006, revised to October 4, 2006;

Grading Plan, Sheet 7 of 21, R.L. Streker PE, Bohler Engineering. P.C.. February 28, 2006, revised October 4, 2006;
Wet Utilities Plan, Sheet 8 of 21, R.L. Streker PE, Bohler Engineering. P.C.. February 28, 2006, revised October 4, 2006;
Dry Utilities Plan, Sheet 9 of 21, R.L. Streker PE, Bohler Engineering. P.C.. February 28, 2006, revised to October 4, 2006:
Landscape Plan, Sheet 10 of 21, R.L. Streker PE, Bohler Engineering. P.C.. February 28, 2006, revised to October 4, 2006:
Lighting Plan, Sheet 11 of 21, R.L. Streker PE, Bohler Engineering. P.C. February 28, 2006, revised to July 3, 2006;
Soil Erosion & Sediment Control Plan SWPPP "Site Plan" phase I, Sheet 12 of 21, R.L. Streker PE, Bohler Engineering PC, February 28, 2006, revised to October 4, 2006;
Soil Erosion & Sediment Control Plan SWPPP "Site Plan" phase II, Sheet 13 of 21. R.L. Streker PE, Bohler Engineering PC, February 28, 2006, revised to October 4, 2006;
Detail Sheet (A), Sheet 14 of 21, R.L. Streker PE, Bohler Engineering P.C. February 28, 2006, revised to October 4, 2006:
Detail Sheet (B), Sheet 15 of 21, R.L. Streker PE, Bohler Engineering P.C.. February 28, 2006, revised to October 4, 2006;
Detail Sheet (C), Sheet 16 of 21, RL. Streker PE, Bohler Engineering P.C.. February 28, 2006, revised to October 4, 2006;
Detail Sheet (D), Sheet 17 of 21, R.L. Streker PE, Bohler Engineering P.C.. February 28, 2006, revised to October 4, 2006;
Detail Sheet (E), Sheet 18 of 21, R.L. Streker PE, Bohler Engineering P.C.. February 28, 2006, revised to October 4, 2006;
Detail Sheet (F), Sheet 19 of 21, R.L. Streker PE, Bohler Engineering P.C., February 28, 2006, revised to October 4, 2006;
Detail Sheet (G), Sheet 20 of 21, R.L. Streker PE, Bohler Engineering P.C., February 28, 2006, revised to October 4, 2006;
Signage Detail Sheet, Sheet 21 of 21. R.L. Streker PE, Bohler Engineering P.C., February 28, 2006, revised to October 4, 2006; and

WHEREAS, a Negative Declaration (pertaining to a larger SEQR Unlisted action for which the proposed site plan action described herein is only a component) was issued in accordance with SEQR 6 NYCRR Part 617, by the Planning Board, as lead agency, on October 19, 2006, pursuant to a coordinated environmental review; and

WHEREAS, on November 3, 2006 pursuant to §145-10 of the Site Plan Review Law, the Planning Board issued its Report and Recommendation to the Town Board, which describes the proposed action's consistency with the applicable site plan findings and recommended approval of the Site Plan with incorporation of certain conditions; and

WHEREAS, implementation of the proposed action as designed incorporates several area variances granted on November 1, 2006, by the Town of Ulster Zoning Board of Appeals pertaining to otherwise applicable standards of access aisle width, reduction in off-street loading space, and 1ighting levels; and

WHEREAS, applicant also sought variance relief to permit additional freestanding signage, which remains pending, such that the Site Plan at present shall be approved with freestanding signage for the Quick Chek facility only, said signage being permitted as-of-right,

with the understanding that applicant may seek to amend the Site Plan following conclusion of proceedings at the Town of Ulster Zoning Board of Appeals; and

WHEREAS, the proposed action was referred to the Ulster County Planning Board pursuant to General Municipal Law §239-1 and - m; and

WHEREAS, in its Referral Response (#2006-146) dated August 2, 2006, the Ulster County Planning Board required the following modifications:

Coordination with NYSDOT to handle left-hand turning movements to and from the site at the signalized intersection of Route 9W and Grant Avenue, with right- in and right-out movements allowed only at the proposed northern curb-cut;

Completion of a 10-year traffic study;

Addition of street trees to the proposed low growing landscaping along the frontage of the site, at a minimum distance of 40 ft.;

Provision of a detailed phasing plan, with attention to landscaping and the proposed sidewalks along the entire frontage during the initial phase; and

WHEREAS, in its Referral Response (#2006-182) dated October 4, 2006, the Ulster County Planning Board required the following modifications:

The recommendations contained in the Creighton Manning Engineers letter dated September 20, 2006, Item #3 (which indicates that southbound left turn lanes will be provided on Route 9W, requiring widening of Route 9W, and defers to NYSDOT regarding the detailed engineering and design); and Item #8 (which suggests that appropriate legal instruments be implemented to allow for removal of the car wash and reconfiguration of site access, suggests exploring alternative geometry at the intersection of Route 9W/Grant Avenue/Frank Sottile Boulevard and suggests a possible future need for access restrictions from Frank Sottile Boulevard to the Quick Chek site).

Submission of a phasing plan, with attention given to landscaping as well as the proposed sidewalks along the entire frontage during the initial phase;

Development of alternative site layouts which provide for safer and more efficient internal access movements; and

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 Town Board's meetings;

SITE PLAN APPROVAL

NOW THEREFORE BE IT RESOLVED, that the Town Board has reviewed the comments of the Ulster County Planning Board in the context of the Planning Board's Reports and Recommendation to the Town Board and hereby makes the following determinations:

The required modifications described in Referral Response (#2006-146) dated August 2, 2006, have been addressed as follows:

Coordination with NYSDOT has been ongoing and approvals will be required to be obtained prior to issuance of any Building Permit; however, a subsequent Referral Response modifies the recommendation concerning turning restrictions and, to the extent not superseded by the subsequent Referral Response, such turning restrictions are overridden;

A Traffic Study has been completed in accordance with the comments from the County and from the Town's Consulting Traffic Engineer;

A detailed Landscaping Plan has been provided and the additional required modifications pertaining to landscaping shall be incorporated into the conditions of this approval;

Provision of a detailed phasing plan will be required as a condition of this approval; and

The required modifications described in Referral Response (#2006-182) dated October 4, 2006, have been addressed as follows:

The applicant's plan provides for the recommended widening of Route 9W to provide left turning movements; alternative geometry, to the extent possible at this point in time, has been satisfactorily explored, bearing in mind that the final alignment of Frank Sottile Boulevard will be determined when a decision is made whether to proceed with construction; appropriate instruments regarding removal of the car wash and an access reconfiguration are a condition of this approval; and access limitations to the Quick Chek site cannot be appropriately evaluated at this time due to the lack of a final alignment and lack of a construction commencement date for Frank Sottile Boulevard. To the extent the foregoing does not fully address the required modifications pertaining to the Creighton Manning Engineers report, such required modifications are overridden.

Provision of a detailed phasing plan will be required as a condition of this approval;

The site layout, as proposed by the applicant, after substantial discussion during proceedings at the Planning Board, constitutes a safe and efficient layout. Therefore, this required modification is overridden.

BE IT FURTHER RESOLVED THAT, upon full consideration of the above, the Town Board hereby finds that the application of Site Plan Approval from Quick Chek Corporation as described herein is consistent with the provisions and policies of Chapter 145 and of the Code of the Town of Ulster and said Site Plan is hereby approved, subject to the following conditions:

PRIOR TO ENDORSEMENT OF FINAL PLANS

The following conditions shall be completed by the applicant prior to endorsement of the Site 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 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. A legal Memorandum of Understanding (MOU) in a form, content and manner of execution acceptable to the Town Attorney shall be enacted between the Town Board and the applicant to formalize the applicant's acknowledgment of the potential for a future road to be constructed on the southerly portion of the subject property, affecting the disposition of certain improvements which may be built thereon.

4. Within six (6) months of the date of this Resolution of Approval, the applicant shall furnish two (2) originals of the Site Plans for final review by the Planning Consultant and endorsement by an authorized member of the Town Board and an authorized member of the Planning Board as the final Site Plan. This Resolution authorizes only the activities approved herein and as delineated on the signed and filed final Site Plan. Any alterations or modifications to the approved Site Plans, except as permitted or required by this Resolution or as authorized by the Town Code, shall require prior review and approval by the Town Board.

5. The applicant shall finalize the Site Plans for final review as follows:

    a. An original signature of the applicant/owner (as indicated by deed) shall be included in the appropriate signature block.
    b. Include reference to this approval and to the Zoning Board of Appeals approval pertaining to the granted variances.
    c. The Architectural Plans shall be coordinated and bound with the Engineering Plans, and the list of drawings on the Engineering Plans Cover Sheet (Sheet CS) shall be expanded to also include each of the architectural sheets. All sheets shall be bound together as a single set.
    d. Include notes pertaining to the potential future road project and reference the MOU.

6. The applicant shall pay to the Town of Ulster all outstanding professional review fees.

7. An Inspection and Engineering fee in an amount determined by the Building Inspector shall be paid.

8. Upon determination that the final Plans are acceptable for endorsement, five (5) copies of said plans shall be provided for subsequent endorsement by an authorized member of the Town Board and an authorized member of the Planning Board 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.

9. 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.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

The following conditions shall be completed by the applicant prior to the authorized issuance of a Building Permit by the Building Inspector:

10. The following shall be submitted prior to issuance of a Building Permit:

    A Blasting Survey and Plan for review and acceptance by the Town engineer or other designated professional;

    Prior to the issuance of any Building Permit for the bank or retail lots, detailed Architectural and Floor Plans shall be submitted for Planning Board review and approval.

    NYSDOT approval of proposed right-of-way improvements and NYSDEC (SPDES) approval for storm water management shall be received, and copies thereof provided to the Town. Issuance of a Highway Work Permit shall not be a condition precedent to issuance of a Building Permit, but instead may be obtained during construction.

11. The owner/applicant and contractor(s) shall meet with the Town Attorney. Building Inspector, Town Engineer and others as may be desired by the Town, to review the approved Site Development Plan, Phasing Schedule and other permit agency permits and requirements.

12. The Building Inspector is not authorized to issue a Building Permit(s) pertaining to the activities and improvements approved herein until the applicant has provided to the Town Board the required copies of the revised signed final Site Plans as stipulated herein.

13. Authorized issuance of a Building Permit(s) by the Building Inspector shall be fully based on and in accordance with this Resolution of Approval and the final Site Plans signed by an authorized member of the Planning Board and an authorized member of the Town Board. Any alteration or deviation from the signed final Site Plans, except as permitted or required by this Resolution or as authorized by the Town Code, shall require the prior review and approval by the Town Board of the Town of Ulster. The Building Inspector

shall include reference to the final Site Plans and this Resolution of Approval on any issued Building Permit(s).

CONDITIONS OF CONSTRUCTION

14. Development of the subject property shall conform to the intent, statements, findings, requirements and mitigation on measures set forth on the signed final Site Plans and this Resolution of Approval.

15. No construction activity shall commence prior to issuance of an authorized Building Permit(s).

16. Prior to the commencement of any site work or construction activity, erosion and sedimentation controls shall be installed and shall be subject to continual maintenance and additional controls as may be required by the Building Inspector, Town Engineer, or their authorized agents. Erosion of excavated soils shall be controlled to prevent discharge of sediments and dust at all times.

17. All requirements of the subsequent NYSDEC approval of the required SWPPP shall be followed.

18. A clean and legible copy of this Resolution and a copy of the signed final Site Plans (as signed by the Town shall be maintained at the site at all times and presented upon request.

19. All new or replacement site utilities shall be installed underground, if underground installation is approved by the applicable utility companies, and shall be routed in a single trench, where possible and where allowed by the applicable utility companies, to reduce site excavation and disturbance.

20. Construction shall be supervised by a New York State licensed and registered Professional Engineer.

21. Any subsequent alterations, modifications, additions or changes to the approved and constructed improvement shall require the prior review and written approval by the Town as a new, modified and/or amended Application for Site Development Plan Approval, except as permitted or required by this Resolution or as authorized by the Town Code.

22. Snow removal shall occur internally to the subject property. In accordance with the State Vehicle and Traffic Law, no snow shall be plowed or deposited out, onto or across the NYS Route 9W roadway.

23. No signs, lights, flags or other materials or devices, except-as approved and detailed on the Site Plans, shall be permitted to be supported, hung, flown or otherwise attached to site buildings, structures or the site grounds, except as permitted by the Town Code.

24. The access driveway and parking/loading facilities shall be maintained in good working order at all times, and all site and structure improvements shall be regularly maintained in a neat and orderly manner, free of debris, sediment or litter and refuse shall be appropriately stored and covered for disposal.

25. Any subsequent alterations, modifications, additions or changes to the existing or approved facilities, except as permitted or required by this Resolution or as authorized by the Town Code, shall require the prior review and approval of the Town Board.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

The following conditions shall be completed by the applicant prior to the issuance of a Certificate of Occupancy by the Building Inspector:

26. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, all associated site improvements shall be completed and operational, and the Town Engineer shall confirm that all such approved site improvements have been completed in accordance with the final signed Site Plans.

27. Prior to the issuance of a final Certificate of Occupancy by the Building Inspector, an "As-Built" plan showing the installed and completed improvements, certified by a New York State licensed and registered Land Surveyor and verified by letter from the supervising New York State licensed Professional Engineer, shall be prepared at the sole expense of the applicant. Copies of said As-Built plan shall be provided to the Building Inspector, Town Consulting Planner and/or Town Engineer documenting satisfactory completion of all authorized construction activities and zoning compliance.

28. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, confirmation from NYDOT in writing of the satisfactory completion of the approved road / access improvements.

29. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, the Landscaping Plan shall be completed and inspected by the Town Planning Consultant for compliance with the approved plans.

30. As a condition of granting and maintenance of a Certificate of Occupancy, the Building Inspector shall require all site improvements be maintained in accordance with this Resolution, best management practices, and in strict accordance with all applicable rules, regulations, ordinances and laws.

31. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this Approval, which may lead to the revocation of said Approval, or the revocation by the Building Inspector of any issued Certificate of Occupancy pertaining thereto.

32. A Certification of Occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect as long as such building and the use thereof, or use of such land, is in

full conformity with the provisions of the Ulster Zoning Ordinance and any requirements made pursuant thereto.

SITE DEVELOPMENT PLAN APPROVAL EXPIRATION

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 corrections attached to permits issued there under; 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 submitted for review and endorsement 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, as authorized by Town Code §145-12, if the approved improvements are not completed and a Certificate of Occupancy is not obtained within five (5) years from the date of this Resolution; 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 as provided in the Town Code and shall state the circumstances for the requested extension.

2nd by Councilman Joel B. Brink
A Roll Call Vote was taken – Four Ayes – Councilman Artist was absent

Revising the Issuance of the SEQRA Negative – Quick Chek Washington Avenue

Supervisor Woerner motioned to approve the following revised resolution:
ISSUANCE OF SEQR NEGATIVE DECLARATION
QUICK CHEK WASHINGTON AVENUE UNLISTED ACTION - COORDINATED REVIEW

DECEMBER 18, 2006
REVISED FEBRUARY 5, 2007

WHEREAS, the Town of Ulster has received a Site Plan Application (P-348) from Quick Chek Corporation pertaining to the development of a proposed gas station with a retail (food) store and a car wash; and

WHEREAS, the subject property consists of two separate tax lots totaling approximately 2.5 acres, located within an HC Highway Commercial Zoning District and is located on the easterly side of Washington Avenue and the northerly side of Sawkill Road, as designated on the Tax Maps of the Town of Ulster, as Section 48.014, block 3, Lots 35 & 37.2; and

WHEREAS, the proposed action more specifically includes demolition of an existing convenience store building and gas station, including removal of existing underground storage tanks, and development of the following new improvements:

An approximately 7,540 SF convenience-type store;

A gas station providing eight fueling islands, two diesel pumps, and installation of related underground storage tanks;
An approximately 1,183 SF separate car wash building; and
Related utility and landscaping improvements; and

WHEREAS, the proposed action has been classified as an Unlisted Action. pursuant to the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617; and

WHEREAS, materials received in support of the proposed action include:

Site Plan Application;
Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, March 1,2006;
Project Description;
Letter to the Planning Board from William Viola, Jr., PE, Bohler Engineering. PC May 31.2006;
Table of Deviations from Zoning Local Law, May 24, 2006;
Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C., July 5.2006:
Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C., August 16, 2006;
Letter to the Town Board from Kenneth Wersted, P.E.. Project Engineer. Creighton Manning Engineering, LLP, August 16, 2006:
Letter to the Town Board from Kenneth Wersted, P.E.. Project Engineer, Creighton Manning Engineering, LLP, August 17, 2006:
Letter to the Planning Board from Robert A. Leibowitz, AICP, Senior Planner, County of Ulster Planning Board. October 4. 2006:
Part I Full Environmental Assessment Form. February 28, 2006, revised to July 5. 2006;
Proposed Scope of Traffic Analysis, Atlanlic Traffic & Design Engineers. June 13, 2006;
Traffic Impact Analysis. Atlantic Traffic & Design Engineers. October 2006;
Stormwater Pollution Prevention Plan, December 12, 2006;
Cover Sheet. Sheet 1 of 13, R.L. Streker, PE, Bohler Engineering. P.C. April 24. 2006, revised to October 10, 2006;
General Notes Plan, Sheet 2 of 13, R.L. Streker, PE. Bohler Engineering. P.C., April 24, 2006, revised to October 10, 2006;
Demolition Plan. Sheet 3 of 13, R. L. Streker, PE, Bohler Engineering, P.C. April 24, 2006. revised to October 10, 2006;
Site Plan. Sheet 4 of 13, R. L. Streker. PE. Bohler Engineering. P.C. April 24, 2006. revised October 10, 2006;
Grading Plan, Sheet 5 of 13, RL. Streker, PE, Bohler Engineering, P.C.. April 24, 2006, revised to October 10, 2006;
Utility Plan, Sheet 6 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to October 10, 2006;
Landscape Plan, Sheet 7 of 13, R. L. Slicker, PE, Bohler Engineering, P.C., April 24, 2006, revised to October 10, 2006;
Lighting Plan, Sheet 8 of 13, R L. Streker, PE, Bohler Engineering, P.C.. April 24. 2006, revised to October 10, 2006;

Soil Erosion & Sediment Control Plan. Sheet 9 of 13, R. L. Streker, PE, Bohler Engineering, P.C.. April 24, 2006, revised to October 10. 2006;
Detail Sheet (A), Sheet 10 of 13, R L. Streker, PE, Bohler Engineering, P.C., April 24. 2006, revised to October 10, 2006;
Detail Sheet (B), Sheet 11 of 13, R.L. Streker, PE. Bohler Engineering, P.C.. April 24, 2006, revised to October 10, 2006;
Detail Sheet (C), Sheet 12 of 13, R.L. Streker, PE, Bohler Engineering, P.C.. April 24, 2006. revised to October 10, 2006;
Detail Sheet (D). Sheet 13 of 13, R. L. Streker, PE, Bohler Engineering, P.C., April 24, 2006. revised to October 10, 2006;
Proposed Floor Plan, AI, Sheet 1 of 4, Gary Kliesch, RA, GK+A Architects, February 13, 2006, revised to October 10, 2006;
Proposed Elevations, A2, Sheet 2 of 4, Gary Kliesch, RA. GK +A Architects, February 13, 2006, revised to October 10, 2006;
Proposed Elevations, A3. Sheet 3 of 4, Gary Kliesch, RA, GK +A Architects, February 13, 2006, revised to October 10, 2006;
Gas Canopy Elevations, Etc. A4. Sheet 4 of 4, Gary Kliesch, RA, GK +A Architects. February 13, 2006, revised to October 10, 2006; and

WHEREAS, the following potential involved agencies have been identified:
Town of Ulster Planning Board;
Town of Ulster Zoning Board of Appeals;
Ulster County Planning Board;
Ulster County Health Department;
Ulster County Department of Public Works;
New York State Department of Transportation;
New York State Department of Environmental Conservation;

WHEREAS, on July 17, 2006, the Town of Ulster Town Board declared its intent to serve as lead agency for the required coordinated environmental review of the proposed Unlisted Action and authorized circulation of a Notice to other involved agencies declaring said intent; and

WHEREAS, a copy of the authorized Notice, Environmental Assessment Form (EAF) and related materials and information were circulated to other involved agencies for the purpose of establishing a lead agency; and

WHEREAS, the Town Board considered the proposed action at a duly noticed Public Hearing opened on September 5, 2006, continued and closed on October 2, 2006, at which times all interested parties were heard; and

WHEREAS, the Town Board has considered the Full Environmental Assessment Form, the materials submitted by the applicant in support of its proposal, the comments of the Town's professional consultants made via memoranda (which memoranda are incorporated herein by reference), and the verbal commentary made, including public comments, during the Board's meetings and Public Hearing pertaining to the review and evaluation of the proposed action; and

WHEREAS, a Conditional Negative Declaration for the proposed SEQR Unlisted Action was issued in accordance with SEQR 6 NYCRR Part 617, by the Town Board, as lead agency, on November 20, 2006, pursuant to a coordinated review, with the following condition attached:

The design and specifications of the on-site stormwater management provisions (and the related SWPPP) shall be revised to the satisfaction of the Town Board and Town Engineer, and the plans revised as may be appropriate; and

WHEREAS, the Applicant has revised the design and specifications of the on-site storm water management provisions (and the related SWPPP) to the satisfaction of the Town Board and Town Engineer thereby satisfying the condition;

NOW THEREFORE BE IT RESOLVED, having received no objections from any other involved agency, and the required minimum thirty (30) day circulation period for the establishment of lead agency having expired, the Town Board hereby confirms its status as lead agency for the coordinated SEQR environmental review of the proposed action; and

BE IT FURTHER RESOLVED, that the Town Board, as lead agency, hereby determines that the proposed Unlisted action, as described herein, will not have a significant adverse effect on the environment, pursuant to SEQR 6 NYCRR Part 617, and further determines that preparation of an Environmental Impact Statement will not be required; and

BE IT FURTHER RESOLVED, that the Town Board, as lead agency, hereby rescinds the Conditional Negative Declaration adopted by the Town Board, as lead agency, on November 20, 2006, and issues the attached Negative Declaration, which includes the reasons therein in support of the above determination of SEQR Non-Significance (Negative Declaration); and

BE IT FURTHER RESOLVED, that a copy of the attached Negative Declaration, as issued and adopted herein, shall be circulated and filed in accordance with the requirements of SEQR 6 NYCRR Part 617, as appropriate.

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance Unlisted Action - Coordinated Environmental Review Ulster Town Board, Lead Agency
December 18, 2006 REVISED FEBRUARY 5, 2007

The following Negative Declaration and Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. The Town Board of the Town of Ulster as lead agency, has determined that the Unlisted action described herein will not have a significant adverse effect on the environment and preparation of an Environmental Impact Statement will not be required.

Name of Action: Quick Chek (Washington Avenue) Site Plan Location:

Location: Town of Ulster, Ulster County, New York

SEQR Status: Unlisted Action - Coordinated Environmental Review Town of Ulster Town Board - Lead Agency

Description of the Proposed Action:

The proposed action consists of the demolition of an existing convenience store building and gas station, including removal of existing underground storage tanks, and development of the following new improvements:

An approximately 7,540 SF convenience-type store;

A gas station providing eight fueling islands, two diesel pumps, and installation of related underground storage tanks;

An approximately 1,183 SF separate car wash building; and

Related utility and landscaping improvements.

Site Location

The subject property is located on the easterly side of Washington Avenue and the northerly side of Sawkill Road, as designated on the Tax Maps of the Town of Ulster, as Section 48.014, Block 3, Lots 35 & 37.2.

Reasons in Support of Determination of Non-Significance (Negative Declaration):

A. The proposed action will replace an existing gas station / convenience store with a new gas station / convenience store and car wash. The site layout has been designed to achieve appropriate connections and internal traffic flow. The site will support parking spaces in accordance with the minimum parking requirements for the proposed uses. Improved stormwater facilities are proposed which, according to the Stormwater Pollution Prevention Report prepared by the applicant's engineer, are anticipated to adequately address both water quality and quantity. The site is essentially flat and devoid of existing natural features (e.g., wetlands, vegetation, watercourses, slopes, etc).

B. Implementation of the proposed action will not result in any significant adverse traffic or transportation related impacts. A Traffic Impact Analysis has been prepared by the applicant's traffic consultant that concludes that area intersections will continue to function within acceptable industry standards. The scope, methodology and conclusions of the Traffic Impact Analysis have been reviewed and determined acceptable by the Town's Consulting Traffic Engineer. Appropriate pedestrian connections to the proposed buildings, including improvements which accommodate physically-challenged individuals will be provided.

   The County of Ulster has a plan to reconfigure the signalized intersection of Sawkill Road and Washington Avenue potentially utilizing a roundabout. The applicant has acknowledged the potential for future road development in the vicinity of the subject property and has provided a site development plan layout that anticipates roadway improvements along the site's frontage and further agrees to modify access from Sawkill Road if required by the Ulster County Department of Highways at such time that the intersection of Sawkill Road and Washington Avenue is reconfigured.

Therefore significant adverse traffic-related impacts on-site or in the area are not anticipated to occur as a result of the implementation of the proposed action.

C. Significant adverse impacts in regard to drainage and erosion/sedimentation associated with the proposed action are not anticipated due to appropriate grading, storm water and subsurface drainage structures and erosion/sedimentation control measures, which will be designed to the satisfaction of the Town Engineer as well as NYSDEC.

D. The existing site includes substantially disturbed areas which are not landscaped and constitute visually deleterious conditions. Areas of bare soils currently pose dust hazards. Vacant portions of the site collect refuse and are utilized informally and haphazardly for truck and other vehicle parking. In general, the existing site and its associated development is not visually appealing and shows signs of wear. Redevelopment of the site will result in increased aesthetics and will eliminate visual impact issues. The proposed action is not anticipated to result in significant adverse aesthetic and/or community character impacts, specifically:

- A detailed landscaping plan has been proposed which incorporates trees, shrubs and other plantings.

- Various architectural design treatments were considered. The resulting design for this site varies from Quick Chek's standard color and material elements and incorporates materials, themes and details consistent with the area's historical/architectural features. The building utilizes appropriate materials, fenestration, and facade details and other Quick Chek site features (e.g., car wash, fueling canopy, etc) which are proposed to have consistent design and architectural treatments. Attention to facade details occurs on all building sides and the site layout has been designed so that the building is the primary visual focus.

- Lighting proposed for the subject property has been designed for consistency with the overall architectural theme and also to avoid spillage onto adjacent properties and with downward-directing light fixtures. Certain aspects of the site lighting plan, due to safety consideration, exceed the maximum output permitted by the zoning regulations for which variances have been obtained.

- To the extent that any aspects of the proposed signage are interpreted as not conforming, variances have been applied for and obtained. Given the extent of commercial development proposed for the site and the existing commercial development in the site's vicinity, issuance of related variances is not anticipated to result in significant adverse impacts, but context and character should be a key consideration.

E. The entire project site is located within the 100-year flood zone (but not the floodway) associated with the Esopus Creek. On site stormwater provisions will be provided. The finished floor elevation of the proposed building will be approximately 1 foot higher than

the 100-year flood elevation. Appropriate construction/mitigation measures will be implemented specific to the code requirements for each type of structure.

F. Potential noise and odors generated by proposed construction activities will generate short term impacts which are not deemed significant. Construction activities will be limited to permissible work hours as regulated by the Building Department and in accordance with the Town Code.

G. Upon review of the potential environmental impacts associated with the proposed action, no significant adverse environmental impacts on wetlands, topography, soils, groundwater, air quality, plant and animal habitat, agricultural land resources, public health, or historic and archeological resources are anticipated.

For Further Information:
Mary Secreto, Planning Board Secretary
584 East Chester Street ByPass
Kingston, New York 12401
TEL (845) 340-3883 FAX (845) 340-3886

2nd by Councilman Secreto
A Roll Call Vote was Taken - Four Ayes – Councilman Artist was absent.

Requesting that the NYS Department of Transportation Reduce the Speed Limit on Sawkill Road to 35 miles per hour from the end of the Rte 587 overpass to the Washington Avenue intersection.

Supervisor Woerner motioned to request that the NYS DOT reduce the speed limit on Sawkill Road to 35 miles per hour from the end of the Rte 587 overpass to the Washington Ave intersection
2nd by Councilman Secreto
Councilman Joel B. Brink felt that the road doesn't warrant this request as this is a short distance to a traffic light where traffic would have to slow down anyway.
Supervisor Woerner stated that this is a request by the County. He recommended that the Town Board take no action. The speed limit request was brought up by the Quick Chek, as a stipulation of their approval from the county. The Town Attorney would draft a letter to the county.
No vote taken.

Supervisor Woerner motioned that the Town Board take no action on the request for decreasing the speed limit as suggested and that the Town Supervisor be authorized to write a letter to the Ulster County Planner and Superintendent of Highways for further clarification of the request further stating that the Quek Chek had made this request.
2nd by Councilman Secreto
Four Ayes – Councilman Artist was absent

Revising the November 20, 2006 Resolution approving of the Site Plan for Quick Chek located at Washington Avenue

Supervisor Woerner motioned to approve the following:
QUICK CHEK SITE PLAN - P-348
640-642 Washington Avenue Section 48.014, Block 3, Lots 35 & 37.2
DECEMBER 18, 2006 REVISED FEBRUARY 5, 2007

WHEREAS, the Town of Ulster has received an application for Site Plan Approval (P-348) from Quick Chek Corporation for the development of approximately 2.5 acres; and

WHEREAS, the subject property consists of two separate tax lots located on the easterly side of Washington Avenue and the northerly side of Sawkill Road, as designated on the Tax Map of the Town of Ulster as Map Section 48.014, Block 3, Lots 35 & 37.2, within an HC Highway Commercial Zoning District; and

WHEREAS, the proposed action more specifically includes demolition of an existing convenience store building and gas station, including removal of existing underground storage tanks, and development of the following new improvements:

> An approximately 7,540 SF convenience-type store;
> A gas station providing eight fueling islands, two diesel pumps, and installation of related underground storage tanks;
> An approximately 1,183 SF separate car wash building; and
> Related utility and landscaping improvements; and

WHEREAS, the County of Ulster has a plan to reconfigure the signaled intersection of Sawkill Road and Washington Avenue, potentially utilizing a roundabout, which concept plan is acknowledged by the applicant and reflected in the proposed Site Plan; and

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

Site Plan Application;
Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan. Griffinger & Vecchione, March 1. 2006;
Project Description;
Letter to the Planning Board from William Viola. Jr., PE, Bohler Engineering PC, May 31, 2006:
Table of Deviations from Zoning Local Law, May 24, 2006;
Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, July 5, 2006;
Letter to the Planning Board from Howard D. Geneslaw, Gibbons. Del Deo, Dolan, Griffinger & Vecchione, August 16,2006;
Letter to the Town Board from Kenneth Wersted P.E., Project Engineer, Creighton Manning Engineering, LLP, August 16.2006;
Letter to the Town Board from Kenneth Wersted P.E., Project Engineer, Creighton Manning Engineering, LLP. August 17, 2006;
Letter to the Planning Board from Robert A. Leibowitz AICP, Senior Planner, County of Ulster Planning Board, October 4, 2006;
Pan I Full Environmental Assessment Form, February 28, 2006. revised to July 5, 2006;

Proposed Scope of Traffic Analysis, Atlantic Traffic & Design Engineers, June 13.2006;
Traffic Impact Analysis, Atlantic Traffic & Design Engineers, October 2006;
Stormwater Pollution Prevention Plan, December 12, 2006;
Cover Sheet, sheet 1 of 13, R.L. Streker PE, Bohler Engineering P.C., April 24, 2006, revised to October 10, 2006;
General Notes Plan, Sheet 2 of 13, R.L. Streker PE, Bohler Engineering. P.C., April 24, 2006, revised to October 10, 2006;
Demolition Plan, Sheet 3 of 13, RL. Streker PE, Bohler Engineering. P.C., April 24, 2006, revised to October 10.2006;
Site Plan, Sheet 4 of 13, RL. Streker PE, Bohler Engineering, P.C., April 24, 2006, revised to October 10, 2006;
Grading Plan, Sheet 5 of 13, R.L. Streker PE, Bohler Engineering, P.C., April 24, 2006, revised to October 10, 2006;
Utility Plan, Sheet 6 of 13, R.L. Streker PE, Bohler Engineering, P.C., April 24, 2006, revised to October 10, 2006;
Landscape Plan, Sheet 7 of 13, R.L. Streker PE, Bohler Engineering. P.C., April 24, 2006, revised to October 10, 2006;
Lighting Plan, Sheet 8 of 13, R.L. Streker PE, Bohler Engineering. P.C., April 24, 2006, revised to October 10, 2006;
Soil Erosion & Sediment Control Plan, Sheet 9 of 13. R.L, Streker PE, Bohler Engineering. P.C., April 24, 2006, revised to October 10, 2006;
Detail Sheet (A), Sheet 10 of 13, R.L. Streker PE, Bohler Engineering P.C., April 24, 2006, revised to October 10.2006;
Detail Sheet (B), Sheet II of 13, R.L. Streker PE, Bohler Engineering, P.C., April 24, 2006, revised to October 10, 2006;
Detail Sheet (C), Sheet 12 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to October 10, 2006;
Detail Sheet (D), Sheet 13 of 13, R.L. Streker PE, Bohler Engineering, P.C., April 24, 2006, revised to October 10, 2006;
Proposed Floor Plan, A1, Sheet 1 of 4, Gary Kliesch, RA, OK+A Architects, February 13, 2006, revised to October 10, 2006;
Proposed Elevations, A2, Sheet 2 of 4, Gary Kliesch, RA, GK +A Architects, February 13, 2006 revised to October 10, 2006;
Proposed Elevations, A3, Sheet 3 of 4, Gary Kliesch, RA, OK +A Architects, February 13, 2006, revised to October 10, 2006;
Gas Canopy Elevations, Etc, A4, Sheet 4 of 4, Gary Kliesch, RA.OK+A Architects, February 13, 2006, revised to October 10, 2006; and

WHEREAS, a Conditional Negative Declaration for the proposed SEQR Unlisted Action was issued in accordance with SEQR 6 NYCRR Part 6 & 7, by the Town Board, as lead agency, on November 20, 2006, pursuant to a coordinated review, with the following condition attached:

The design and specifications of the on-site stormwater management provisions (and the related SWPPP) shall be revised to the satisfaction of the Town Board and Town Engineer, and the plans revised as may be appropriate; and

WHEREAS, upon satisfaction of the condition, the Conditional Negative Declaration was rescinded and a Negative Declaration for the proposed SEQR Unlisted Action was issued in accordance with SEQR 6 NYCRR Part 617, by the Town Board, as lead agency, on December 18, 2006, pursuant to a coordinated environmental review; and

WHEREAS, on August 17, 2006, the Planning Board referred the proposed site plan to the Town Board without comment; and

WHEREAS, implementation of the proposed action as designed will incorporate several area variances granted on December 6, 2006, by the Town of Ulster Zoning Board of Appeals pertaining to otherwise applicable standards for lighting levels and signage; and

WHEREAS, the proposed action was referred to the Ulster County Planning Board pursuant to General Municipal Law §239-m; and

WHEREAS, in its Referral Response (#2006-148) dated August 2, 2006, the Ulster County Planning Board required the following modifications:

> Give particular attention to how left-turn movements will function at the Sawkill Road access point especially as it relates to how it will function if or if not improvements will be made to the Washington Avenue/Sawkill Road intersection;
>
> Coordinate with the County Highway and Bridges Department to obtain a new curb-cut access to Sawkill Road;
>
> Provide a more "robust" landscaping plan, including the planting of street trees along both frontages at a minimum distance of 40 ft. as well as additional landscaping around the drainage area and provide detail of retaining wall and landscaping;
>
> Any approvals should clearly note that lighting consists of full cutoff luminaries, recessed canopy lighting, no lighting on the outside of the canopy except for signage, and the consistent use a source of lighting, with Metal Halide rather than HPS recommended;
>
> A variance will be needed for monument style signage of 12 feet in height; and
>
> Resubmit application to the Ulster County Planning Board upon completion of the Traffic Study; and

WHEREAS, in its final Referral Response (#2006-183) dated October 4, 2006, the Ulster County Planning Board required the following modifications:

> Coordinate with the County Highway and Bridges Department to obtain a new curb-cut access to Sawkill Road;

Provide a more "robust" landscaping plan, including the planting of street trees along both frontages at a minimum distance of 40 ft. as well as additional landscaping around the drainage area and provide detail of retaining wall and landscaping;

Any approvals should clearly note that lighting consists of full cutoff luminaries recessed canopy lighting. no lighting on the outside of the canopy except for signage and the consistent use of source of lighting, with Metal Halide rather than HPS recommended;

A variance will be needed for monument style signage of 12 feet in height; and

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 Town Board's meetings.

SITE DEVELOPMENT PLAN APPROVAL

NOW THEREFORE BE IT RESOLVED, that the Town Board has reviewed the comments of the Ulster County Planning Board and hereby makes the following determinations:

The required modifications described in Referral Response (2006-148) dated August 2, 2006 and Referral Response (2006-183) dated October 4, 2006 have been addressed as follows:

Applicant will coordinate with County Highway and Bridges with regard to the Sawkill Road curb cut, as a condition of approval herein;
A detailed Landscaping Plan will be required as a condition of approval herein, along with provisions of details pertaining to the proposed retaining wall;
Applicant will implement the Lighting Plan submitted to and approved by the Town Board, as a condition of approval herein;
A variance has been applied for and was received on December 6, 2006 from the Town of Ulster Zoning Board of Appeals pertaining to proposed signage;
A Traffic Study has been completed in accordance with the comments from the County and from the Town's Consulting Traffic Engineer including specifically how left-turn movements will function at the Sawkill Road access point; and

BE IT FURTHER RESOLVED, that upon full consideration of the above, the Town Board hereby finds that the application of Site Plan Approval from Quick Chek Corporation as describe herein is consistent with the provisions and policies of Chapter 145 and of the Code of the Town of Ulster and said Site Plan is hereby approved, subject to the following conditions;

PRIOR TO ENDORSEMENT OF FINAL PLANS

The following condition shall be completed by the applicant prior to endorsement of the Site 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 for its review and approval.
2. All requirements of the Town Engineer and Sewer and Water Departments regarding drainage (plans and calculations), sewer and water improvements shall be satisfactorily addressed.

3. The two tax lots shall be formally merged to a single lot or appropriate cross access easements shall be established, as directed by and to the satisfaction of the Town Attorney.

4. Within six (6) months of the date of this Resolution of Approval, the applicant shall furnish two (2) originals of the Site Plans for final review by the Planning Consultant and endorsement by an authorized member of the Town Board and an authorized member of the Planning Board as the final Site Plan. This Resolution authorizes only the activities approved herein and as delineated on the signed and filed final Site Plan. Any alterations or modifications to the approved Site Plans, except as permitted or required by this Resolution or as authorized by the Town Code, shall require prior review and approval by the Town Board.

5. The applicant shall finalize the Site Plans for final review as follows:

    a. An original signature of the applicant/owner (as indicated by deed) shall be included in the appropriate signature block.

    b. A reference to this approval shall be included and to the Zoning Board of Appeals approval pertaining to the granted variances.

    c. The Architectural Plans shall be coordinated and bound with the Engineering Plans, and the list of drawings on the Engineering Plans Cover Sheet (Sheet CS) shall be expanded to also include each of the architectural sheets. All sheets shall be bound together as a single set.

6. The applicant shall pay to the Town of Ulster all outstanding professional review fees.

7. An Inspection and Engineering fee in an amount determined by the Building Inspector shall be paid.

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 set are provided to the Town.

9. Upon determination that the final Plans are acceptable for endorsement, five (5) copies of said plans shall be provided for subsequent endorsement by an authorized member of the

Town Board and an authorized member of the Planning Board 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.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

The following conditions shall be completed by the applicant prior to the authorized issuance of a Building Permit by the Building Inspector:

10. The following shall be submitted for prior to issuance of a Building Permit:

    NYSDOT approval of proposed right-of-way improvements, Ulster County Highway and Bridges approval for the proposed right-of-way improvements, and NYSDEC (SPDES) approval for stormwater management shall be received and copies thereof provided to the Town. Issuance of a Highway Work Permit shall not be a condition precedent to issuance of a Building Permit, but instead may be obtained during construction.

11. The Building Inspector is not authorized to issue a Building Permit(s) pertaining to the activities and improvements approved herein until the applicant has provided to the Town Board the required copies of the revised signed final Site Plans as stipulated herein.

12. Authorized issuance of a Building Permit(s) by the Building Inspector shall be fully based on, and in accordance with this Resolution of Approval and the final Site Plans signed by an authorized member of the Planning Board and an authorized member of the Town Board. Any alteration or deviation from the signed final Site Plans shall require the prior review and approval by the Town Board of the Town of Ulster, except as permitted or required by this Resolution or as authorized by the Town Code. The Building Inspector shall include reference to the final Site Plans and this Resolution of Approval on any issued Building Permit(s).

CONDITIONS OF CONSTRUCTION

13. Development of the subject property shall conform to the intent, statements, findings, requirements and mitigation measures set forth on the signed final Site Plans, and this Resolution of Approval.

14. No construction activity shall commence prior to issuance of an authorized Building Permit(s).

15. Prior to the commencement of any site work or construction activity, erosion and sedimentation controls shall be installed and shall be subject to continual maintenance and additional controls as may be required by the Building Inspector. Town Engineer, or their authorized agents. Erosion of excavated soils shall be controlled to prevent discharge of sediments and dust at all times.

16. All requirements of the subsequent NYSDEC approval of the required SWPPP shall be followed.

17. A clean and legible copy of this Resolution and a copy of the signed final Site Plans (as signed by the Town) shall be maintained at the site at all times and presented upon request.

18. All new or replacement site utilities (electric, telephone, cable, etc) shall be installed underground, if underground installation is approved by the applicable utility companies, and shall be routed in a single trench where possible and where allowed by the applicable utility companies, to reduce site excavation and disturbances.

19. Construction shall be supervised by a New York State licensed and registered Professional Engineer.

20. Any subsequent alterations, modifications, additions, or changes to the approved and constructed improvements shall require the prior review and written approval by the Town as a new, modified and/or amended Application for Site Development Plan Approval except as permitted or required by this Resolution or as authorized by the Town Code.

21. Snow removal shall occur internally to the subject property. In accordance with the State Vehicle and Traffic Law, no snow shall be plowed or deposited out of onto or across the NYS or Ulster County roadways.

CONDITIONS OF OPERATION

22. No signs, lights, flags or other materials or devices, except as approved and detailed on the Site Plans, shall be permitted to be supported, hung, flown or otherwise attached to site buildings, structures or the site grounds, except as permitted under the Town Code.

23. The access driveway and parking/loading facilities shall be maintained in good working order at all times, and all site and structure improvements shall be regularly maintained in a neat and orderly manner, free of debris, sediment or litter and refuse shall be appropriately stored and covered for disposal.

24. Any subsequent alterations, modifications, additions or changes to the existing or approved facilities, except as permitted or required by this Resolution or as authorized by the Town Code, shall require the prior review and approval of the Town Board.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

The following conditions shall be completed by the applicant prior to the issuance of a Certificate of Occupancy by the Building Inspector:

25. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, all associated site improvements shall be completed and operational, and the Town Engineer

shall confirm that all such approved site improvements have been completed in accordance with the final signed Site Plans.

26. Prior to the issuance of a final Certificate of Occupancy by the Building Inspector, an "As-Built" plan showing the installed and completed improvements, certified by a New York State licensed and registered Land Surveyor and verified by a letter from the supervising New York State licensed Professional Engineer, shall be prepared at the sole expense of the applicant. Copies of said As- Built plan shall be provided to the Building Inspector, Town Consulting Planner and/or Town Engineer documenting satisfactory completion of all authorized construction activities and zoning compliance.

27. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, confirmation from NYSDOT in writing of the satisfactory completion of the approved road / access improvements.

28. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, the Landscaping Plan shall be completed and inspected by the Town Planning Consultant for compliance with the approved Plans.

29. As a condition of granting and maintenance of a Certificate of Occupancy, the Building Inspector shall require all site improvements be maintained in accordance with this Resolution, best management practices, and in strict accordance with all applicable rules, regulations, ordinances and laws.

30. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this Approval, which may lead to the revocation of said Approval, or the revocation by the Building Inspector of any issued Certificate of Occupancy pertaining thereto.

31. A Certificate of Occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect as long as such building and the use thereof, or use of such land, is in full conformity with the provisions of the Ulster Zoning Ordinance and any requirements made pursuant thereto.

SITE DEVELOPMENT PLAN APPROVAL EXPIRATION

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 submitted for review and endorsement 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, as authorized by Town Code § 145- 12, 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; 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 as provided in the Town Code and shall state the circumstances for the requested extension.

ADOPTION OF RESOLUTION

2nd by Councilman Joel B. Brink
A Roll Call Vote was taken – Four Ayes, Councilman Artist was absent

Salary Adjustments

Councilman Joel B. Brink motioned to approve the following salary adjustments:

Baldelli, Felicia	8.50	
Bauer, Carol	13.90	Moved from Grade 3, Step 5 to Grade 4, Step 5
Kearney, Peter	15.00	
Straub-Joy, Cindy	8.50	

2nd by Supervisor Woerner
A Roll Call Vote was taken – Four Ayes, Councilman Artist was absent

Councilman Joel B. Brink announced that the CSX train crossing at Leggs Mills Road will be closed for repairs sometime around the 2nd week of March.

Tina Carpino inquired about the status of the companies hired to review the blasting data for Calanans and to take blast readings in East Kingston.
Supervisor Woerner stated that the blasting was halted due to the season. A firm was hired and they are reviewing the reports. There is talk of changing the blasting standard on the state level as the state uses the federal guidelines, where other states have established their standard that is more stringent.

George Lucente suggested that the Town Board check to see if the security guards are covered under the Town's insurance for use of physical and deadly force.
Supervisor Woerner forwarded to Councilman Secreto to review on the Insurance Committee.

Supervisor Woerner motioned to enter into executive session at 8:26 PM to discuss pending litigation with the EPA for Consolidated Iron and Metal
2nd by Councilman Joel B. Brink
Four Ayes - Councilman Artist was absent

The executive session ended at 9:52 PM

Councilman David Brink motioned to authorize Supervisor Woerner to enter into a de minimis settlement agree with the Environmental Protection Agency in the amount $116,316.09 for the Iron and Metal Co. Inc Superfund Site (see April 21, 2003 minutes). Town Attorney Zweben stated that this is a non-negotiable settlement and it is regulated by the Federal Government. The cost of settlement was far cheaper than the cost of further litigation.

2nd by Councilman Secreto
A Roll Call Vote was taken - Four Ayes - Councilman Artist was absent

Councilman Secreto motioned to adjourn the meeting at 10:57 PM
2nd by Councilman Joel B. Brink
Four Ayes - Councilman Artist was absent

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk