

ULSTER TOWN BOARD WORKSHOP
FEBRUARY 3, 2011 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7:00 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

There were no public comments or communications.

Councilman Kitchen moved to approve the following:

Budget Modifications

General Fund:

Transfer From:	Transfer To:	
A9030.800 Soc.Sec.	A6140.400 Home Relief	\$ 335.00

Highway Fund:

Transfer From:	Transfer To:	
D9060.800 Hosp. & Dental	D9060.806 Retire. Hosp. & Dental	\$ 3,314.00

Spring Lake Water:

Modify Appropriation SW3-8310.437 (schooling) to be funded through SW3-5990 (Approp. Fund Balance) for schooling expenses	\$ 200.00
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2nd by Councilwoman Hendrick
All Ayes

Department Head Report

Waste Water Superintendent, Corey Halwick, reported that all the sewer systems are running satisfactorily. They are performing their operation maintenance and working to be DEC compliant with the Whittier Plant. He thanked his crew for making modifications to Whittier Plant as in-house service and saving the district money. His team is fighting the season by keeping the Plant's digesters warm so they perform optimally.

Authorization for the Chief of Police to go out to bid for 2011 Fleet Maintenance

Councilman Morrow motioned to authorize the Chief of Police to go out to bid for 2011 Fleet Maintenance

2nd by Councilman Hendrick
All Ayes

Discussion on adding a new section 161-27 to the Town Code requiring a Title Search be provided to the Town Planning Board when a request for a sub-division is made

Town Attorney Jason J. Kovacs explained that the Town had a problem in the past where a sub-division was approved when a prior Town Board had placed a condition on the property that prohibited a sub-division. This proposed requirement will prevent this situation from reoccurring.

Supervisor Quigley reported that this is a notification of the proposed law and that this item will be on the agenda at the next meeting to set a public hearing.

Discussion on Proposed Local Law of 2011: A Local Law Prohibiting Smoking Upon Certain Town-owned Lands

Town Attorney Jason J. Kovacs explained that Councilman Morrow had requested a law be proposed that would prohibit smoking on certain town properties.

Supervisor Quigley reported that this is a notification of the proposed law and that this item will be on the agenda at the next meeting to set a public hearing.

Motion to accept the Audited Financial Statement by Toski and Schaefer for the year end December 31, 2009

Councilman Morrow motioned to accept the Audited Financial Statement by Toski and Schaefer for the year end December 31, 2009
2nd by Councilman Brink
All Ayes

Public Hearing for Tech City – Draft Generic Environmental Impact Statement

Supervisor Quigley opened the public hearing for Tech City’s draft generic environmental impact statement at 7:17 PM

Mr. Dan Shuster gave a brief overview of the history of the project. It started almost two years ago. Tech City requested some zoning changes to allow more flexibility and quicker zoning reviews. The Town agreed to be the lead agency to the Environmental Quality Review Act. The Town Board approved a positive declaration to the impact statement and accepted a scoping review outline. The Town Board elected to resume the responsibility of the DGEIS statement. The DGEIS statement has been prepared by a variety of town approved consultants. This statement considers a variety of factors in development of the property. It evaluates the existing conditions, the potential impact and design stipulations and recommends mitigations to avoid potential negative factors of development. A part of the proposal is an overlay district that allows flexibility and a quicker zoning process in OM zones. All concerns and letters received during the comment period will be answered as part of the DGEIS.

Mr. Michael Divney, a representative of Tech City, an engineer and planner, gave a lengthy overview of the development. Some buildings will be removed to open up the site and add visibility. The buildings will be made more marketable with defined buildings with various frontage schemes, renaming buildings and adding ergonomically designed parking and an internal road system. Each building can be made to support a company or business. The plan to

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improve the internal road and sidewalk system also adds the possibility of connecting the site to Old Neighborhood Road. The site plan further reflects a mixed use with manufacturing, stores for shopping with residential apartments above them. The Town asked for the development to remove the proposed movie theater, so they placed a landscape berm with sidewalks to shield some of the parking and eliminate one of the entrance points on Boices Lane.

A discussion followed about the residential area on the parcel. These would include higher quality units, larger size floor units, on the property and would be meant to compliment the site as not to impeded the economic development. These would be made to attract employees to live on the site.

Councilman Brink expressed concern about the traffic along the roadways that lead to the site. It was explained that the mixed use would help alleviate the problem. At certain points when points reach certain capacities, improvements are planned to be made.

Councilman Kitchen expressed a desire that local labor be used in the construction. It was explained that local labor is intended to be used. The project's success will affect the timeframe of the development. It was estimated at 3-5 years before it starts with the economy being consistent.

Supervisor Quigley read into the record a letter written by IBM about the development of the project (see exhibit "A").

Public Comment

Mr. Robert Barton requested a study be performed to see what pollutants would be release into the soil with affective radius of the site and forming plan to clean the site up using that information. Then when new construction is performed a post test be performed after construction to see if any pollutants had been released, shifted or disturbed.

Mr. Lance Matteson, President of the Ulster County Development Corporation and Chief Executive Officer of the Ulster County Industrial Development Agency, spoke in favor of the project.

Mrs. March Gallagher, Esq., Deputy Director for Planning Economic Development for Ulster County, spoke in favor of the project.

Mr. Corey Halwick, Town Waste Water Superintendent, reported that their sewer permit expired in February of 2008 to discharge from the property and requested that this be resolved before the DGEIS is approved.

Sam Fratto, a representative of the International Brotherhood of Electrical Workers, asked town officials to encourage Tech City to seek companies that offer jobs with good wages and use local contractors in construction.

Mr. Vince Guido requested that the Town focus on the quality of life issues. He feels that the SEQR was missing a lot of information. He expressed concerned about the traffic flow. He feels that the town doesn't need any more zoning changes as the site is shovel ready. He is against

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sacrifice zoning laws on the promise of something to come. He expressed concern that a residential spot is created and a large manufacturing company moves in. The two uses conflict.

Councilwoman Hendrick motioned to reconvene the public hearing on February 17, 2011 at 7:45 PM
2nd by Councilman Kitchen
All Ayes

Public Comment:

Mr. Robert Barton expressed concern about methane gas being released from the old landfill and requested that the Town request that the County install more methane burners for health and safety reasons.

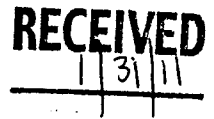
Mr. Vince Guido requested that the proposed “no smoking” law include the Town’s mini-parks.

Supervisor Quigley announced that on Tuesday, February 8, 2011 at 7 PM at the Town Hall that the Lower Esopus Watershed Partnership and the Town of Ulster will hold an information seminar to address the unprecedented recent pattern of turbid releases of waters from the Ashokan Reservoir into the Esopus Creek.

Councilman Brink motioned to adjourn the meeting at 8:25 PM
2nd by Councilwoman Hendrick
All Ayes

Respectfully submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk

Exhibit "A"
February 3, 2011



8976 Wellington Road
Manassas, VA 20109

January 28, 2011

James E. Quigley
Supervisor
Town of Ulster, Town Board
1 Town Hall Drive
Lake Katrine, New York 12449

Re: TechCity Draft GEIS Proposal

Dear Mr. Quigley:

International Business Machines Corporation (IBM) understands that TechCity Properties Inc. (TechCity) is requesting approval of a proposed amendment to the Town of Ulster Town Zoning Code to establish a Redevelopment Overlay District (ROD) to facilitate the redevelopment of TechCity's East Campus, located at 300 Enterprise Drive in Kingston, New York. TechCity submitted a *Draft Generic Environmental Impact Statement, TechCity East Campus, Town of Ulster, Ulster County New York* (Draft GEIS), to the Town of Ulster Town Board, dated November 3, 2010. A *Comprehensive Design Plan* (CDP) prepared by TechCity was included as part of the Draft GEIS. The Draft GEIS and CDP are now open for public comment and as such IBM offers the following comments:

- 1) TechCity and IBM are co-permittees for the property's existing New York State Department of Environmental Conservation (NYSDEC) 6NYCRR Part 373 RCRA Permit (Permit). As required by the Permit, IBM operates, maintains, and monitors a groundwater collection and treatment system as a corrective measure to remediate impacted groundwater beneath portions of the East Campus. Neither the GEIS, nor the CDP account for the existing groundwater monitoring, collection and treatment system infrastructure which is currently in place. Such infrastructure includes groundwater collection trenches, storm water sewer lines, monitoring wells, a treatment building and other related infrastructure. It is this collection and treatment system which allows for the continued compliance with the Permit. As per the requirements of the Permit, the groundwater treatment system must remain intact and in its current operating condition, unless a change to that system is agreed upon by IBM and TechCity, and approved by NYSDEC.
- 2) The existing groundwater collection and treatment system utilizes natural groundwater flow patterns coupled with existing subsurface infrastructure for plume control and groundwater collection. IBM notes several references within the GEIS related to the potential future use of "pervious paving materials" and "infiltration gardens and trenches" to reduce off-site storm water discharge. While TechCity also states "such materials will not be used in areas which are subject to the plume or could influence its condition," it is important to note that groundwater flow patterns outside the plume can also affect those inside the plume. As such IBM should be made aware of any storm water infiltration designs. Any such designs should be thoroughly assessed from concept to installation to ensure the continued efficacy of the remedial system in place, and may be subject to the approval of NYSDEC.

- 3) In accordance with NYSDEC approved work plans, IBM is implementing several investigations to further assess soil and groundwater quality conditions beneath portions of buildings which were previously deemed inaccessible. IBM will conduct this work as these areas become accessible through TechCity's various demolition projects supporting redevelopment. The following statement regarding IBM's future investigation / remediation is presented in the Draft GEIS:

"Once IBM's source investigations are completed, pilot studies will be completed to confirm which techniques are most effective for full-scale implementation to complete groundwater clean up in an accelerated timeframe."

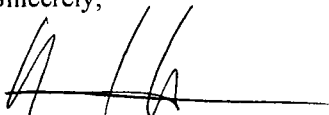
It is important to note that while IBM is committed to the ongoing investigation and remediation of the property as outlined in our existing Permit, it is premature to presume pilot studies will be conducted to assess alternate full-scale remedial technologies. The implementation of any pilot study is subject to the results of the investigation(s). Once an investigation is complete, and the horizontal and vertical contaminant mass distribution is fully defined and understood, a preliminary screening of available remedial technologies will then be conducted. A decision to implement a pilot study to assess a particular remedial technology will be made at that time.

Furthermore, to definitively say groundwater clean up can, and will, be conducted in an accelerated timeframe is premature for the same reasons noted above.

It is important to note that all investigatory and remedial comments presented in the GEIS are the opinion of TechCity and should not be interpreted as that of IBM.

IBM looks forward to the ongoing cooperation with TechCity regarding the redevelopment plans of the property. Should you have any questions please do not hesitate to contact me at 703-257-2586.

Sincerely,



Michael Kominek
IBM Corporate Environmental Affairs

cc: Dan Wieneke, TechCity
Wayne Mizerak, NYSDEC