

ULSTER TOWN BOARD MEETING
MAY 5, 2011 AT 7:00 PM

**CALLED TO ORDER BY COUNCILMAN MORROW, ACTING AS 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 – absent

COMMUNICATIONS

Mitchell Khosrova, a representative from TechCity, submitted a letter requesting that the approval for the TechCity FGEIS be placed on the May 19, 2011 Town Board agenda.

Councilwoman Hendrick reported that she had contact with the Kingston City School District and they agreed to split the cost of placing “No Parking” signs along Fording Place Road (See April 21, 2011 Minutes).

Alphonse Marino – A letter was read commending the quality of work the Town of Ulster Highway Department performed in Halcyon Park.

Erwin Wuttke – A letter was read asking for the enforcement of “No Parking” signs along VanKeuren Highway and in the general area and to install “No Parking” signs on Codwise Street.

Approval of Site Plan amendments for Prestige Toyota

Councilman Brink moved to approve the following:

Site Plan Amendment Approval

JBAF Management dba Prestige Toyota Auto Dealership
Section-Block-Lot: 48.050-2-7

WHEREAS, the Town of Ulster Planning Board and its consultant planner and engineers have reviewed an application by - *JBAF Management dba Prestige Toyota Auto Dealership* - for Site Plan Amendment Approval to construct a 4,785 square-foot (SF) addition to an existing 22,875 SF Prestige Toyota Auto Dealership located on the east side of East Chester Bypass; and

WHEREAS, the materials submitted in support of the Proposed Action include:

- *Site Plan Review Application* prepared by Robert J. Dupont, Architect, LLC dated 1/25/11;
- *Site Plan Consent Form* signed by Jon Braver of JBAF Management dated 1/25/11;
- *SEQRA Short EAF* prepared by Robert J. Dupont, Architect, LLC dated January 25, 2011;

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- *Existing Conditions Site Plan* prepared by Robert J. Dupont, Architect, LLC dated 2/1/11;
 - *Proposed Site Plan* prepared by Robert J. Dupont, Architect, LLC dated February 1, 2011;
 - *Existing First Floor Plan* prepared by Robert J. Dupont, Architect, LLC dated 2/1/11;
 - *Proposed First Floor Plan* prepared by Robert J. Dupont, Architect, LLC dated 2/1/11; and
 - *Proposed Elevations* prepared by Robert J. Dupont, Architect, LLC dated 2/1/11.
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- *Existing Conditions Site Plan* by Robert J. Dupont, Architect, LLC dated 3/1/11; and
 - *Proposed Site Plan* prepared by Robert J. Dupont, Architect, LLC dated March 1, 2011.
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- *Proposed Site Plan* prepared by Robert J. Dupont, Architect, LLC dated 3/14/2011;
 - *Proposed Site Improvement Plan* prepared by Brinnier & Larios, P.C., dated March 2011;
 - *Proposed Photometric Plan* prepared by Brinnier & Larios, P.C. dated March 2011;
 - *Lighting Plan Comparison Plan* prepared by Brinnier & Larios, P.C. dated March 15, 2011; and
 - *Proposed Site Improvement Plan* prepared by Brinnier & Larios, P.C., dated March 15, 2011.

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and comments from the UCPB were reviewed by the Town of Ulster Planning Board; and

WHEREAS, upon review of the UCPB response, which included required modifications, the Town of Ulster Planning Board concluded the Town Board should *override* the UCPB required modification concerning off-street loading; and

WHEREAS, the Planning Board considered the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants and the Town Water & Sewer Departments made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Town of Ulster Planning Board determined the applicant submitted a complete application, which satisfactorily addressed the Planning Board's recommended revisions and modifications to the Site Plan; and

WHEREAS, the Town of Ulster Planning Board recommended the Town Board *override* the UCPB required modification concerning off-street loading and approve the application by - *JBAF Management dba Prestige Toyota Auto Dealership* - for Site Plan Amendment Approval.

WHEREAS, the Town Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF)) found that the Proposed Action 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, the Town of Ulster 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

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FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby overrides the Ulster County Planning Board required modification concerning off-street loading; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby grants Site Plan Amendment Approval to - *JBAF Management dba Prestige Toyota Auto Dealership* - to construct a 4,785 square-foot (SF) addition to an existing 22,875 SF Prestige Toyota Auto Dealership subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable Building Code requirements;
2. Execution of MOU with Town of Ulster regarding sidewalks; and
3. Escrow account paid in full.

2nd by Councilwoman Hendrick
4 Ayes – Supervisor Quigley was absent

Public Hearing - 7:10 - Proposed Local Law of 2011: A Local Law Providing for the Adoption of a New Chapter 105 of the Town Code [Landlord Registry]

Acting Chairperson Councilman Morrow opened the public hearing at 7:10 PM for the proposed landlord registration local law

Mr. Jason Kovacs, Town Attorney, reported that this proposed local law would require landlords with 4 or more units in a building to register with the town for a bi-annual safety inspection and pay a fee to be determined by the Town Board.

Public Comments –

James Woerner inquired if there had been any financial impact statements dealing with the cost to enforce the law. Doesn't the Town already have the right to inspect?

Mr. Jason Kovacs, Town Attorney, reported that the Building Inspector doesn't have the right to enter a property to do an inspection and this will allow him to do so.

Councilman Kitchen emphasized that this is for safety issues and that the town has the manpower to handle this requirement. A discussion followed about the right of the tenants to allow the building inspector into their apartment, fire alarm systems and updating systems.

Councilwoman Hendrick motioned to close the public hearing at 7:20 PM
2nd by Councilman Kitchen
4 Ayes – Supervisor Quigley was absent

Public Hearing 7:20 - Local Law of 2011: A Local Law Providing for the Adoption of a New Chapter 115 of the Town Code [Vehicle Impoundment]

Acting Chairperson Councilman Morrow opened the public hearing at 7:20 PM for the proposed vehicle impoundment local law

Mr. Jason Kovacs, Town Attorney, reported that this proposed local law is in response to the Police Chiefs request to improve the current law.

There was no public comment.

Councilwoman Hendrick motioned to close the public hearing at 7:22 PM
2nd by Councilman Brink
4 Ayes – Supervisor Quigley was absent

A Local Law Providing for the Adoption of a New Section 161-27 and a New Section 161-28 of Chapter 161 of the Town Code

Mr. Jason Kovacs, Town Attorney, reported that this proposed local law requires a sub-division project to perform a title search and to offer notification to surrounding neighbors during sub-division to see if there are any objections.

Discussion on the modification of the mileage reimbursement rate

The Town Board discussed the mileage reimbursement rate due to the increase in the price of gas. There was no action taken.

Motion approving Ulster Sewer – Budget Modification: Modify

Councilman Brink moved to approve the following:
Appropriation SS2-88130.423 (Sewer Mains – Repairs & Maintenance) to be funded through SS2-5990 (Appropriated Fund Balance) for the emergency repairs to the Esopus Avenue interceptor sewer line from Leo Boice and Sons, Inc. in the amount of \$29,829.91 and from Pump Service & Supply of Troy, Inc. in the amount of \$11,107.00
2nd by Councilman Kitchen
4 Ayes – Supervisor Quigley was absent

Motion authorizing the Supervisor to submit a letter to the Ulster County Board of Election requesting a modification to the boundaries of Town Election Districts 14 and 9, moving the lands in District 14 lying between the Esopus Creek and the West Shore RR along Glenerie Blvd. into District 9

Councilman Kitchen moved to authorize the Supervisor to submit a letter to the Ulster County Board of Election requesting a modification to the boundaries of Town Election Districts 14 and 9, moving the lands in District 14 lying between the Esopus Creek and the West Shore RR along Glenerie Blvd. into District 9
2nd by Councilman Brink
4 Ayes – Supervisor Quigley was absent

Hiring seasonal laborers for the Highway Department to begin May 16th

Councilwoman Hendrick moved to hire Keith Felton at \$8.50 an hour and Joseph Alecca at \$9.00 an hour, both as part-time seasonal laborers effective May 16, 2011
2nd by Councilman Brink

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4 Ayes – Supervisor Quigley was absent

Hiring of one seasonal laborer for the Parks Department to begin May 6th

Councilman Brink moved to the hire Richard Metzger at \$9.00 an hour, as a park attendant at Rider Park, a seasonal position effective May 6, 2011

2nd by Councilman Kitchen

4 Ayes – Supervisor Quigley was absent

Change of Use Permit on 38 Old Sawkill Road

Councilman Brink moved to approve the following:
RESOLUTION

WHEREAS, Dr. Karen Garelick has requested a Change-In-Use pursuant to Town Code Section 190-48(E) for 38 Old Sawkill Road, SBL 48.14-1-12.100 and zoned R-30, to allow the applicant to convert the existing commercial building, formerly Breathe Fitness, to a dog training center.

NOW, THEREFORE, be it RESOLVED, that the Town Board does hereby approve the requested Change-in-Use for 38 Old Sawkill Road, SBL 48.14-1-12.100, with the following conditions and stipulations:

- This is an Unlisted SEQR Action and a Negative Declaration is made.
- Applicant shall prepare a site plan application, short form EAF, and a site plan, with new title block and parking table for Town Board and Planning Board review, and the same shall be approved by the Planning Board within ninety (90) days.

2nd by Councilwoman Hendrick

4 Ayes – Supervisor Quigley was absent

Citizens who want to save Golden Hill, Ulster County's Infirmiry

Several concerned citizens spoke in length in support of keeping Ulster County's Infirmiry program operating as a county run program and not privatized, citing many examples of its excellence.

7:35 – 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]

Acting Chairperson Councilman Morrow opened the public hearing at 7:50 PM for the proposed Burglar Alarm and Fire Alarm Local Law

Mr. Jason Kovacs, Town Attorney, reported that this proposed local law has been thoroughly reviewed and revised several times (possibly making it the finest law of its kind ever drafted in

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the county). The enforcement of the law would shift from the Police Department to the Building Department.

There was no public comment.

Councilman Kitchen motioned to close the public hearing at 7:51 PM
2nd by Councilman Brink
4 Ayes – Supervisor Quigley was absent

Public Comment

A lady from the audience voiced concern about the traffic on Decker St. and requested the Town Board lower the speed limit to 10 to 15 MPH to protect the children that play in the area. Chief Taggard recommended expanding the 20 MPH Child Safety Zone along Morton Blvd to the area.

Highway Superintendent Frank Petramale reported that the Town would need to send a speed limit change request to the county, who would then forward it to the State DOT to study the site and make a recommendation. He suggested a letter of request be submitted to the Town Board to begin the process.

Councilman Brink motioned to adjourn the meeting at 7:58 PM
2nd by Councilman Kitchen
4 Ayes – Supervisor Quigley was absent

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk