

ULSTER TOWN BOARD MEETING
MAY 3, 2012 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 PM

THE SALUTE TO THE FLAG was led by two newly minted Troop #8 scouts, who recently earned their Arrow of Light award, Christopher Decker and Seth Oregilio.

ROLL CALL BY CLERK

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

PUBLIC COMMENT

Mr. Robert Barton inquired about the repair costs to Esopus Creek embankment on Buckley Street.

Supervisor Quigly reported that the Town will try to complete the work with grant money, so that there is no cost to the town residents. The work will be coordinated so that the Highway Dept. will be performing the FEMA and Buckley Street bank repairs simultaneously for the best efficiency.

COMMUNICATIONS

There was no communications.

COMMITTEE REPORTS

Councilman Kitchen reported, from the Building and Grounds Committee, that he and Councilman Morrow had a discussion with Brinnier & Larios, PC about the Town Hall's drainage issues that have been exacerbated with building of the Senior Center next to it. They also had meetings with Douglas Whitaker & Associates to determine where the water is entering the Town Hall's basement and how to correct this problem.

Councilwoman Hendrick reported, from the Recreation Committee, that Town Summer Camp sign ups have begun. She also reported from Finance Committee, that the new finance software is working out well.

Councilman Kitchen reported, from the Water and Waste Water Committee, that the committee has met with the Sewer Department about the funding for the Whittier Sewer district's update and repair program. They plan to have a waste water pipe go through a hill, so that the pipe is level, on Ulster Landing Road verse going up and over the hill using a pumping system. This would create better flow and save energy. Also an upgrade to the main ARC is planned.

Councilman Morrow reported, from the Personnel Committee, that they have been working on a new personnel manual. The latest draft will be sent out to the management, the union and town employees for comments with the desire to compile a final document for the Town Board's consideration.

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Councilman Kitchen reported, from the Assessor, Building and Planning Committee, that the Building Inspector has been busy performing inspections on multi-residential buildings in the Town. The Assessor has been busy inspecting building permits and the Tax Roll has been filed.

Councilwoman Hendrick, reported from the Constituent Committee, that she has been reviewing installing a special sign with an information area to post sign ups and events in front of Town Hall. She thanked Frank Petramale and the Highway Dept. for their work on a drainage problem that affected Giles Prendergast's property (on Route 32). The town is hosting a bus trip for "Hair Spray" on May 16, 2012 for \$35, at the Westchester Theater.

Motion to set a Public Hearing for an Open Development Area for certain land along the proposed main access road from Route 32 at the Hudson Landing LLC Development in East Kingston for May 17, 2012 at 7:45 PM

Councilwoman Hendrick moved to approve the following:

RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING REQUEST OF KINGSTON LANDING DEVELOPMENT, LLC, FOR USE OF TOWN LAW § 280-a(4), OPEN DEVELOPMENT AREA, TO OBTAIN ACCESS TO PROPERTY – TAX MAP 48.16-3-12

WHEREAS, KINGSTON LANDING DEVELOPMENT, LLC has requested permission from the Town Board to apply Town Law § 280-a(4) (Open Development Area) to create an Open Development Area so as to obtain access to a 0.5 acre parcel to be approved by the Town of Ulster Planing Board, without use of planned Town roads, and

WHEREAS, said 0.5 acre parcel to be approved by the Town of Ulster Planing Board will be conveyed to the Town of Ulster f/b/o East Kingston Water District to allow for the construction of a water storage tank, and the Town Board desires to obtain public participation and comment prior to making a determination, and

WHEREAS, the Town Board has determined to schedule a public hearing on notice to adjacent property owners;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby schedules a public hearing for May 17, 2012 at 7:45 p.m., at the Town Hall, 1 Town Hall Drive, Lake Katrine, NY 12449, with respect to the application by KINGSTON LANDING DEVELOPMENT, LLC for permission to obtain access to a 0.5 acre parcel to be approved by the Town of Ulster Planing Board, by right-of-way, pursuant to § 280-a(4) of the Town Law of the State of New York, and be it

FURTHER RESOLVED, that the Town Clerk prepare notice of such statutory hearing and that the Town Clerk case the same to be published in the newspaper of general circulation and posting in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

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FURTHER RESOLVED, that this resolution is hereby referred to the Town of Ulster Planning Board, and the Town of Ulster Code Enforcement Officer, for review and recommendation, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Alan Sorensen, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

2nd by Councilman Morrow
Four Ayes - Councilman Brink was absent

Councilman Kitchen moved to approve the following:

Resolution awarding the bid for construction of Glenerie Water Storage Tank

Whereas, The Town Board authorized bids to be advertised for Contract TU-112 (General Construction), Construction of Potable Water Storage Tank and Related Improvements for the Glenerie Water District, and;

Whereas, bids were advertised in accordance with the General Municipal Law and opened on April 27, 2012, and;

Whereas, two bids were received- one for \$410,000.00, and the second for \$554,561.00, and;

Whereas, the lowest qualified bidder is Mid-Atlantic Storage Systems, Inc., 1551 Robinson Road, Washington CH, OH 43160, in the amount of \$410,000.00.

Therefore, be it resolved by the Town Board as follows:

1. The Town Board awards Contract TU-112 (General Construction) to MidAtlantic Storage Systems, Inc., 1551 Robinson Road, Washington CH, OH 43160, in the amount of \$410,000.00.
2. The Town Board authorizes the Supervisor to enter into a contract with MidAtlantic Storage Systems, Inc., in the amount of \$410,000.00, on behalf of the Town of Ulster and the Glenerie Water District.

2nd by Councilwoman Hendrick
4 Ayes – Councilman Brink was absent

Motion authorizing the Supervisor to sign a letter in support of a joint application between the Town of Ulster and the City of Kingston for funding for AVR project

Councilman Kitchen moved to approve the following:

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RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ULSTER, NEW YORK, AUTHORIZING THE SUPERVISOR TO SUPPORT THE APPLICATION BY THE CITY OF KINGSTON FOR, AND EXECUTE DOCUMENTS FOR, A GRANT OR GRANTS THROUGH THE CONSOLIDATED FUNDING APPLICATION PROCESS AND RELATED FUNDING PROCESSES FOR THE HUDSON LANDING PROMENADE, UTILITY AND ROAD CONSTRUCTION PROJECT;

TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE CITY OF KINGSTON FOR THE APPLICATION, PUBLIC BIDDING, ADMINISTRATION AND INTERIM FUNDING, IF NECESSARY, TO ADVANCE THE DESIGN AND CONSTRUCTION OF THE HUDSON LANDING PROMENADE;

TO NEGOTIATE AND ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE CITY OF KINGSTON AND A POSSIBLE THIRD PARTY ORGANIZATION FOR THE MAINTENANCE AND RELATED OPERATING ISSUES FOR THE PROMENADE; AND

TO EXECUTE ANY AND ALL AGREEMENTS RELATED TO THE PROJECT, REQUIRED INTERMUNICIPAL COOPERATION AND STATE REQUIREMENTS.

Sponsored by:

WHEREAS, the Town of Ulster and City of Kingston are desirous of working with Hudson Landing Development LLC to advance the project known as Hudson Landing which is located in both municipalities; and

WHEREAS, this cooperation will create a public/private, inter-municipal Partnership; and

WHEREAS, the build-out of the Hudson Landing project will result in the construction of a projected 1,682 housing units in the City of Kingston and Town of Ulster, over 75,000 square feet of neighborhood retail/commercial space supporting an estimated 4,060 new residents for the Kingston and Ulster waterfront area; and

WHEREAS, those units and commercial facilities are projected to generate over \$2 million annually in new property taxes to the City of Kingston, \$653,000 to the Town of Ulster and over \$5 million to the Kingston Consolidated School District; and

WHEREAS, the Partnership believes that constructing the mile-long Hudson Riverfront Promenade, Access Road and Utilities will help jump start the first phase of the Hudson Landing Development Project; and

WHEREAS, the Town of Ulster and City of Kingston will benefit from the construction of a deeded, permanent, publicly-owned Promenade in the immediate future rather than waiting for it to be built over years in several phases if ever; and

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WHEREAS, Hudson Landing Development LLC has offered to provide resources and cash up to \$2.5 million to match state and federal grant funding to construct the Hudson Landing Promenade and leverage the advancement of the Hudson Landing Development residential project creating significant jobs, tax base, property and sales taxes and economic benefits to the Kingston/Ulster area; and

WHEREAS, grants through the New York State Consolidated Funding Application process and other state and federal funding sources could provide the public funding to match the private commitment made by Hudson Landing Development LLC; and

WHEREAS, the City of Kingston would be the applicant for the grant funding with the Town of Ulster assuming a partnership role in support of the City's application(s) as there can only be one municipal sponsor along with a municipal co-sponsor; and

WHEREAS, the City of Kingston, Town of Ulster and County of Ulster have had preliminary discussions together and with funding agencies about the concept and have received indications of support; and

WHEREAS, the City of Kingston and Town of Ulster would need to enter into inter-municipal agreements for the cooperative advancement of the grant project as well as the structure through which the Promenade would be operated with those agreements subject to the approval of the Kingston Common Council and the Town of Ulster Town Board; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ULSTER, NEW YORK, AS FOLLOWS:

SECTION 1. The Supervisor of the Town of Ulster is hereby authorized and directed to apply for and execute documents for a grant (or grants) application through the Consolidated Funding Application process and related funding processes for the Hudson Landing Promenade, Utility and Road Construction project; to enter into an inter-municipal agreement with the City of Kingston for the Application, public bidding, administration and interim funding, if necessary, to advance the design and construction of the Hudson Landing Promenade, Utility and Road project;

SECTION 2. To negotiate and enter into an inter-municipal agreement with the City of Kingston and a possible third party organization for the maintenance and related operating issues for the project;

SECTION 3. To execute any and all agreements related to the Project, required Intermunicipal cooperation and state and federal requirements of the funding agencies.

SECTION 4. That an Environmental Impact Statement has been approved for the Hudson Landing project, including the Promenade,

SECTION 5. That this Resolution take effect immediately.

2nd by Councilman Morrow

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4 Ayes – Councilman Brink was absent

Councilman Morrow moved to approve the following:

Resolution authorizing the Supervisor to sign the Emergency Watershed Protection Contract with the USDA for 58 Buckley St.

Resolution Authorizing the Execution of a Project Agreement and Related Documents with the Natural Resources Conservation Service Related to Emergency Watershed Protection Measures

Whereas, under the provisions of Section 216 of Public Law 81-516, Emergency Watershed Protection Program and Title IV of the Agricultural Credit Act of 1978, Public Law 95-334, the Natural Resources Conservation Service (hereinafter “NRCS”) is authorized to assist the Town of Ulster in relieving hazards created by natural disasters that cause impairment of a watershed, and

Whereas, the NRCS and the Town of Ulster agree to install emergency watershed protection measures to relieve hazards and damages created by the Irene/Lee flooding of 2011, and

Whereas, the Town of Ulster Town Board wishes to enter into a Project Agreement with the NRCS to assist the Town of Ulster in relieving the hazards caused by the Irene/Lee flooding of 2011, which are currently impairing the watersheds under the control of the Town Ulster, now, therefore, be it

RESOLVED that the attached Project Agreement by and between the Town of Ulster and the Natural NRCS, United States Department of Agriculture, is hereby approved, and the NRCS is hereby authorized to perform the services outlined in the Project Agreement, and be it further

RESOLVED, that the Town of Ulster Supervisor is hereby authorized and directed on behalf of the Town of Ulster to execute the attached Project Agreement, and any and all documents necessary for the initiation and completion of the project, and be it further

RESOLVED, that the Town of Ulster Supervisor is further authorized to execute and all amendments to the Project Agreement that he deems necessary and in the best interest of the Town of Ulster for accomplishing the completion of the project.

2nd by Councilwoman Hendrick

4 Ayes – Councilman Brink was absent

Councilman Morrow moved to approve the following:

Resolution Scheduling a Public Hearing for the Correction of a Structure Owned by Michael Costello

WHEREAS, that the code enforcement officer of the Town of Ulster, Ulster County, has filed a written report with the Town Board of the Town of Ulster pursuant to the provisions of the Unsafe Buildings Law [Chapter 64 of the Town Code of the Town of Ulster] regarding a structure situate on premises reputedly owned by Michael Costello, at 24 Cafaldo Park,

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Saugerties, NY 12477, designated by Tax Map No. 39.35-1-12, deeming the same to be unsafe to the public in that there is a potential for injury, damage, or possible arson, and that it is open at the doorways and windows and there are debris, garbage and combustible materials in the structure and the doors and windows should be secured against unauthorized entry.

NOW THEREFORE, the Town Board of the Town of Ulster, in regular session, duly convened resolves as follows:

1. After considering said report, and pursuant to the provisions of said Local Law, does hereby schedule a public hearing on May 17, 2012 at 7:30 p.m. at Town Hall, 1 Town Hall Drive, Lake Katrine, NY 12449, to determine whether said structure is unsafe and dangerous and if so to order that such structure be secured against unauthorized entry and/or demolished.
2. This resolution shall take effect immediately.

2nd by Councilwoman Hendrick
4 Ayes – Councilman Brink was absent

Motion to approve the hiring of one seasonal employee for the Recreation Department for Post Park

Councilman Morrow moved to hire Dalton Crantek as a seasonal employee for the Recreation Department for Post Park, starting at \$8.00 an hour, effective May 7, 2012.

2nd by Councilwoman Hendrick
4 Ayes – Councilman Brink was absent

Discussion on CSX Grade Crossing Improvement Program for the summer 2012

Highway Superintendent Frank Petramale reported that CSX will be performing improves to various railroad crossings in the County. They will be shutting down the railroad crossings in the township, three days each, but not all at the same time, to perform the work. They will be responsible for setting up detours and offering notification. There is one crossing in the town that doesn't have an alternative route. This will be a major problem for the 30-40 residents and one business that is situated in the Katrine Lane area as the road is a dead-end past the tracks. There is a proposal to make a temporary road to resolve this problem, but it would cost \$110,000. CSX has been contacted to see if there is any money for this project. Supervisor Quigley stated that the Town Board is looking into converting the temporary road to a full time road to recoup the investment. This would help improve growth and development in the area as there are properties that have business development plans based on this road being built. This could also help expand the sewer district there, further adding to the development of the town's tax base. The field where the road is being proposed has been used twice already. The temporary road has to take into consideration the amount of people living in the area and the business's traffic.

Authorize the Ulster Police Department Ladies' Auxiliary to plant a tree in honor of Officer Travis Nissen at Robert Post Park

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Councilman Kitchen moved to authorize the Ulster Police Department Ladies' Auxiliary to plant a tree in honor of Officer Travis Nissen at Robert Post Park

2nd by Councilwoman Hendrick

4 Ayes – Councilman Brink was absent

Public Hearing for Landing Woods Development

Councilman Morrow moved to open the public hearing for the Landing Woods Development at 7:38 PM

2nd by Councilwoman Hendrick

4 Ayes – Councilman Brink was absent

Town Attorney, Jason J. Kovacs, reported that the development is off of Route 32, north of the Kingston Rhinecliff Bridge, consisting of around 100, two to three bed room, town houses. This site plan is still before the Town Planning Board with them performing the environmental review. This is the first public hearing before the Town Board for a special permit and site plan approval for the project. The special permit is needed due to the cluster housing.

Mr. Chris LaPine, a representative of the developer gave an overview the project. The project received a negative declaration in 2006. The project has since been scaled down. All the roads would be privately owned. The water would be supplied from the Kingsvale Water Company and it would be in the Whittier Sewer District. The developer is negotiating the connection fee to the sewer district. The NY DOT has approved the an access point off of Route 32. The storm water will be handled through a series of micro scale bio retention areas on the site. There will be a detention basin in the back. There is an extensive landscaping plan for the site and they still need to go back to the Town Planning Board for a sub-division approval.

Public Comments:

Councilman Morrow expressed concern that the project is in the flight path of the Kingston Airport and requested that the purchasers of the homes be made aware of this.

Mrs. Jane Eisenberg – Was not in favor of the project due to the poor work the developer had performed on prior projects.

Councilman Kitchen inquired if the project is built in phases and how many bed rooms per house.

It was reported that it would be phased in based on sales. There would be sixty-six 2-bedroom and eighteen 3-bedroom town houses. They are all 2-story buildings.

Mr. Edward Ortlieb inquired about a path/nature trail going along a historic site on the project. He expressed concern about children damaging the historic contents.

Mr. Chris LaPine reported that the Town Planning Board requested that site plan incorporate a recreational trail into the development. The site seems to be a good place for trail because it is near an undisturbed area and was approved by State Historic Preservation Office (SHPO).

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Councilwoman Hendrick requested that the developer used local labor.

Councilwoman Hendrick moved to close the public hearing at 7:51 PM
2nd by Councilman Morrow
4 Ayes – Councilman Brink was absent

Councilman Morrow left the meeting at 7:52 PM

Presentation to the Board of Revisions to the Town of Ulster Zoning Code for a Special Overlay district for Tech City and motion to set a Public Hearing for Local Law of 2012 accepting changes to the Town of Ulster Zoning Code for a special overlay district for Tech City for June 7, 2012 at 7:30 PM

Councilwoman Hendrick moved to set a Public Hearing for a proposed Local Law of 2012 accepting changes to the Town of Ulster Zoning Code for a special overlay district for Tech City for June 7, 2012 at 7:30 PM
2nd by Councilman Kitchen
3 Ayes – Councilmen Morrow and Brink were absent

Councilman Morrow returned to the meeting at 7:54 PM

Presentation and discussion on Phase 1B Addendum to Archaeological Survey – Glenerie Storm Water Project between the Town of Ulster and Joseph E. Diamond, Archaeologist estimated total approximately \$3,100.00. Motion to authorize the Supervisor to sign the agreement with Mr. Diamond

Councilman Hendrick moved to authorize the Town Supervisor to sign any and all paper work required to engage the Phase 1B Addendum to Archaeological Survey – Glenerie Storm Water Project and to approve the contract between the Town of Ulster and Joseph E. Diamond, Archaeologist with an estimated cost of \$3,100.00.
2nd by Councilman Morrow
4 Ayes – Councilman Brink was absent

Councilwoman Hendrick moved to take a recess at 7:55 PM
2nd by Councilman Kitchen
4 Ayes – Councilman Brink was absent

Supervisor Quigley resumed the meeting at 8:01 PM

Public hearing for a Special Use permit and Site Plan approval for Warwick Properties, Inc. (Ulster Garden)

Councilman Hendrick moved to open the public hearing for Ulster Garden at 8:02 PM
2nd by Councilman Morrow
4 Ayes – Councilman Brink was absent

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Town Attorney, Jason J. Kovacs, reported that this public hearing is for a special permit and site plan approval for the Ulster Garden Senior Housing Project. This project is still pending further approvals from the Town Planning Board. The environmental statement has been finalized. They still need a subdivision approval. Then it will be placed before the Town Board for final site plan approval.

Mr. Peter Romano, a representative of the developer, The Chazen Companies, gave an overview of the site plan. He reported that they wanted to develop the property without disturbing too much of the land. In order to do this, they clustered the development into a portion of the property. The complex will include 112 senior housing units and 52 "affordable" housing units in four three-story buildings. They are aware of the drainage issues and are willing to work, within their scope, to help solve the problem. They will use local labor. The current application reduces the developed area to 51.86 acres and will subject a separate 28-acre parcel to a conservation easement.

Public Comment:

Mr. Robert Barton expressed concern about the water line connecting an 8" line to a 10" line that would affect the water pressure and the water being overly chlorinated.

Mr. Peter Romano stated that the connection would improve water pressure.

Supervisor Quigley stated a written response would be generated to answer all Mr. Barton's concern in more detail.

Mr. John Heitzman inquired about the traffic, and water and sewer lines.

Mr. Peter Romano reported that all the connections are through Memorial Drive. The project would eliminate a dead end water line and improve water flow. After a detailed traffic study and a discussion with NY DOT, Memorial Drive would be connected to Quail Drive. There isn't enough traffic to warrant a traffic light at this time. It was noted that no heavy trucks or buses would be allowed to use Quail Drive.

Mr. Benjamin Gulnick showed photos of the major drainage problem in the area of Ledge Road. He requested that the town or developer resolve the problem before the project is approved.

Mr. Edward Hill stated that he was in favor of the project.

Mrs. Jean VanHoesen expressed concern over water runoff and drainage issues along the Ledge Road area and that it is affecting their quality of life. A discussion followed about what is being done. There is a chance that the area in question may be a wet land, but they are waiting for some clarification before any action can be taken. There was also a discussion in regard to the size of piping being used with the Town's engineer.

Mr. Marvin Eisenberg reported that when he purchased his property, the land nearby was of the lowest level wetland and he felt it was not an issue to address the water problem. He expressed concern about the drainage and damage to the surround properties. The area's roads and storm system need improvements.

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Mr. Robert Barton requested that residents who choose to live in this development be made aware of the noise from the train traffic and the environmental concerns with Millen's and Kingston Block companies located nearby.

Councilwoman Hendrick left the meeting at 8:56 PM

Councilman Morrow moved to close the public hearing at 8:57 PM

2nd by Councilman Kitchen

3 Ayes – Councilman Brink and Councilwoman Hendrick was absent

Hubbard v TOU

Councilman Morrow moved to enter into executive session at 8:58 PM to discuss litigation for Hubbard v TOU

2nd by Councilman Kitchen

3 Ayes – Councilman Brink and Councilwoman Hendrick was absent

Councilwomen Hendrick return to the meeting at 9:00 PM when the executive session started. Town Attorney Jason Kovacs was present.

Supervisor Quigley resumed the regular meeting at 9:09 PM and reported that no actions were taken during executive session.

Councilman Morrow motioned to adjourn the meeting at 9:10 PM

2nd by Councilwoman Hendrick

4 Ayes – Councilman Brink was absent

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk