

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 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

OPEN DISCUSSION OF AGENDA

There was no public discussion.

DEPARTMENT HEAD REPORTS

Highway Department – Highway Superintendent, Frank Petramale, reported that his department had one of its busiest years. They installed over 5,000 feet of drainage in the Town. Every road was swept at least three times in 2011. The brush pick-up is going well. He reported that the equipment is running well, and he encouraged the town to maintain and keep the equipment updated. He has made some changes at the Transfer Station to clean it up better. An e-waste recycling program was installed which has saved the town money from placing items into the Landfill. The town received approximately \$300,000 in storm damage. Councilman Kitchen thanked him and his crew for their work.

Police Department – Police Chief Taggard read the monthly report. The updates to the computers in the police cars are being finalized. This allows the officers to perform office work while on patrol. He thanked the town board for their support.

Mrs. Kristy Nissen thanked the Town and the Police Department for support that they gave to her and her family after the passing of Officer Travis Nissen. She felt it was above and beyond.

Building Department - Paul Andreassen, the Building Inspector, read the monthly report. A discussion occurred about the Landlord Registration between him and the Town Board.

Director of Recreation – Jeffrey T. Hayner reported that the Bidy Basketball and Volleyball programs are running well. Summer camp is being planned now. The camp counselor job applications are on-line and are being received.

Waste Water – Corey Halwick, Waste Water Superintendent, reported that there was a sewer break on the collector and Leo Boice and Sons were contracted to do the repair. He thanked the City of Kingston for their help in lending their equipment in finding the breaks. He thanked Councilman Morrow for serving on his committee. The camera truck has been ordered. Everything has run well.

Water Department – John Rose, Town Water Superintendent, reported that all is running well with the exception of several water breaks. They are still waiting for the Water Tank to be completed in Glenerie.

Town Assessor – James Maloney reported on the exemption process for assessments. He announced his extended office hours for exemptions to allow people to reach his office.

Town Clerk – Mr. Jason Cosenza reported that the office is busy with the tax collection process. He reported that tax bills are available online for viewing and there is a payment option with a convenience fee. The lockbox system is working well. Further, the office has switched over to

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 AT 7:00 PM

an e-fax system that saves the town money over a standard fax line. A drop box is being considered to be installed out front once the town's building situation is resolved.

Supervisor Quigley announced that he will host Saturday hours in January from 9 AM to 12 PM to coincide with the Town Clerk's Office.

Presentation by Kirchhoff Construction on Mid- Hudson Medical Group Development, Route 9W North of Route 209 Intersection

Larry Boudraeu, the head engineer for the project gave a brief overview of where they are in the process. The Town has declared itself lead agency. They are waiting for feedback from various agencies. The proposal is for them to build medical office buildings on 14 acres of land. They have a whole plan laid out for SQRA but they plan to build it in phases. They have a lighting plan and signage plan. The whole site will be cleared and graded. They have received comments from the water, Sewer and Town's traffic engineer. They are waiting for the DOT's comments before they respond back. Some light discussion followed about the entrance to the building which is based on the template for the fire truck to enter. The ground breaking ETA will be sometime in March. The proposed buildings are the same height of the ones being removed.

7:45 PM - Municipal Agreement by and between the City of Kingston and the Town of Ulster for the Hudson Landing Sewer District

Supervisor Quigley called the public hearing to order at 7:48 PM.

Mr. Jason Kovacs, the Town Attorney, gave a brief overview of the agreement. This agreement would allow the Town to connect to the City of Kingston's sewer system which would service a proposed development that lay between the City of Kingston and the Town. The agreement would regulate the rates and the ways the system is to be implemented.

Public Comment

Mrs. Josephine Reina held a discussion with Supervisor Quigley about the AVR project and the installation of a sewer system into the hamlet of East Kingston. She complained that trucks were traveling through East Kingston. Supervisor Quigley reported that the trucks were there to remove a storage tank on a private property that has nothing to do with AVR.

Mr. Robert White expressed concern about the weight limit of the trucks passing through East Kingston over the water lines and damaging them.

Supervisor Quigley requested that the town attorney look into a weight limit law in that area.

Councilman Morrow moved to close the public hearing at 8:04 PM
2nd Councilwoman Hendrick
All Ayes

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 AT 7:00 PM

Authorize the Supervisor to sign the grant agreement for the Glenerie Water Storm Drainage project

Councilman Morrow moved to authorize the Supervisor to sign the grant agreement for the Glenerie Water Storm Drainage project
2nd by Councilwoman Hendrick
All Ayes

Authorize the Town Clerk to Advertise for Bids on the Materials for the Construction of the Water line for the Water Storage Tank for the Glenerie Water District

Councilwoman Hendrick moved to authorize the Town Clerk to Advertise for Bids on the Materials for the Construction of the Water line for the Water Storage Tank for the Glenerie Water District
2nd by Councilman Brink
All Ayes

Authorize the Supervisor to sign the 2012 contract for court reporting of DWI/DWAI with Ulster County Stop DWI

Councilman Morrow moved to authorize the Supervisor to sign the 2012 contract for court reporting of DWI/DWAI with Ulster County Stop DWI
2nd by Councilwoman Hendrick
All Ayes

Authorize the Supervisor to sign the 2012 contract for DWI Task Force Patrols for the Town of Ulster

Councilman Brink moved to authorize the Supervisor to sign the 2012 contract for DWI Task Force Patrols for the Town of Ulster
2nd by Councilwoman Hendrick
All Ayes

Motion to authorize the Highway Superintendent to purchase from State Highway Bid a 2012 930H Caterpillar Loader as per the comprehensive equipment replacement program

Councilman Kitchen moved to authorize the Highway Superintendent to purchase from State Highway Bid a 2012 930H Caterpillar Loader as per the comprehensive equipment replacement program
2nd by Councilman Brink
All Ayes

Motion to promote Thomas Torelli to Water Operator Trainee effective January 8, 2012.

Councilman Brink moved to promote Thomas Torelli to Water Operator Trainee effective January 8, 2012. Pay is in accordance with the Local 17 Contract Wage Schedule (grade 6, step 3).

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 AT 7:00 PM

2nd by Councilwoman Hendrick
All Ayes

Resolution Closing Bank Accounts at JP Morgan Chase

Councilman Brink motioned to approve the following resolution:

WHEREAS, the following bank account(s) at JP Morgan Chase Bank, N.A. are no longer needed for the town's banking needs, and are considered superfluous;

JP Morgan Chase Bank N.A. accounts

Trust and Agency Account #885537654
Tax Account #886121714

THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ulster, Ulster County, as follows:

1. That the Town Board of the Town of Ulster authorizes the Supervisor to close the following bank account(s) at JP Morgan Chase Bank N.A. according to the terms and conditions of the authorizations granted in this resolution:

JP Morgan Chase Bank N.A. accounts

Trust and Agency Account #885537654
Tax Account #886121714

2. That the Town Clerk is hereby authorized to file with JP Morgan Chase Bank, N.A. a duly certified copy of this resolution

2nd by Councilman Morrow
All Ayes

Resolution on Local Law 1 of 2012 accepting changes to the Town of Ulster Zoning Code for a special overlay district for Tech City

Councilman Morrow moved to approve the following:

A LOCAL LAW TO AMEND THE ZONING LAW OF THE TOWN OF ULSTER TO ESTABLISH A REDEVELOPMENT OVERLAY DISTRICT

WHEREAS, there are located in the Town of Ulster certain large properties formerly used for industrial purposes; and

WHEREAS, the Town of Ulster wishes to provide certain options for the redevelopment of such properties which are located in an OM zone as defined by the Zoning law of the Town of Ulster; and

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 AT 7:00 PM

WHEREAS, after review and study by the Town Board it was determined that the site known as the East Campus of TechCity would be suitable for designation as a Redevelopment Overlay District; and

WHEREAS, in March of 2009, the Town Board established itself as Lead Agency for environmental review of the proposed project under the New York State Environmental Review Act (SEQRA); and

WHEREAS, the Lead Agency determined that, due to the size and scope of the proposed project, and the multi-phased development program, the environmental review should take the form of a generic environmental impact statement (GEIS) to allow for consideration of potential environmental affects, both on-site and off-site, in sufficient detail to evaluate the significance of possible impacts without the need for premature preparation of detailed plans; and

WHEREAS, a Final Generic Environmental Impact Statement (FGEIS) was approved by the Town Board on May 27, 2011 and a Findings Statement was approved on December 22, 2011;

NOW, THEREFORE, Be It Resolved by the Town of Ulster Town Board, that the attached amendment to Section 190 of the Town of Ulster Code entitled "Redevelopment Overlay District (ROD)" is hereby approved and shall become effective upon filing with the New York State Secretary of State.

REDEVELOPMENT OVERLAY DISTRICT (ROD)

BE IT ENACTED by the Town Board of the Town of Ulster as follows:

1. Section 190-6 of Chapter 190 of the Town of Ulster Code entitled "Districts Established" is hereby amended to add the following new zoning district designation:

ROD Redevelopment Overlay District

2. Section 190-7: The Zoning Map of the Town of Ulster, incorporated in this chapter by reference, is hereby amended to designate the entire area bounded by Enterprise Drive, Boices Lane, the CSX Railroad right-of-way and Old Neighborhood Road as a Redevelopment Overlay District (ROD).
3. Chapter 190 of the Town of Ulster Code is hereby amended to add the following Section 190-12.2 to Article V entitled Use and Bulk Requirements:

§190-12.2 ROD Redevelopment Overlay District

In the ROD, Redevelopment Overlay District, the following regulations shall apply:

A. District Intent and General Purpose

- (1) The Town Board recognizes that certain office, manufacturing and related facilities within the Town, which are no longer utilized by their original owners or for their original purposes, can constitute a valuable economic resource for the Town, but may require changes in use, configuration or development program to be sustainable.
- (2) Through the review and approval of a redevelopment plan for a previously developed, large-scale site in the OM District, the Town Board can encourage the adaptive reuse of such a site that will generate a positive tax base, provide employment opportunities, enhance the image of the property and act to further the policies and objectives set forth in the Town of Ulster Comprehensive Plan.
- (3) Due to the size and existing layout of such sites, flexible land use patterns, shared parking strategies and design criteria may replace the standard lot and bulk requirements (excepting height) of the OM District while insuring appropriate accessibility to public roads and open space.
- (4) By the establishment of appropriate conditions following the completion of the environmental review process, the Town Board can create an approval structure for individual site plan and subdivision proposals that will comprise the redevelopment of such a site.
- (5) The ROD is an overlay district intended to provide an alternative to redevelopment of the site under the existing underlying OM zoning district. The standards and procedures set forth in this Section are intended to over-ride and replace standards and procedures set forth elsewhere in this chapter unless such standards and procedures are specifically referenced or incorporated herein.

B. Applicability

The provisions of the ROD shall be applicable to single or contiguous sites under the same ownership or control in the OM District, as delineated on the Zoning Map of the Town of Ulster. Such site(s) must contain at least 100 acres and include existing buildings with an aggregate floor area of at least 500,000 square feet and be serviced by municipal sewage disposal and water supply systems .

C. Permitted Uses and Subdivisions

Uses Permitted by Right: A site subject to the provisions of the ROD may be arranged, designed or used, only for the following purposes, by right, subject to site plan approval and any conditions established, by such approval. Uses otherwise permitted in the OM District are not permitted in the ROD unless specifically set forth below:

- (1) Research facilities, manufacturing and related uses including warehousing

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 AT 7:00 PM

- (2) Professional and business offices and services
- (3) Retail and personal service establishments
- (4) Restaurants and drinking establishments
- (5) Hotels and conference centers
- (6) Health clubs and indoor recreation facilities
- (7) Schools and institutions of higher education
- (8) Customary accessory uses to other permitted uses.
- (9) Residential uses subject to the following:
 - (a) Such uses shall only be located on the second or third floor of buildings which contain retail, office or other permitted non-residential uses on the first (ground level) floor.
 - (b) Each dwelling unit shall have no more than two bedrooms. A one bedroom unit shall contain no less than 700 square feet of interior floor area and a two bedroom unit no less than 850 square feet.
 - (c) No dwelling unit shall be located on the same floor as or the floor below any non-residential use.
- (10) Utility Facilities and Structures (cell tower, solar panels, co-generation, etc.).
- (11) Parking facilities and structures

Subdivisions: The ROD site may be subdivided upon approval by the Planning Board, in accordance with Chapter 161, for the purposes set forth below. Any parcels created by such subdivision shall be subject to compliance with all provisions of this section and the approved Comprehensive Design Plan. (See Section F. below)

- (1) Subdivision, resubdivision or lot line revisions to create individual parcels for permitted uses, parks and/or open space.
- (2) Subdivision to create blocks or sections for future development which may be further subdivided for the purposes set forth in item (1) above.

D. Application for Designation of a Redevelopment Overlay District

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 AT 7:00 PM

- (1) Any owner of property, or the owner's designated representative, within the OM District which complies with Section B above may apply to the Town Board for use of the Redevelopment Overlay District provisions in lieu of the use, bulk parking, floor area ratio and related standards in the underlying OM District. Such application shall be in accord with the standards and procedures set forth herein and shall be referred to the Town Planning Board for review and recommendations prior to final action by the Town Board.
- (2) Each application for designation of a ROD shall be accompanied by the following:
 - (a) A written analysis of the project's eligibility for the establishment of a ROD including site area and existing floor area.
 - (b) A location map showing the parcels requested to be included in the ROD. The map will overlay the proposed parcels on the most recent air photos of that site and illustrate the site context by including the entire area within 500 feet of the site perimeter.
 - (c) A map showing the existing conditions on the proposed parcels including existing buildings, utilities, roads, easements, public access points, drainage, topography, all known environmental factors including soils, wetlands, endangered species, historic and archeological sites, etc. To the extent available this information shall be provided for all parcels shown on the location map.
 - (d) A written overview of the proposed project including a discussion of the disposition of existing buildings, proposed mix of uses on the site, compatibility of the proposed uses with each other and the general design philosophy for the site.
 - (e) A general Comprehensive Design Plan, which sets forth the overall area, location and height of proposed buildings, the likely mix of uses, the location of proposed access points and an overview of the location and hierarchy of the internal transportation circulation system, overall demarcation of open space and buffer areas, general approach to stormwater management, landscaping and lighting. The Comprehensive Design Plan shall present proposed design objectives and standards in both text and graphics.

E. Criteria for Approval of a Redevelopment Overlay District

In determining whether or not to approve establishment of a ROD district, the Town Board shall consider the extent to which, the application and supporting documents satisfy the following standards and criteria.

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 AT 7:00 PM

- (1) Conforms to the applicable purposes and objectives of the Town's Zoning Law.
- (2) Conforms to the applicable goals, policies and recommendations of the Town's adopted Comprehensive Plan.
- (3) Conforms to the intent and specific purposes of this section.
- (4) Satisfies the site area and total building floor area criteria set forth in Section B above.
- (5) Demonstrates the provision of adequate public services, including emergency services and access to public transportation.
- (6) Demonstrates the ability to provide adequate utilities including water supply, sewage disposal and storm water management.
- (7) Establishes an architectural style of proposed buildings, including exterior finishes, color and scale that is consistent with the intent and purposes of this Section.
- (8) The Comprehensive Design Plan shall establish a feasible program for redevelopment of the site, and shall consist of the following:

[1] A master site redevelopment plan which may be prepared at a conceptual level but, at a minimum, must specify the number and type of uses proposed for development and depict their location as well as depict the parking areas to service the proposed uses and the means of traffic circulation, both automotive and pedestrian, between and among the uses.

[2] The Comprehensive Design Plan need not encompass all the details required for site plan approval pursuant to Chapter 145 but shall set forth in reasonable detail the anticipated locations and sizes of all major improvements such that the Planning Board can evaluate the plan for environmental, traffic and other impacts on the Town with a view toward attaching site plan related conditions of approval which must be met at the time a detailed site plan is submitted for approval for all or any portion of the site.

[3] The Comprehensive Design Plan shall include a phasing plan with estimated time periods for each phase and for completion of the entire development.

The Town Board shall consider the Comprehensive Design Plan developed in accordance with the procedures set forth herein in determining whether or not to approve establishment of a ROD District. The ROD District approval shall constitute the approval of the Comprehensive Design Plan as a guide for the development and approval of site plans in the ROD District. The Town Board

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 AT 7:00 PM

in approving the ROD District shall consider the recommendation of the Town Planning Board. The process for the development of a Comprehensive Design Plan shall be an iterative process between the applicant and the Town Board utilizing the criteria to be considered by the Town Board in approving the plan as well as those factors applicable to the Planning Board under Chapter 145.

F. Processing of Application. An application for approval of a ROD shall be processed in accordance with the following procedure:

- (1) Submission. An application for approval shall be submitted to the Town Board in accord with the timing and procedures set forth below.
- (2) Escrow Account. Upon submission of an application, the Town Board shall require the applicant to establish an escrow account in an amount deemed sufficient to reimburse it for reasonable fees incurred by planning, engineering, legal and other consultants in connection with their review of the application. The escrow account shall be periodically replenished as necessary. The applicant shall be provided with an ongoing, detailed description of the work performed and an accounting of all disbursements from the escrow. Upon termination of the review of the application,, any remaining funds in the escrow account shall be reimbursed to the applicant. Any disputes regarding the Town's use of the applicant's escrow funds or the fees charged by the Town's consultants in reviewing the application shall be referred to the Town Supervisor for resolution. The Supervisor shall resolve any such dispute within 30 days after receiving it and provide a report of his findings.
- (3) Public Hearing. The Town Board shall conduct a public hearing on an application for approval of a ROD, which shall be held at the time and place prescribed by the Board. Notice and conduct of any public hearing shall be in accordance with New York State Town Law. Whenever possible, the Board shall combine public hearings required under this section with other public hearings required by other federal, state and local laws.
- (4) Referral as per General Municipal Law. If required, the Town Board shall refer a full statement of the application to the Ulster County Planning Board as provided for by §239-m of the New York State General Municipal Law.
- (5) Decision. The Town Board shall approve, approve with conditions or deny a request for establishment of a ROD following either:
 - [1] a SEQRA determination of non-significance, or
 - [2] the issuance of a SEQRA Statement of Findings, or
 - [3] a determination that the proposed action is consistent with a previously issued SEQR Statement of Findings.

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 AT 7:00 PM

The Board's decision shall contain specific findings demonstrating the application's compliance with the criteria for approval set forth in Section E above and may include any reasonable conditions to assure conformance with the intent and objectives of this section.

- (6) Filing. The decision of the Town Board shall be filed in the office of the Town Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.
- (7) Modification. Changes or modification to the approved Comprehensive Design Plan shall require review and approval by the Town Board following referral to the Town Planning Board which shall have 45 days in which to provide comments and recommendations.

G. Time Limits.

- (1) An initial application for site plan approval of the entire site, or a section thereof, shall be submitted within one year of the establishment of the ROD. Failure to submit an application for site plan approval within that period shall render the Comprehensive Design Plan approved with the ROD null and void and of no force and effect.
- (2) Construction work must commence within three (3) years from the latest date of any final site plan approval or other required permit or approval by involved agencies. If construction does not commence within said period, then the site plan approval shall become null and void and all rights shall cease.
- (3) The Comprehensive Design Plan must be completed within the timeframe proposed by the applicant in its application or as modified at the time of approval. If the Plan is not completed within said time period, then the approval of the Comprehensive Design Plan shall become null and void and all rights therein shall cease.
- (4) For purposes of the above provisions the term "construction work" or "construction" shall mean disturbance of the project site and continued activity to install utilities, roads or other infrastructure or the process of erecting or rehabilitating any structure in accordance with the final approved site plan. The term "final site plan approval" shall mean the signing of the site plan by the Planning Board Chairman with an endorsement by stamp or other writing indicating that the plan has received "final site plan approval" and indicating the date of such final approval.
- (5) Upon written request by the applicant, any of the time limits prescribed above may be extended by the Planning Board for good cause. Among the examples of good cause are delays occasioned by lawsuits, poor market conditions, credit

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 AT 7:00 PM

market freezes, unforeseen site conditions and force majeure. The Planning Board shall not withhold such extension unless it finds that the applicant is not proceeding with due diligence or is otherwise violating the conditions upon which the approval was granted. Extensions shall not exceed three years unless the applicant submits a written request for further extension.

- (6) Within the time limits prescribed above, and for any extension period granted by the Planning Board, the Comprehensive Design Plan shall be deemed to have obtained vested rights for purposes of completing the approved development improvements notwithstanding any changes to the Zoning Law.

H. Conflicts.

- (1) To the extent any provision of this law, including any provision of the approved Comprehensive Design Plan conflicts with any provision of any other Article in this Chapter, the provisions of this law shall control.
- (2) The Town Board hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation or provision of the law inconsistent with this local law. The provisions of law intended to be superseded include all the Town Law and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and apply it in the event the Town has failed to specify any provision of law that may require supercession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

I. Definitions

The definitions contained in Section 190-4 of this Chapter shall apply to this section.

4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

5. EFFECT OF AMENDMENT

ULSTER TOWN BOARD WORKSHOP MEETING
JANUARY 5, 2012 AT 7:00 PM

Except as herein modified, Chapter 190 of the Laws of the Town of Ulster, originally adopted as Local law No. 9 of the year 1991 and any subsequent valid amendments thereto, are hereby ratified and confirmed.

6. EFFECTIVE DATE

This Local Law shall be effective on the date of filing with the New York Secretary of State.

2nd by Councilwoman Hendrick

A brief discussion occurred about allowing drinking establishments in the zone. It was suggested that another local law be drafted to address this issue if the Town Board desired.

All Ayes

Public Comments:

Mrs. Josephine Reina expressed concern about damage to her home from the blasting in the area of East Kingston. After some discussion between her and the Town Board, the matter was turned over to the Town's newly formed Constituent Services Committee.

Supervisor Quigley announced that United Health Care created 200 new jobs in the Town. Also during the course of 2012 Budget process, two laws were passed to offer a greater break down of the tax bills, to split out the county mandates from the general fund and have them appear on the tax bill. The County has denied implementing this split. This matter has been taken up by County Chairwoman Terry Bernardo. Legislator Maloney reported that a draft law is already being drawn up.

Councilman Brink motioned to adjourn the meeting at 8:13 PM

2nd by Councilman Kitchen

All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk