

ULSTER TOWN BOARD MEETING
APRIL 21, 2011 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 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 COMMENT

Mr. Robert Barton expressed concern about the water quality in the Ulster Water District.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Brink motioned to accept the minutes of March 3, 2011 and March 17, 2011
2nd by Councilman Kitchen
All Ayes

COMMUNICATIONS

Supervisor Quigley announced a public hearing will be held at the Ulster Town Hall on May 3, 2011 at 7 PM for the Center for Spectrum Services, a non-profit company, by the Ulster County IDA for special funding services.

ABSTRACT OF CLAIMS

Councilman Brink motioned to approve the following:

FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	601-623	14,194.10
ULSTER WATER	401-409a	7,779.44
HALCYON PK. WATER	401-402	462.93
SPRING LAKE WATER	401-403	292.78
BRIGHT ACRES WATER	401	380.74
GLENERIE WATER	401	32.82
WHITTIER SEWER	401-403	2,392.61
ULSTER SEWER	401-404	18,799.30
WASHINGTON AVE. SEWER	401-402	82.71
SPECIAL LIGHT	401-406	3,862.00
ALL OTHERS		
GENERAL	401-4142	188,086.16
HIGHWAY	401-457	93,983.07
ULSTER WATER	401-419	10,652.35
HALCYON PK. WATER		
SPRING LAKE WATER	401	16,594.60

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BRIGHT ACRES WATER	401-402	3,565.61
CHERRY HILL WATER	401	8,309.17
GLENERIE WATER	401	3,773.87
EAST KINGSTON WATER	401	2,444.52
WHITTIER SEWER	401-407	468.71
ULSTER SEWER	401-424	28,484.40
WASHINGTON AVE. SEWER	401	1,767.86
INSURANCE (ALL FUNDS)	401-419	162,943.26
CAPITAL PROJECTS		
TRUST & AGENCY	401-412	5,100.00
EAST KINGSTON WATER	401-402	531.59
GLENERIE WATER TANK	401-403	46,976.55
TOTAL		\$ 621,961.15

2nd by Councilman Kitchen
All Ayes

Discussion on Designating a No Parking Zone on Fording Place Road

Mr. Jeff Hayner explained that people are parking along the roadside on Fording Place Road to attend the athletic events held there. This causes a lot of congestion and creates a scenario for a bad accident with children walking in and out between cars with the traffic. The school has a designated parking area and people are being lazy. Glen Mascot, Kingston School's Athletic Director, has asked people not to park their cars there, but he can't enforce it. The school has placed "No Parking" signs on their area of the property. He is requesting that "No Parking" signs be placed along both sides of Fording Place Road.

Mr. Jason Kovacs, the Town Attorney, advised that the Town has a law that addresses the parking issue on the side of the roads. A discussion followed among the Town Board. A further detailed plan and cost break down will be provided by the Town Highway Superintendent, Frank Petramale. Mr. Jeff Hayner suggested that the cost be split with the School District.

Discussion on extending water service to the proposed new residential structure being built by The Mental Health Association on Tuytenbridge Road

Supervisor Quigley reported that he has requested that the Town of Ulster Water District expand their water district to the Mental Health Association on Tuytenbridge Road. He proposes that the Town sell water to them with an out of service district contract. Mr. Paul Vogt, Town Water Superintendent advised that the district does have ample water to sell or expand.

Councilman Morrow motioned to authorize the Town Supervisor to negotiate an out of district water contract with the Mental Health Association on Tuytenbridge Road. The cost of the water line is to be borne by the user, meeting the town specifications and turned over to the Town of Ulster Water District to maintain after its construction.

2nd by Councilman Kitchen
All Ayes

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Motion authorizing the Town of Ulster to approve the hiring of two people for seasonal help at Robert Post Park

Councilman Kitchen moved to hire Frank Rittie as Park Superintendent, as a transfer from the Town Transfer Station, as a part-time employee, to a full-time seasonal employee, at \$10.00 per hour, 40 hours a week, effective April 18, 2011 and to hire Andrew Nyulassy, as a Park Attendant, at \$8.00 per hour, 25 to 30 hours a week, effective April 25, 2011.

2nd by Councilwoman Hendrick
All Ayes

Motion authorizing the Town of Ulster to approve the hiring of a part time attendant for the Transfer Station

Councilman Kitchen moved to hire Jerry Gavin as a part-time Transfer Station Attendant, to fill Mr. Frank Rittie's position while he works as the Park Superintendent, at \$10.00 per hour, 20 hours a week, effective April 26, 2011

2nd by Councilwoman Hendrick
All Ayes

Motion authorizing the Town of Ulster to approve the hiring of a full-time Deputy Town Clerk for the Town Clerks Office

Councilman Kitchen moved to appoint Becky Vogt as a full-time Deputy Town Clerk effective May 9, 2011, at \$11.09 per hour, grade 4, step 1 (to parallel Local #17 Union Contract – the position is exempt from civil service and is non-union).

2nd by Councilman Brink
All Ayes

7:30 PM – Annual Review of MS4 Stormwater in the Town of Ulster

Supervisor Quigley opened up the MS4 Stormwater hearing at 7:30 PM.

Captain David Allen gave an overview of the MS-4 Stormwater District. He explained that some of the laws have changed. When the MS-4 was created, it was based on population densities. Many of the business areas were not included because they were outside residential areas. Any new construction will now be included into the district.

A discussion occurred about the Town enhancing or expanding the district on its own. There was another discussion among the public about the district map design. Supervisor Quigley stated that the Town Board will set up a meeting with an MS-4 expected to further educate the public, answer questions and address some of the mapping issues.

Councilman Morrow moved to close the public hearing at 7:55 PM

2nd by Councilwoman Hendrick
All Ayes

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Review bids for (2) 2011 Chevrolet Equinox: AWDLS or equivalent as specified RFB-TOUG-2011-01

Councilman Morrow moved to reject all the bids due to them not being compliant with conditions stated in the specifications.

2nd by Councilwoman Hendrick

All Ayes

Schedule Public Hearing on Local Law of 2011: A Local Law Providing for the Adoption of a New Chapter 105 of the Town Code [Landlord Registry]

Councilman Kitchen moved to set a public hearing on the proposed Local Law of 2011: A Local Law Providing for the Adoption of a New Chapter 105 of the Town Code [Landlord Registry] at on May 5, 2011 at 7:10 PM

2nd by Councilman Morrow

All Ayes

Schedule Public Hearing on Local Law of 2011: A Local Law Providing for the Adoption of a New Chapter 115 of the Town Code [Vehicle Impoundment]

Councilman Morrow moved to set a public hearing on the proposed Local Law of 2011: A Local Law Providing for the Adoption of a New Chapter 115 of the Town Code [Vehicle Impoundment] on May 5, 2011 at 7:20 PM

2nd by Councilman Hendrick

All Ayes

Schedule Public Hearing on Local Law of 2011: A Local Law Providing for the Adoption of a New Chapter 54 of the Town Code [Burglar Alarm and Fire Alarm Local Law]

Councilman Morrow moved to set a public hearing on a proposed Local Law of 2011: A Local Law Providing for the Adoption of a New Chapter 54 of the Town Code [Burglar Alarm and Fire Alarm Local Law] on May 5, 2011 at 7:35 PM

2nd by Councilman Hendrick

All Ayes

Councilman Morrow moved to approve the following:

Local Law 2 of 2011: A Local Law Providing for the Adoption of a New Chapter 145 of the Town Code [Site Plan Review]

§ 145-1. Title.

The title of this chapter shall be the "Town of Ulster Site Plan Review Law."

§ 145-2. Planning Board Approval of Certain Site Plans.

A. Notwithstanding any other contrary provisions of this chapter, the following actions shall

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be subject to review and approval by the Planning Board only and shall not be referred to or require action by the Town Board.

- (1) Applications for all free-standing signs and billboards.
 - (2) Site plans for new structures or additions of less than 2,500 square feet of gross floor area.
 - (3) Site plans where no structure is proposed and which utilize a ground area of less than one (1) acre.
 - (4) Site plans involving the change of use of an existing structure.
 - (5) Revisions to any previously approved site plan which did not qualify under this section but where such revision does not exceed the limits set forth in (2) or (3) above.
- B. Procedures. The procedures and standards set forth in § 145-6 and 7 shall apply to site plans reviewed in accordance with this section

§ 145-3. Legislative authority.

Enacted according to the authority granted by the provisions of Town Law, §§ 274 and 274-a, and pursuant to the procedures and purposes set forth in Town Law §§ 261, 264, 266, 267, 268, 280 and 280-a, Article IX New York State Constitution and § 10 of the Municipal Home Rule Law.

§ 145-4. Purpose.

To provide a procedure whereby the Town Board or Planning Board shall approve, approve with modifications or conditions or disapprove site plan applications after public hearing, if required, and following referral to and advisory report of the Planning Board when required in order to review the provisions for parking, means of access, screening, signs, landscaping, location and dimensions of buildings, drainage, traffic flow and impact of proposed use or uses on adjacent land uses. All such new uses or structures covered by this chapter are referred to herein as the "proposed use or uses."

§ 145-5. Applicability.

- A. Approval required. This site plan review law shall apply to all proposed changes in land uses and to the proposed design, construction, and/or change of use of all structures in the Town of Ulster, including residences, multiple dwellings, row or attached dwellings, institutions, community facilities, office buildings, laboratories, stores, shops, theaters, restaurants, business establishments or industrial plants unless excluded below.
- B. Exceptions. This chapter shall not apply to the construction or use of the following:
- (1) A single-family residence situated on a lot which was approved by the Planning Board under § 276 of the Town Law which otherwise complies with the provisions

of this chapter.

- (2) A single-family residence on a lot which existed prior to the enactment of subdivision regulations within the Town of Ulster which has been subsequently owned at all times separate and apart from any other contiguous lands of the fee owner and which otherwise complies with the provisions of this chapter.
- (3) Agricultural uses, including farm buildings, barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes which are situated on a parcel of at least five (5) acres in size which buildings or uses are located at least fifty (50) feet from the bounds of any lot line or public road.
- (4) The addition of garages, carports, porches, cellars, patios, greenhouses, solariums or uninhabitable basements or attics appurtenant to existing single-family residences, provided that they comply with the minimum setback requirements of §190-27(H) and §190-69 of the Town Code entitled "Table of Lot and Bulk Requirements."
- (5) *Interior alterations*, which do not change the use of the structure.
- (6) *Exterior alterations*, involving normal maintenance and repair to any building or structure, except for alternations involving changes to the exterior involving a material deviation from the existing *color scheme* of any multi-family, institutional, commercial or industrial building or structure.
- (7) Repair, replacement, upkeep or maintenance of any building or structure, which is in compliance with this and any other applicable laws or regulations of the Town of Ulster.
- (8) Changes in ownership or changes in retail or commercial uses, which do not substantially change the nature of the goods sold or services provided.

§ 145-6. Application procedure; design standards.

- A. Application. The application for a site plan review and approval, together with copies of the site plan and related drawings shall be submitted by the owner to the Planning Board Secretary with copies for transmittal to the Town Board, the Building Inspector and the Planning Board at least ten (10) days prior to the Planning Board meeting scheduled to consider the site plan in question. References in this chapter to "owner" shall also include the attorney and/or authorized representative of the owner for the purposes of application and representations made during the review process. The application shall be reviewed in accordance with the following procedures and standards.
- B. Supporting documentation required. In order for the Planning Board or Town Board to properly consider the proposed use or uses in compliance with this chapter, the Board may require the owner to submit, as warranted on a case-by-case basis, a site plan and supporting data, which has been prepared by and shall bear the signature and seal of an architect, landscape architect, engineer, land surveyor or planner, and shall include the following information accompanied by a written summary describing the intent of the project in question.

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- (1) A survey of the property, showing existing features of the property, including buildings, structures, densely vegetated areas, streets, utility easements, rights-of-way, land use and sign locations and contours on properties over two (2) acres in size.
- (2) A site plan, drawn to reasonable scale not to exceed one (1) inch equals one hundred (100) feet, showing proposed building locations, traffic circulation, both internal and external, parking and loading spaces and pedestrian walks.
- (3) Landscaping plans, including site grading and landscape design and plant materials.
- (4) Lighting photometric plan, showing lighting levels for all exterior lighting.
- (5) Preliminary concept drawings for structures to be constructed shall be delineated, including general floor plans, exterior elevations, overall dimensions and designs and exterior construction materials.
- (6) A description of proposed screening, and/or fencing, if applicable, including size, design, materials and buffer or perimeter strip.
- (7) Location and provisions for management of storm water runoff.
- (8) Preliminary site engineering concept plans, including street improvements, public utility systems and hydrant locations.
- (9) A description of the proposed uses to the extent known, including hours of operation, number of employees, expected volume of business and type and volume of traffic to be generated and expected water and sewage use.
- (10) The applicant shall describe the nature of any *environmental constraints* on the subject site.
- (11) The applicant should verify whether any rare or endangered plant or animal species are present on the subject site.
- (12) A Short or Full Environmental Assessment Form (EAF) shall be provided pursuant to the New York State Environmental Quality Review Act (SEQRA) plus a narrative and graphic description of Army Corp of Engineers (ACOE) or NYSDEC regulated wetlands, hydric soils, stream courses or slopes exceeding 15%.

B. Access to public street. No approval hereunder or building permit shall be granted or issued for the proposed use until the applicant demonstrates compliance with Town Law § 280-a. Compliance with § 280-a may be met in three ways:

- (1) Access is provided to the site from a town, county or state street or highway.
- (2) Private streets may be permitted within or appurtenant to multiple family dwelling projects or within the interior of commercial or industrial subdivisions. This provision shall not preclude the further division of commercial or industrial tracts that have been granted approval hereunder or under prior applicable laws of the Town of Ulster subject to compliance with the other provisions of this chapter and all other applicable municipal laws and regulations.
- (3) An owner may apply to the Town Board to establish *Open Development Areas* under § 280-a of NYS Town Law, where lots do not abut a suitably improved street (see also Section 190-17 (B) of the Town Code, which authorizes the Town Board to approve Open Development Areas.

§ 145-7. Review standards.

The Town Board or Planning Board shall review the site plan permit application data to determine compliance with the following objectives:

- A. Conformance with the provisions of this chapter and any other laws or regulations then applicable to the proposed use within the Town of Ulster.
- B. Adequacy and safety of vehicular circulation between the site and the street and/or between the site and adjacent properties.
- C. The practicality of mitigation measures to minimize adverse impacts on adjacent uses.
- D. Adequacy of interior site circulation, parking and loading facilities, with particular attention to vehicular and pedestrian safety.
- E. Adequacy of landscaping, screening, buffering, plantings and setbacks in regard to providing reasonable compatibility with and protection of adjacent uses, particularly of residential subdivisions, and adequacy of maintenance provisions. The Planning Board is hereby expressly authorized to require such additional front, side and rear yard setbacks as may be required to ensure that the nonresidential use does not interfere with the quiet enjoyment of neighboring residential lands.
- F. Provisions for public or other central water, sewer and drainage facilities for industrial and concentrated residential and commercial uses. Preferred status shall be given to Town Law Article 12 and 12-A district improvements financed pursuant to Local Finance Law.

- G. Capacity of existing water mains, sewer lines, pumping stations, treatment facilities and storm water drainage facilities and downstream disposition and easements therefore.
- H. Aesthetics and compatibility of building design and signage with other existing uses. The Planning Board and Town Board are hereby expressly authorized to review the exterior architectural features of the proposed construction, addition, alteration or remodeling of buildings, including architectural elevations, facade treatments, building exterior finish and ornamentation, signage, windows, lighting and colors; in order to ensure and convey an attractive appearance of any multi-family, institutional, commercial or industrial building or structure.
- I. Hours and manner of operation and adequacy of measures to confine or minimize adverse effects of smoke, noise, glare, vibration, odors or other noxious or offensive activities.
- J. Avoidance of dangerous or hazardous activities and adequacy of measures to minimize dangers or hazards.
- K. The Planning Board or Town Board shall ensure that the design of each parking area provides adequate room for snow storage.

§ 145-8. Approval conditions.

- A. Should changes or additional facilities be deemed necessary by the town to mitigate significant adverse impacts, final approval of the site plan shall be conditional upon the satisfactory compliance by the owner with said changes or additions. Building permits shall be issued by the Building Inspector in accordance with an approved site plan, which shall be signed by the appropriate officer of the Town Board and Planning Board and transmitted to the Building Inspector.
- B. The Planning Board may require either the reservation of land or the payment of a fee in lieu of land for a park or other recreational purposes as provided by § 161-22(A) of this Code as a condition of the approval of a site plan application that has a residential purpose. **[Added 12-18-2006]**

§ 145-9. Changes in plan or use.

The site plan must conform exactly to the plans as approved by the Planning Board. Any and all changes, except as otherwise provided in the resolution granting site plan approval, will require formal site plan amendment approval by the Planning Board.

§ 145-10. Approval required prior to issuance of building permit.

No building permit shall be issued by the Town of Ulster for any use or construction coming within the provisions of § 145-4, Applicability, above, until the Town Board or Planning Board shall have granted final site plan approval therefore.

§ 145-11. Hearing; approval or denial

- A. The Planning Board or Town Board as the case may be may but shall not be required to hold a public hearing as provided for in Town Law, §274-a, Paragraph 2. The Planning Board shall make written findings of fact on the criteria above set forth and shall render its decision accordingly.
- B. Referral. A full statement of a site plan application that meets the specific referral requirements of § 239-l and § 239-m of the General Municipal Law shall also be referred to the Ulster County Department of Planning for its review prior to the public hearing. No action shall be taken by the Planning Board or Town Board on such site plan application until an advisory recommendation has been received from said County Planning Department or 30 calendar days have elapsed since the County Planning Department received such full statement.
- C. The Planning Board shall decide the matter or issue its advisory report and recommendation to the Town Board within sixty-two (62) days after the close of any public hearing or after receipt of a complete application if no hearing has been held.
- D. The Planning Board or Town Board as the case may be shall recommend conditions to the granting of site plan approval and require such assurances and guaranties as deemed appropriate to ensure compliance with the terms of the proposed decisions and conditions. Representations and assurances made by the applicant in the application for approval shall be deemed of the essence in the decision process and shall be reflected as conditions on the site plan prior to approval thereof. If the Planning Board shall fail to decide the matter and issue its advisory report and recommendation to the Town Board within such period(s) **no** recommendation of approval shall be deemed provided and the application as presented shall be referred to the Town Board for final action.
- E. The Town Board shall act to approve, modify and approve or disapprove within sixty (60) days after the Planning Board's decision, report and recommendation shall have been filed or the time to do so shall have elapsed. In the event that the Town Board shall not have modified and approved or disapproved such proposed use within said sixty (60) days, the decision and report of the Planning Board shall be deemed finally approved or if there be no decision and report, the application shall be deemed to have been approved.
- F. The map of the proposed use as finally approved, shall be endorsed by the Ulster County Health Department, if required, and shall be endorsed as approved by the authorized officers of the Planning Board and Town Board and a copy, so endorsed and bearing or accompanied by a statement of all conditions attached thereto, shall be filed in the office of the Town Clerk. A second copy, so endorsed, shall be filed in the office of the Clerk of Ulster County, a third copy, so endorsed, shall be filed in the office of the Town Planning Board, and a fourth copy, so endorsed, shall be delivered to the applicant.

§ 145-11. GUARANTEE OF SITE IMPROVEMENTS

- A. Subsequent to the granting of site plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan are installed. Upon a determination by the Town Board that extenuating circumstances prevent completion of all necessary improvements prior to occupancy and that it is in the Town's interest to permit such occupancy, the Board may authorize issuance of a certificate of occupancy upon provision of a sufficient performance guarantee by the applicant to ensure completion of improvements not yet completed.
- B. Performance Guarantee Options. In order that the Town has assurance that the construction and installation of such improvements as storm sewers, water supply, sewage disposal, sidewalks, parking, landscaping and access roads will be completed in accordance with an approved site plan, the Town Board may require that the applicant provide one of the following methods of surety to the Town in an amount equal to the cost of all uncompleted improvements. The cost of such improvements shall be based on an estimate furnished by the applicant, and confirmed by the Building Inspector or Town Engineer.
- (1) A bond executed by a surety company.
 - (2) A certified check.
 - (3) A letter of credit.
- C. Conditions.
- (1) The performance guarantee shall provide that the applicant, his/her heirs, successors, assigns, or his/her agent will comply with all applicable terms, conditions, provisions, and requirements of this law; and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the approved site plan.
 - (2) Any such guarantee shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, manner of execution and surety.
 - (3) Certified checks shall be made payable to "The Town of Ulster" and will be placed in an escrow account established by the Town for this purpose.
 - (4) Letters of credit shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, and manner of execution and shall be duly notarized.
- D. Extension of Time. The construction or installation of any improvements or facilities for which a guarantee has been made by the applicant shall be completed within six (6) months from the date of approval of the certificate of occupancy. The applicant may request that the Town Board grant him or her an extension of time to complete such improvements, provided the applicant can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the surety to construct the improvements as necessary. The Board may also grant the applicant an extension of time

to correct construction of improvements not performed in accordance with applicable standards and specifications.

- E. Release of Surety. When surety is provided pursuant to the preceding sections, the Town and applicant shall enter into a written agreement itemizing the schedule of improvements and providing that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation.

- F. Inspections. Inspections during the installation of improvements shall be made by the Building Inspector or Town Engineer to insure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify the Building Inspector when each phase of improvements is ready for inspection. Upon acceptable final completion of installation and improvement, the Town Board shall issue a letter to the applicant or his/her representative that provides sufficient evidence for the release by the Town of the portion of the surety as designated in the contract to cover the cost of such completed work.

§ 145-12. Expiration of approval.

An approval of a proposed use by the Town Board shall be deemed to have expired unless:

- A. Construction of the development shown on said map shall be actually commenced within twelve (12) months; and

- B. Construction of the development shown on said map shall be fully completed, as to all buildings, structures, streets, and other improvements shown on said map, within three (3) years after the start of construction.

§ 145-13. Waiver of provisions.

The Town Board may vary or waive the provisions of this chapter in any specific case where, in its judgment, the circumstances justify such variance or waiver upon such terms and conditions as it may deem appropriate provided that such variation and/or waiver promotes the health or general welfare and orderly growth.

§ 145-14. Existing and nonconforming uses.

This chapter hereby amends by replacing all the terms and provisions of Site Development Local law No. 2 of 1974, which amended Local Law No. 1 of 1971. Any use approved by the Town Board under said Site Development Local law No. 2 of 1974 shall be a lawful use hereunder. Lawful uses existing prior to enactment of this chapter being nonconforming may continue as nonconforming uses but any expansion or change in such use shall be subject to the provisions of § 145-4 hereof.

§ 145-15. Penalties for offenses.

Failure of the applicant to conform to the representations made by the applicant in the application and hearing process or failure to conform to the terms and conditions of the site plan approval or this chapter shall be deemed a violation of the law and is declared to be an offense

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punishable by fines not exceeding the maximum set forth in Town Law § 268. In addition, the town may institute any appropriate action or proceedings pursuant to the provisions of Town Law § 268, Paragraph 2. The Building Inspector is charged with the enforcement of this chapter.

§ 145-16. Filing fees.

Each application submitted for approval shall be accompanied by a fee as provided in Chapter A194, Fees.

2nd by Councilwoman Hendrick
All Ayes

Vote on Special Use Permit for a Dog Kennel on the property of the Ralph's in Ruby

Councilman Morrow moved to deny the Special Use Permit for a Dog Kennel on the property of the Ralph's in Ruby

2nd by Councilwoman Hendrick
All Ayes

Resolution authorizing the Supervisor to contact the NYS DEC regarding contaminated soil discovered on the Tilcon Property

Councilman Kitchen moved to approve the following resolution:

WHEREAS, according to the *Daily Freeman*, Callanan Industries has stored a pile of 30,000 cubic yards of potentially hazardous waste at its property at 804-816 North Street in the City of Kingston; and

WHEREAS, said property borders the Town of Ulster municipal boundary; and

WHEREAS, the Town of Ulster has many residents who live in close proximity to said property; and

WHEREAS, the New York State Department of Environmental Conservation has allegedly reached an agreement with Callanan Industries to resolve the cleanup and proper disposal of the material on the property at 804-816 North Street; and

WHEREAS, the alleged agreement requires Callanan Industries to pave the Forsyth Nature Center parking lot, which is owned and operated by the City of Kingston; and

WHEREAS, the Town of Ulster, a municipality which is as much affected by the potentially hazardous waste at the property at 804-816 North Street as is the City of Kingston, if not more so, was not consulted at all regarding the alleged settlement; now therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes the Town Supervisor to obtain a detailed explanation from the New York State Department of Environmental

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Conservation of how and why the alleged settlement, as reported in the April 21, 2011 *Daily Freeman*, was reached; and be it further

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes the Town Supervisor to take any and all action necessary to protect the rights and interests of Town residents vis-a-vis the New York State Department of Environmental Conservation and Callanan Industries.

2nd by Councilman Morrow
All Ayes

Public Comment:

Mr. Robert Barton inquired about the status of the environmental review of Tech City by Mr. Dan Shuster.

Supervisor Quigley reported a meeting is scheduled next week with two councilmen at a time. The meeting will be open to the public to observe, but not participate.

Mr. Jason Kovacs, the Town Attorney, gave an overview of the situation at Buck's Junkyard in Eddyville. The town gave an order remedy; they have filed an appeal. To expedite the situation, both parties have agreed to dismiss their claim without prejudice with conditions that the Junkyard apply for a site plan permit, a junkyard license and maintain the property in an orderly fashion.

Councilman Kitchen moved to enter into executive session at 8:13 PM to discuss pending litigation

2nd by Councilwoman Hendrick
All Ayes

Town Attorney Jason Kovacs was present during the whole session

Executive session ended at 8:49 PM.

At 8:50 PM, Supervisor Quigley resumed the meeting and reported that there were no actions taken during executive session.

Councilman Kitchen motioned to adjourn the meeting at 8:51 PM

2nd by Councilman Brink
All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk