

ULSTER TOWN BOARD WORKSHOP
FEBRUARY 4, 2010 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7:06 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILWOMAN CRIS HENDRICK
TOWN COUNCILMAN JOHN MORROW
SUPERVISOR JAMES QUIGLEY 3rd

Public Hearing for Local Law No. 1 of 2010, a Local Law repealing Local Law #7 of 2007 establishing a Five Member Police Commission.

Supervisor Quigley opened the public hearing in regard to Local Law #1 of 2010 to repeal local law #7 of 2007 at 7:07 PM

Mr. Robert Barton inquired about the significance of the proposed law.
Supervisor Quigley reported that the purpose is to allow the Town Board greater control over the Police Department and to enforce financial discipline.

Police Commissioner Craig Artist requested that the Town Board keep the police commission in its current form. He feels that it eases the burden of the Town Board and that the commission operates within the budget set by the Town Board.

Councilman Kitchen moved to close the hearing at 7:14 PM
2nd by Councilman Joel B. Brink
All Ayes

Public Hearing for Special Permit for Timber Harvesting, Lands of Michael Sorensen, NYS Route 32 & Tuytenbridge Road

Supervisor Quigley opened the public hearing in regard to a special permit for timber harvesting on the lands of Michael Sorensen, NYS route 32 & Tuytenbridge Road at 7:15 PM.

Mr. Mike Arnold gave an overview of his logging project which consists of harvesting roughly 125 trees on the property. In responding to questions from the Town Board, he reaffirmed that there is a buffering plan in place and a responsibility of keeping the road clean from mud and tree waste. Further, there would be 4-5 trucks a weeks going to and from the property and he will need to wait for both lanes to be clear to enter the property. A person will be there to direct traffic. It wouldn't be feasible to widen the entrance due to the DOT permit requirement. The logging will be Monday to Friday, 8 AM to 3 PM, for five weeks. The tree cutting will start at 9 AM. There will be no work on the weekends.

Mr. Renno Budziak requested that the 100 ft buffer from the wetlands be honored.
A discussion followed by the Town Board about a buffer that was included in the proposed resolution. Mr. Mike Arnold stated that he will honor that buffer request.

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Councilman Morrow moved to close the public hearing at 7:22 PM
2nd by Councilman Brink
All Ayes

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Councilman Morrow motioned to accept the minutes of January 21, 2010.
2nd by Councilman Brink
All Ayes

ABSTRACT OF CLAIMS

Councilwoman Hendrick motioned to approve the following:

FUND	CLAIM #	AMOUNT
GENERAL	1145-1162	39,297.48
HIGHWAY	151-156	1,302.90
WHITTIER SEWER	108	25.00
ULSTER SEWER	135-137	24,129.82
ULSTER WATER	123-125	429.39
HALCYON PK. WATER	102	25.00
SPRING LAKE WATER	102	25.00
BRIGHT ACRES WATER	103	25.00
CHERRY HILL WATER	102	25.00
GLENERIE WATER	102	25.00
EAST KINGSTON WATER	102	25.00
	TOTAL	\$ 65,334.59

2nd by Councilman Kitchen
All Ayes

Public Comments

Mr. Robert Barton inquired as to why money set aside for retirement costs was being transferred to other accounts in 2009 budget modifications.

Supervisor Quigley stated that the retirement costs were paid and the remaining amount is a surplus to the general fund that is being used to cover lines that exceed their budgeted amount. A discussion followed about Empire Development Zone cost to benefit and about the study of the cost of shared services between the Town and County.

Public hearing for issuance of a Site Plan re-approval, Land of San Eldorado, LLC, 1987 Ulster Ave.

Supervisor Quigley opened the public hearing in regard to the site plan re-approval for the San Eldorado LLC on 1987 Ulster Avenue at 7:30 PM.

Mr. Clayton Van Kleek gave an overview of his project. It is the same plan approved two years ago on the south side of Van Kleeck Tires. There are a number of financial issues that have to be resolved because of the economic climate before he can proceed.

Councilman Morrow moved to close the public hearing at 7:33 PM

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2nd by Councilman Brink
All Ayes

Mr. Vincent Guido suggested, in regard to the logging permit for Lands of Michael Sorensen, that a delineating person be used to mark the buffer lines on the property before logging begins so everyone knows where the buffer lines are. He also feels that the EAF didn't answer any questions pertaining to the Millen's Recycling Center. He has concerns pertaining to water usage and traffic.

Mr. Robert Crane expressed his concern about the sewer system aging and its need to be replaced. He suggested that if the town starts developing a plan to address this, the town could qualify for grant money to help offset costs. He volunteered to help out.

Councilman Morrow moved to close the public comment session
2nd by Councilwoman Henrick
All Ayes

Councilman Kitchen moved to approve the following:

Budget Modifications

General Fund:	Transfer From:	Transfer To:	
	A1410.400 Computer Expsn.	A1460.400 Records Management	30.00
	A1620.407 Electric	A1620.454 Maintenance	974.00
	A3620.405 Schooling & Conf.	A3620.403 Office Supplies	133.00
	A3620.420 Gas & Oil	A3620.419 Vehicle Lease	750.00
	A9010.800 State Retirement	A6410.401 Empire Zone	6,250.00
Highway Fund:	Transfer From:	Transfer To:	
	D5130.422 Equip. Maintenance	D5130.491 Parts	77.00
Ulster Water:	Transfer From:	Transfer To:	
	SW1-8330.451 Chemicals	SW1-8330.401 Lab Testing	150.00
Halcyon Pk. Water:	Transfer From:	Transfer To:	
	SW2-8330.451 Chemicals	SW2-8330.401 Lab Testing	25.00

2nd by Councilwoman Hendrick
All Ayes

Authorizing a 1 year extension for the Site Plan Approval granted on March 17, 2009 for Quick Chek Corporation.

Councilman Brink moved to authorize a 1 year extension for the Site Plan Approval granted on March 17, 2009 for Quick Chek Corporation.
2nd by Councilman Morrow
All Ayes

Designation of a delegate and substitute delegate from the Town of Ulster Planning Board to the Ulster County Planning Board

Councilman Kitchen moved the following resolution:

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Whereas, pursuant to Section C-49(A) of the Ulster County charter and Section A7-5(A) of the Administrative Code, the Ulster County Legislature appoints members of the Ulster County Planning Board, and

Whereas, appointment to the Ulster County Planning Board requires the recommendation of local governing bodies,

Resolve, that the following persons are recommended for appointment to the Ulster County Planning Board: Mr. Renno Budziak as the regular member and Scott Ricketson as the alternate member

2nd by Councilman Brink

All Ayes

Scheduling a Public Scoping Session for Millen's Recycling Center to be located on a 39 acre parcel of land accessed from Flatbush Road (NYS Route 32).

Councilman Kitchen moved to schedule the scoping session for the proposed Millen's Recycling Center on February 18, 2010 at 7:15 PM

2nd by Councilwoman Hendrick

All Ayes

Application from Edith Short, 6 Cedarwood Lane, for a Special Use Permit to replace a 12' x 60' Mobile Home with a 14' x 70' Mobile Home.

Supervisor Quigley opened the public hearing at 7:46 PM for a special permit application to replace a mobile home with a larger one on an existing lot.

Town Attorney Jason Kovacs gave an overview of the special permit. There were a number of concerns and he had discussed the matter with the Town Planner. The application needs a survey showing where the mobile home will be as well as a copy of the deed. He recommended that the Town Board not move forward at this point with approving the permit. This would be a variance.

James Maloney reported from the Building Department that the applicant was given a Building permit application to remove and replace the existing mobile home with a newer one. The mobile home was demolished on-site. The building department issued an order to clean up the remains of the old mobile home. The building permit was revoked for the new mobile home because it was larger than the one it was replacing. The remedy to order is on hold due to this application for a special permit. No action has been taken by the owner to clean up the property. There have been no fines issued against the property owner.

Public Comment:

Paul Vogt expressed that he is not in favor of the special permit. This property has been an eyesore for years and he feels that this new mobile home is not going to enhance the neighborhood. He requested that due to the size of the parcel and the enlargement of the mobile home that the septic system be addressed by an engineer. He further requests that the special permit be denied.

Councilman Morrow moved to close the public hearing at 8:53 PM

2nd by Councilwoman Hendrick

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All Ayes

Councilman Kitchen moved to adopt Local Law #1 of 2010 as follows:

A Local Law Providing for the repeal of Local Law No.7 of 2007

Be it enacted by the Town Board of the Town of Ulster as follows:

Section I. Declaration of Policy

The Town of Ulster has determined that it would be in the best interest of the public to abolish the Police Commission of the Town of Ulster and transfer the powers of said Police Commission to the elected Town Board.

Section II. Authorization/Effect

Be it enacted that Local Law No.7 of 2007 entitled "An Act Creating a Five Member Police Commission in the Town of Ulster," plus any amendments thereto, is hereby repealed.

All Resolutions, Local Laws, and parts thereof, which are inconsistent with this Local Law, are also hereby repealed.

Section III. Effective Date

This local law shall take effect upon filing with the Secretary of State.

2nd by Councilman Morrow
All Ayes

Special Permit for Timber Harvesting, Lands of Michael Sorensen, NYS Route 32 & Tuytenbridge Road

Councilman Morrow moved to approve the following:

**SPECIAL PERMIT TIMBER HARVEST
Lands of Michael Sorensen
NYS Route 31 & Tuytenbridge Road
S-B-L: 39.02-1-3.2**

WHEREAS, the applicant, Michael Sorensen, submitted an application for a Special Permit to allow a selective Timber Harvest in accordance with Section 190-25 (E) of the Town Code; and

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

- *Application for Special Permit* prepared by Mike Arnold, MJM Products dated 10/7/09;
- *SEQRA Short EAF* prepared by Mike Arnold, MJM Products dated 10/5/09; and
- *Timber Harvesting Plan* prepared by Mike Arnold, MJM Products dated 10/7/09.

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

WHEREAS, the New York State Department of Transportation determined that the site access was suitable for the logging operation that is proposed via a correspondence dated August 17, 2009; and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short EAF), NYSDOT correspondence and *Timber Harvesting Plan* found that the selective timber harvest will not have an adverse impact on the environment; and

WHEREAS, the Planning Board at its October 2009 meeting referred this Special Permit Application to the Town Board with a recommendation of approval subject to the condition that the landing area be reseeded along with the skid trails being smoothed and leveled; and

WHEREAS, the Town Board, reviewed the application for a selective timber harvest by Michael Sorensen and 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, the application by - Michael Sorensen - for Special Permit Approval- for a selective timber harvest in accordance with the applicant's Timber Harvest Plan prepared by Mike Arnold dated 10/07/09 is hereby granted, subject to the conditions, limitations and restrictions set forth below.

1. The selective timber harvest shall take place in accordance with the applicant's Timber Harvest Plan prepared by Mike Arnold dated 10/07/09.
2. Upon completion of the selective timber harvest, the landing area shall be reseeded and the skid trails smoothed and leveled.
3. The applicant shall maintain a 100 foot buffer between the Army Corp of Engineers regulated wetlands and selective timber harvest activities.

2nd by Councilman Brink

A discussion followed among the Town Board.

Councilman Morrow motioned to amend the resolution to include that the harvesting of trees should be during business hours as not to disturb the tranquility of residents and for the company to hire a delineator to locate the wetlands and to mark the 100 foot buffer to ensure the logging does not encroach on the wet lands

2nd by Councilwoman Hendrick

All Ayes

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A vote was called for the Town Board to approve the resolution as amended - All Ayes

Councilman Kitchen moved to approve the following:

RESOLUTION TOWN OF ULSTER TOWN BOARD

**Site Plan Re-Approval
San Eldorado
S-B-L: 39.015-5-15.1 & 18**

WHEREAS, the Planning Board, its Consultant Planner and Engineer's reviewed an application for Site Plan approval submitted by San Eldorado, LLC. to construct a convenience store and gas station at 1973 Ulster Avenue within the HC – Highway Commercial Zoning District; and

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

- *Site Plan* prepared by Joseph Gottlieb, P.E., P.C dated 3/2/2007, revised 3/7/2007, 4/3/2007, 5/1/2007, 5/30/2007, 7/3/2007, 7/11/2007, 7/25/2007, 8/27/2007, 9/5/2007, 9/18/2007, 12/5/2007, and 12/20/2007;
- *Lighting Photometric Plan* prepared by Joseph Gottlieb, P.E., P.C dated 7/3/2007, revised 9/5/2007, 9/26/2007, and 12/05/2007;
- *Erosion Control Plan* prepared by Joseph Gottlieb, P.E., P.C dated 7/3/2007, revised 7/11/2007, 9/5/2007, 9/26/2007, and 12/05/2007;
- *Landscaping Plan* prepared by Joseph Gottlieb, P.E., P.C dated 6/5/2007, revised 12/05/2007;
- *Construction details* prepared by Joseph Gottlieb, P.E., P.C dated 5/22/2007, revised 7/3/2007, 7/11/2007, 7/25/2007, 8/27/2007, 9/26/2007, and 12/05/2007;
- *Construction details* prepared by Joseph Gottlieb, P.E., P.C dated 6/5/2007, revised 7/3/2007, 7/11/2007, 7/25/2007, 10/29/2007; and
- *NYS DOT Construction details* prepared by Joseph Gottlieb, P.E., P.C dated 6/5/2007, revised 7/3/2007, 7/11/2007, 12/5/2007, 12/20/2007.
- *Letter from Brinnier & Larios dated October 23, 2007 prepared by Joseph Mihm, P.E. recommending that the Planning Board accept the Stormwater Management System and indicating that the proposed Wastewater Disposal System will require review and approval by the Ulster County Health Department.*
- *Letter from NYS DOT approving the revised Site Plan and Stormwater Drainage Report for use dated January 11, 2008 by David M. Corrigan – Permit Engineer.*
- *Letter from Steve Kalka requesting re-approval of the Site Plan for San Eldorado, LLC. dated 11/8/2009.*

WHEREAS, at its August, 2007 public meeting the Planning Board referred the Site Plan to the Town Board with a recommendation for approval;

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

WHEREAS, the Town Board found that proposed action would not have an adverse impact on the environment; declared itself Lead Agency, made a determination of non-significance and issued a Negative Declaration pursuant to Part 617 of SEQRA.

WHEREAS, the Town Board determined that they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act (SEQRA); and

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WHEREAS, that upon full consideration of the above, the Town Board granted conditional site plan approval at its September 17, 2007 meeting for the proposed San Eldorado, LLC project subject to the following conditions:

- 1) That the technical comments related to traffic flow, sewer and stormwater be addressed to the satisfaction of its consulting planner in consultation with the Town's consulting Engineer Brinnier & Larios and the NYSDOT.

WHEREAS, the applicant resolved the outstanding technical issues concerning the conditional site plan approval and the final Site Plan was signed by the Planning Board Chair on September 5, 2008.

WHEREAS, in accordance with Section 145-11 of the Town of Ulster Code, the approved Site Plan has *expired* since the applicant did not commence construction on the approved Site Plan within twelve (12) months;

WHEREAS, the applicant has submitted a request and application for re-approval of the aforementioned Site Plan; and

WHEREAS, at its December 15, 2009 public meeting the Planning Board referred the Site Plan to the Town Board with a recommendation for approval;

WHEREAS, the Town Board found that proposed action, the re-approval of the Site Plan, would not have an adverse impact on the environment; declared itself 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 upon full consideration of the above, the Town Board grants re-approval of the site plan for the proposed San Eldorado, LLC project

2nd by Councilman Brink
All Ayes

Application from Edith Short, 6 Cedarwood Lane, for a Special Use Permit to replace a 12' x 60' Mobile Home with a 14' x 70' Mobile Home.

Councilman Kitchen moved to deny the application until the applicant complies with the Building Department's order of remedy to clean the site up

2nd by Councilman Morrow

Town Attorney, Jason Kovacs, requested that Town Board add to their motion of denial their findings that the application was incomplete, missing the deed and a survey of the property with the trailer superimposed on it.

All Ayes

Mrs. Pat Metzger inquired if written correspondence will be accepted for the scoping session for Millen's Recycling Center and if Chambers Housing is compliant with the Town.

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Supervisor Quigley stated that written questions will be accepted for the meeting. Chambers has two PILOT agreements. Both agreements require that financial papers be submitted by February 1. As of today, no records were filed. This paperwork is needed to bill them for their March 1st date.

Mr. James McCasland requested that Town Board name a bridge after former Councilman Orvil E Norman while he is alive.

Mr. Vincent Guido stated he has no objections to naming a bridge after anyone as long as Mr. McCasland covers the sign costs.

Mr. Miller requested that a mailing notice be sent to adjacent property owners.

Mr. Robert Sweeney requested that notice be sent to people along Flatbush Road and Ulster Landing Road due to the magnitude of the property. He is not in favor of Millens moving to the Town of Ulster.

Mr. Robert Barton expressed concern about pollutants being created by the proposed Millen's Recycling Center on Route 32.

Town Clerk Cosenza suggested that the Town place a sign on the proposed property to make people aware of the recycle plant project.

Mr. Vincent Guido stated that there are many questions pertaining to Millens Recycling Plant that need to be answered in their proposals in order for residents to respond.

Councilman Morrow moved to close the public comment session
2nd by Councilwoman Hendrick
All Ayes

Councilman Kitchen moved to enter into executive session at 8:19 PM for the purpose of discussing the following items:

Pending Litigation – AG Properties of Kingston LLC v Town of Ulster

Personnel Issue - Section 75 Discipline Action

Personnel Issue- Police Department

2nd by Councilman Morrow

All Ayes

Town Assessor Maloney was present at the executive session during the discussion pertaining to the pending litigation for AG properties.

Councilman Kitchen moved to end the executive session at 9:21 PM

2nd by Councilman Brink

All Ayes

Supervisor Quigley called the meeting back to order at 9:23 PM. He noted that no action was taken pertaining to the pending litigation and the Police personnel matter.

Councilman Kitchen moved to approve the following resolution:

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WHEREAS, Ann Mitchell is employed by the Town of Ulster in the position of Town bookkeeper; and

WHEREAS, Ann Mitchell was served with a Notice of Discipline pursuant to Section 75 of the Civil Service Law dated December 28, 2009; and

WHEREAS, the allegations contained in the Notice of Discipline have been investigated by the Town Board; and

WHEREAS, as a result of the investigation and in the mutual interest of all parties, the Town Board has determined not to proceed with the Notice of Discipline.

NOW, it is hereby resolved as follows:

The Notice of Discipline dated December 28, 2009 is hereby withdrawn and the proceedings pursuant to Section 75 of the Civil Service Law are hereby terminated; and

IT IS FURTHER RESOLVED, that any lost, wages or benefits shall be restored to Mrs. Mitchell.

2nd by Councilwoman Hendrick
A Roll Call Vote was taken - All Ayes

Councilman Kitchen motioned to adjourn the meeting at 9:25 PM
2nd by Councilman Morrow
All Ayes

Respectfully submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk