

ULSTER TOWN BOARD WORKSHOP
FEBRUARY 7, 2008 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN DAVID BRINK
TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR NICKY B. WOERNER

Public Comment

Robert Barton inquired about what the Dena-Marie Plaza site plan approval consisted of? What is the salt and water chemical bid consist of? Why does the Quick Chek project need an extension? Why is Mr. Futerfas being appointed as special attorney? Supervisor Woerner reported that the Dena Marie Plaza is located off of Miron Lane and is a project that has been in review for several months for the redevelopment of an existing shopping center. The Town Board will review the material and act on the project if they deem it appropriate. The salt and chemical bid is a process that is done every year. The Quick Chek's site plan approval has expired and the Town Board has granted an extension in the past to other developers. Mr. Futerfas is being hired as special council to handle the Chambers II Pilot agreement.

Mr. Schuler inquired about responses to the letter his attorney, Mr. Warren S. Replansky, sent (see 1-17-2008 minutes), in regard to the Dena Marie Plaza that was submitted at the public hearing. He requested that the Town Board's agenda be prepared further in advance. He further requested an adjournment on the project until his attorney could review the responses to his letter.

Mr. Kaplan explained that the Dena Marie Plaza is hosting a competing gym that will be located very close to Mr. Schuler's business.

Supervisor Woerner responded that the public hearing was closed and the Town Board will review the matter accordingly.

The Reconstruction of the Robert Post Park Pavilion

Councilman Secreto reported that the Robert E. Post Park Pavilion collapsed. It is completely down and about 40 picnic tables were lost. The pavilion was removed completely with the exception of the block walls that hold the vending machines. He will meet with the Town Engineer about a new pavilion. The new pavilion will have handicap accessible bathrooms. The grill pit pavilion was removed due to the posts being rotted.

Authorizing an extension of site plan approval for Quick Chek on Washington Ave.

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Councilman Joel B. Brink motioned to extend site plan approval for the Quick Chek project located on Washington Avenue, for six months from their expiration date of February 6, 2008.
2nd by Councilman Secreto
All Ayes

Authorizing appointment of Rod Futerfas Esq. of Wapner, Koplovitz & Futerfas as a Special Town Attorney to the Town of Ulster at the rate of \$150.00 per hour

Councilman Secreto moved to appoint Rod Futerfas as special Town Attorney at a rate of \$150.00 per hour to handle the Chambers Housing Pilot II agreement and the revised Chambers Housing Pilot Phase I, along with any other matter the Town Board may deem appropriate.
2nd by Councilman David Brink
All Ayes

Going out to bid for Salt and Chemicals for 2008

Councilman Secreto motioned to authorize the Town Clerk to go out to bid for salt and chemicals for the Town of Ulster Water and Whittier Sewer District.
2nd by Councilman Joel B. Brink
All Ayes

Authorize the Town Supervisor to enter into contract with Sue Trnka for Animal Control Services for 2008

Councilman David Brink moved to authorize the Town Supervisor to sign an animal control service contract (for boarding of animals) with Sue Trnka for 2008.
2nd by Councilman Secreto
All Ayes

The demolition of buildings on properties of Louis Plotnick, 136 John Street, & Thomas Heavey, 20 Steward Lane

Town Attorney Andrew Zweben reported that Mr. Plotnick owns a property on 136 John Street in East Kingston that needs to be removed for safety. The problem is that Mr. Plotnick is deceased. He is trying to find an active address for the daughter who was the executrix of the estate. He further reported that the Heavey property is more difficult, for the property needs to be cleaned before the house can be reached to be removed. The process of getting the property cleaned is a lengthy process and the removal will be expensive. The building is a hovel as there was a fire and half the house is exposed to the elements. The Chick property on John Street has been removed.

Supervisor Woerner feels that the money will be recouped from the clean up of the Heavy property.

Mr. Robert Mitchell offered his services as he has a good rapport with Mr. Thomas Heavey.

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Councilman Kitchen inquired if the Town Highway Department can remove the items or would that need to go out to bid.

Supervisor Woerner will check with the Highway Department and their work schedule but normally this would go out to bid. The matter of the property clean ups was turned over to the Public Safety Committee. The public hearing for the Chick property scheduled for February 21, 2008 was canceled.

Issuance of Site Plan Approval for the Dena Marie Plaza on Rt. 9W.

Town Planner, Alan J. Sorensen, AICP, reported that the Dena Marie project has been before the Town Planning Board for the past several months. There are some potential concerns such as lighting level, parking standards, elevations, sounds and traffic. The overall project consisted of the redevelopment of the plaza, resulting in a 10% increase. Creighton Manning Engineering has reviewed the traffic issue and sound panels will be installed on the H/A units on the roof to eliminate the sound at the source.

The County comments were reviewed. The issue of having less parking spaces was addressed as the applicant needs them to attract high-end tenants. Mr. David Kaplan, the developer, agreed to install bicycle racks at all buildings and work with the Ulster County Transportation Department to establish bus stops, adding a bus shelter, if necessary, and placing bus stop signs where required. The site plan has been reviewed and public buses should have no problem entering and leaving the site. An agreement for a meaningful sidewalk plan would be established for future sidewalks along 9W. There are internal sidewalks included in the site plan between buildings. Town Attorney Zweben stated all the points were reviewed and it has been before the Ulster County Planning Board several times.

Councilman David Brink inquired about Mr. Replansky's letter and items requested to be addressed. Town Attorney Zweben stated that the letter was written with a lack of knowledge of what processes had occurred and the unique site plan law that the town has. There were no legal obligations to send it back to the County Planning Board, but it was done. The two important comments were about lighting and traffic. The lighting was reduced and the traffic plan has been reviewed going out to 2020. There were no questions raised that would preclude the Town Board from acting. The approval will need a majority plus one vote to be passed.

Mr. David Kaplan stated that his project wants to attract high-end box stores that will be a benefit to the town. He has turned down lower-end boxed stores that would not have been good for the town. He has spent over \$1 M to remove a rock ledge to attract these tenants and has lined up five national tenants to come to the plaza. He needs a high parking ratio to attract tenants. The items requested to be addressed by Mr. Replansky have been answered by earlier studies submitted.

Councilman Joel B. Brink motioned to approve a negative declaration for the Dena Marie Plaza on Rt. 9W

2nd by Councilman Secreto

A Roll Call Vote was taken – All Ayes

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Councilman David Brink moved to overrule the County Planning Board comments (specifically the reducing of the 300 parking spaces) and approve the following:

RESOLUTION OF THE TOWN OF ULSTER TOWN BOARD –

**Site Plan Approval for Dena-Marie Plaza Redevelopment
Section 48.5, Block 2, Lots 20.11 & 20.22**

WHEREAS, the Town Board, Planning Board and its consultant planner and engineer's have reviewed an application by Kaplan Realty Group Dena Marie Plaza for Site Plan approval to redevelop the existing Dena Marie Plaza; and

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

- Project Narrative Description prepared by Chazen Engineering and Land Surveying Co., P.C. dated 12/06/07;
- A 21 Drawing Set prepared by prepared by Chazen Engineering and Land Surveying Co., P.C., dated 11/01/2007 and revised 12/6/07 including:
 - Title Sheet;
 - Existing Conditions Plan dated 10/03/07;
 - Campus Master Plan dated 10/03/07;
 - Planet Fitness Demolition Plan - 11/1/07, revised 12/06/07;
 - Planet Fitness Site Plan - 11/1/07, revised 12/06/07
 - Planet Fitness Utility Plan- 11/1/07, revised 12/06/07;
 - Planet Fitness Grading, Drainage, Sediment & Erosion Control Plan -11/1/07, revised 12/06/07;
 - Retail Building Demolition Plan - 11/1/07, revised 12/06/07;
 - Retail Building Site Plan - 11/1/07, revised 12/06/07;
 - Retail Building Utility Plan - 11/1/07, revised 12/06/07;
 - Retail Building Sanitary Sewer Plan & Profile - dated 12/06/07;
 - Retail Building Grading, Drainage, Sediment & Erosion Control Plan -11/1/07, revised 12/06/07;
 - Retail Building Landscaping Plan -11/1/07, revised 12/06/07;
 - Overall Lighting Plan; 11/14/07, revised 12/06/07; revised 12/19/07;
 - Site Details, sanitary sewer system details, water system details, storm sewer details, erosion & sediment control details and notes and landscape details- 11/1/07, revised 12/06/07
 - *Traffic Impact Study* for the Dena Marie Plaza Redevelopment prepared by The Chazen Companies, dated October 3, 2007;
 - *Stormwater Pollution Prevention Plan* for the Dena Marie Plaza Redevelopment prepared by The Chazen Companies, dated December 6, 2007;
 - *Fire Truck Access Plan* prepared by Chazen Engineering dated 12/06/07;
 - *Retail Building Signage Plan* prepared by Chazen Engineering dated 12/06/07; revised 12/18/07;
 - *Planet Fitness Signage Plan* prepared by Chazen Engineering dated 12/06/07; and
 - *Visual Reference Plan & Section* prepared by Chazen Engineering dated 11/14/07.

WHEREAS, after careful review of the proposed plan and consultation with its consulting planner and engineers, the Planning Board referred the proposed action to the Town Board with a recommendation to hold a public hearing at the January 17, 2008 meeting; and

WHEREAS, the Town Board held the public hearing on January 17, 2008, took public comments and closed the public hearing; and

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WHEREAS, the Town Board instructed its consulting engineers and planners to address technical comments regarding the proposed project to ensure potential environmental impacts were effectively mitigated; and

WHEREAS, the Town Board considered of the application materials submitted by the applicant in support of the proposed action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Town Board referred to the proposed action to the Ulster County Planning Board for their review and comments that were received on February 6, 2008; and

WHEREAS, the Town Board upon review of the entire record (including SEQRA Full EAF parts 1, 2, & 3) found that proposed redevelopment of the Dena Marie Plaza will not have an adverse impact on the environment; as Lead Agency made a determination of non-significance and issued a Negative Declaration pursuant to Part 617 of SEQRA.

NOW THEREFORE BE IT RESOLVED that the Town Board has determined that they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act (SEQRA); and

FURTHER BE IT RESOLVED, that the Town Board – while incorporating many of the County’s required modifications – does hereby override the County’s GML 239 recommendation; and

FURTHER BE IT RESOLVED, that upon full consideration of the above, the Town Board hereby grants approval of the Site Plan application for the redevelopment of the Dena Marie Plaza subject to the following conditions:

- a. The applicant shall install bike racks at all buildings within the Dena Marie Plaza;
- b. That the applicant enter into an agreement with the Town of Ulster that they will install sidewalks in accordance with the proposed Sidewalk Master Plan for the Route 9W corridor.
- c. That the applicant shall make provisions for UCAT bus drop off areas within the Dena Marie Plaza that are clearly marked with signage.
- d. If available, allow UCAT to install bus shelters at designated bus drop off areas.

2nd by Councilman Joel B. Brink

Supervisor Woerner stated that the Town Board believes it has satisfied the County Planning Board Comments by requiring bike racks, providing provision for UCAT, the parking spaces have already been reduced once but are needed to attract the tenants, will be needed for future parking for business expansion, safety and will not increase any runoff or incur an additional drainage.

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A Roll Call Vote was taken - All Ayes

Supervisor Woerner motioned to allow Larry Decker, a Town Planning Board Member, to attend the Association of Towns Conference for one day and be reimbursed for all reasonable expenses.
2nd by Councilman Kitchen
All Ayes

Mr. Robert Barton inquired if the applicant for the Dena Marie Plaza has addressed in writing the items raised from the public hearing.
Supervisor Woerner stated that the items were addressed for the record.

James Maloney, the Town Assessor, requested that he be copied on all items in regard to Mr. Rod Futerfas, Special Council for town, in regard to the Chamber Housing PILOT Agreements.

Mr. Schuler engaged in discussion about parking at the Dena Marie Plaza. A copy of the documentation for parking or other related material can be obtained from the building department.

Mrs. Pat Metzger inquired about the round-about on Washington Avenue and if anything has come back from the state about its status.
Supervisor Woerner stated that there is still an on going discussion about that and the proposed round-about may not be the best solution for the area. This had nothing to do with the Quick Chek site plan extension.

Mr. Reno Budziak stated that he was a member of the Town Planning Board, that the Dena Marie Project was thoroughly reviewed and the local residents were kept in mind. Mr. Kaplan did take the residents suggestions into consideration.

Councilman Joel B. Brink motioned to adjourn the meeting at 8:30 PM
2nd by Councilman Secreto
All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk