

ULSTER TOWN BOARD MEETING

June 21, 2012 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 PM

SALUTE TO THE FLAG

A moment of silence was observed for former Councilman Orvil Norman who passed away on June 14, 2012

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 COMMENTS

Mr. Robert Barton inquired about the Head Truma Center PILOT agreement and the recreation fees for the summer camp. He was not in favor of the Millen's SEQR.

Supervisor Quigley reported that a modification had been added to the agreement in case of a default on the applicant's part. The fees collected for the summer camp go toward the payment of the summer camp.

Mr. Able Garraghan spoke in favor of the Millen's project.

Mr. David Brink spoke in favor of the Millen's project and the proposed location.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Morrow motioned to accept the minutes of the May 3, 2012 and May 17, 2012 meetings.

2nd by Councilman Kitchen

All Ayes

COMMUNICATIONS

There were no communications read.

ABSTRACT OF CLAIMS

Councilman Brink motioned to approve the June 2012 abstract as submitted.

2nd by Councilman Morrow

All Ayes

BUDGET MODIFICATIONS

Councilman Brink moved to approve the following:

General Fund:

Modify Revenue A2705 (Gifts & Donations) and Appropriation A7140.400 (Program Supplies, Events) donation from Brian Rafferty-Eagle Scout Project-Elmendorf Heights

582.19

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Modify Revenue A2615 (Stop-DWI Fines) and Appropriation A3120.102
(DWI-Task Force) April DWI wage reimb. 232.10

Modify Appropriation A7140.401 (Rec.Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Softball League) electric, Orlando St. 212.59

Modify Revenue (A3390 State Aid, STEP, Buckle Up NY) and Appropriation
A3120.103 (Traffic Safety Program) reimb. Oct. 1, 2011 thru April 5, 2012 1,341.61

Highway Fund:

Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420
(Gas & Oil) Apr. Gas Reimb. (Oper.Funds) 11,318.99

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420
(Gas & Oil) Mar. Gas Reimb. (East Kng. Vol. Fire Co.) 720.89

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420
(Gas & Oil) Apr. Gas Reimb. (East Kng. Vol. Fire Co.) 541.69

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420
(Gas & Oil) Apr. Gas Reimb. (Ulster Hose #5) 324.88

2nd by Councilman Morrow
All Ayes

Acknowledgement of Re-Accreditation of the Town of Ulster Police Department

Police Chief Taggard reported to the Town Board that the Police Department was re-accredited after a complex review process consisting of 63 interviews and various policy reviews. He also reported that Sgt. James P Gramoglia and Sgt. James Kilfoyle received the John Kimball O'Neil Certificate of Achievement Award for their work in record management during the turbulent times with the recent flooding situation, the changeover with the Deputy Chief position and the other various changes in workflow.

Resolution authorizing the Supervisor to execute documents for the Head Trauma Center Pilot

Councilman Kitchen moved to approve the following:

Resolution Authorizing the Supervisor to Execute a Project/Settlement Escrow Agreement, and First Amendment to PILOT Agreement dated March 1, 1998, with Ulster County Industrial Development Agency and Hudson River Valley, LLC

WHEREAS, the Town of Ulster is a party to a PILOT agreement dated March 1, 1998 along with the Ulster County Industrial Development Agency and Hudson River Valley, LLC concerning real property located at 300 Grant Avenue in Lake Katrine; and

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WHEREAS, there has been a default in payments due to the Town of Ulster under the terms of the PILOT agreement; and

WHEREAS, after settlement discussions, the parties have agreed to amend the PILOT agreement for the mutual benefit of all parties;

NOW, THEREFORE, be it resolved that the Town Board of the Town of Ulster hereby does authorize the Town Supervisor to sign the First Amendment to the PILOT Agreement dated March 1, 1998, the Project/Settlement Escrow Agreement, and any additional documents required to give effect to the settlement.

2nd by Councilman Brink
All Ayes

Motion to approve the hiring of eight seasonal employees for the Recreation Department in Post Park

Councilwoman Hendrick moved to approve the following:

Ashley Cruise
Ariana Darcy
Brandon Cohen
Trenton Kitchen
Matthew Carl
Anthony Carl
Meagen Neilson
Erica Kozak

First day of employment will be Monday June 25th, 2012 at a pay rate of \$7.25 an hour with no benefits. Providing up to forty hours per week throughout the entire eight week season, depending on the employee.

2nd by Councilman Kitchen
All Ayes

Motion to approve the hiring of a back-up Animal Control Officer

Councilwoman Hendrick moved to hire Jennifer Dunlap as a back-up Animal Control Officer at a rate of \$10 an hour, effective June 21, 2012

2nd by Councilman Morrow
All Ayes

Councilman Morrow moved to approve the following:

Resolution of Support for Round 11 Urban and Community Forestry Grant

WHEREAS, the Town of Ulster is applying to the New York State Department of Environmental Conservation for a project grant under the Urban and Community Forestry

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Program to be located at Post Park and Ryder Park, a site located within the territorial jurisdiction of the Town Board of the Town of Ulster; and

WHEREAS, as a requirement of these programs, said Town of Ulster must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”,

NOW, THEREFORE, be it resolved that the Town Board of the Town of Ulster hereby does approve and endorse the application of the Town of Ulster for a grant under the Round 11 Urban and Community Forest Program for a project known as Arbor Day/Tree Plantings and located within this community.

2nd by Councilman Brink
All Ayes

Councilman Kitchen moved to approve the following:

Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. 3 of 2012 - Amendments to Chapter 190 of the Town Code [Tech City Redevelopment Overlay District]

WHEREAS, the Town Board of the Town of Ulster scheduled a public hearing to be held by said Governing Body June 7, 2012 at 7:15 p.m. at the Town Hall to hear all interested parties on a proposed Local Law entitled LOCAL LAW NO. 3 of 2012 - AMENDMENT TO REDEVELOPMENT OVERLAY DISTRICT; and

WHEREAS, notice of said public hearing was duly advertised in the Daily Freeman, the official newspaper of said Town of Ulster, and

WHEREAS, said public hearing was duly held on June 7, 2012 at 7:15 p.m. at the Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of the Town of Ulster that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Town Board of the Town of Ulster after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ulster hereby adopts said LOCAL LAW NO. 3 of 2012 - AMENDMENT TO REDEVELOPMENT OVERLAY DISTRICT a copy of which is attached hereto and made a part of this resolution, and be it further

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RESOLVED, that the Town Clerk be and he hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ulster, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

2nd by Councilman Brink
All Ayes

Resolution withdrawing the Town of Ulster from the Ulster County Self-Insurance Plan

Councilwoman Hendrick moved to approve the following:

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER, TO WITHDRAW THE TOWN OF ULSTER FROM THE ULSTER COUNTY SELF-INSURANCE PLAN

WHEREAS, the Town of Ulster presently participates in the Ulster County Self-Insurance Plan with respect to workers' compensation insurance coverage; and

WHEREAS, the Town Board of the Town of Ulster has determined that it is in the best interest of the Town of Ulster to withdraw from the Ulster County Self-Insurance Plan; and

WHEREAS, any withdrawal of the Town of Ulster from the Ulster County Self-Insurance Plan at the conclusion of the fiscal year ending December 31, 2012 must be communicated in writing to the County of Ulster on or before July 1, 2012;

NOW, THEREFORE BE IT RESOLVED, that the Town of Ulster Town Board does hereby withdraw the Town of Ulster from participation in the Ulster County Self-Insurance Plan at the conclusion of the fiscal year ending December 31, 2012, on the condition that the Town of Ulster agrees to pay its proportionate share of the estimated liabilities of the Ulster County Self-Insurance Plan at the time of withdrawal; and be it further

RESOLVED that the Town Clerk shall within ten days file a certified copy of this resolution with the Clerk of the Ulster County Legislature and with the Office of the Ulster County Executive; and be it further

RESOLVED that the Town of Ulster Town Board reserves the right to rescind this resolution and to re-join the Ulster County Self-Insurance Plan prior to the end of the fiscal year ending December 31, 2012.

2nd by Councilman Brink
All Ayes

Resolution issuing Special Permit for Timber Harvesting for Property owned by Walrus Properties, LLC [SBL: 39.1-1-21.1]

Councilman Brink moved to approve the following:

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Issuance of Special Permit for Timber Harvesting pursuant to Town Code Section 190-25(E) for Property Owned by Walrus Properties, LLC and Located at Zena Highwoods Road, SBL: 39.1-1-21.1

WHEREAS a Timber Harvesting Application has been received from Northeast Timber Services, 20 Garden Street, Walton, New York 13856 to harvest approximately 1,575 trees between 2012 and 2014 on a 105 acre parcel, identified on the Ulster County Tax Map as 39.1-1-21.1, and owned by Walrus Properties, LLC; and

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will consist of a select cut of timber.
2. There is one protected stream that will not be impacted by the forest management activities.
3. No trees will be cut off the bank around the stream.
4. No heavy equipment will be on or near the banks of the stream.
5. All new trails will be water barred to divert surface water off the trails to minimize soil erosion;

WHEREAS, the matter was presented to the Town of Ulster Planning Board on April 17, 2012, and the Planning Board referred the matter to the Town of Ulster Town Board; and

WHEREAS, the Town of Ulster Town Board held a public hearing on the special permit application on June 7, 2012, and no comments opposing the application have been presented; now, therefore, be it

RESOLVED, that the special permit application for timber harvesting received from Northeast Timber Services be approved as follows:

1. The transport of logs may only occur between the hours of 8:00 a.m. to 9:00 p.m. daily.
2. All public roads shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and will be cleaned when required by the Code Enforcement Officer as a result of inspections he may perform.
3. A performance bond or certified check in the amount of \$5,000 must be posted with the Town Clerk prior to beginning the timber harvesting operation. The bond or check will be returned upon the satisfactory completion of all logging operations, compliance with the conditions of this resolution, and a final inspection of the timber harvesting site by the

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logger involved, Foresters, the Code Enforcement Officer, and a representative from Ulster County Soil and Water Conservation Service, if deemed necessary.

4. The logger shall obtain and file proof of Vehicle, General Liability Insurance, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and property damage of \$250,000 for logging operations with the Code Enforcement Officer at least two business days prior to commencing any work. Said proof of insurance must name the Town of Ulster as additional insured and be approved by the Town Attorney prior to the commencement of work.
5. As work progresses, the logger shall install diversion ditches and/or water bars as necessary to prevent soil erosion on haul roads, skid trails, and at the landing area.
6. Upon completion of the logging operation, all skid trails, roads and landing areas shall be graded and seeded with rye grass as needed.
7. The logger shall notify the Code Enforcement Office within five days of completion to coordinate on-site inspections.
8. The logging site shall be subject to periodic inspections by the Code Enforcement Officer and Ulster County Soil and Water Conservation Service representatives at any time during the course of the operation. These inspections will be done during the normal working hours of the logger.

2nd by Councilman Hendrick
All Ayes

Councilwoman Hendrick moved to approve the following:

Resolution Confirming that the Parcel identified as SBL: 48.58-7-21.1 May Have Access to the Ulster Water District and Ulster Sewer District

WHEREAS the Town of Ulster Town Board and Town of Ulster Planning Board recently approved an application by Warwick Properties, LLC. to construct a senior housing and multi-family cluster development (commonly known as "Ulster Gardens") on a 51.16 acre parcel identified on the tax map of the County of Ulster as SBL 48.58-7-21.1; and

WHEREAS, in what appears to be a map oversight, the 51.16 acre parcel is located partially within the Ulster Water District and partially within the Ulster Sewer District; and

WHEREAS, the real property taxes being paid by the parcel's owner are based upon the assessed value of the entire parcel being located in both districts; and

WHEREAS, the Chazen Companies, on behalf of Warwick Properties, LLC, have applied to the Town of Ulster Town Board – by letter dated June 6, 2012 -- to amend the official maps of the Ulster Water District and the Ulster Sewer District to have said parcel situated entirely within said districts; and

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WHEREAS, the access point from the municipal water and sewer lines is located on the portion of the parcel that is currently situated in the Ulster Water District and the Ulster Sewer District; and

WHEREAS, the fact that a proposed development is to be situated on said parcel is relevant to the quantity of water which will be used and the quantity of the sewer discharge, and not necessarily to the size or boundaries of the water and sewer districts; now, therefore, be it

RESOLVED, that consistent with the recent approval by the Town of Ulster Town Board of the Ulster Gardens project, the Town of Ulster Town Board hereby approves, subject to the consent of the Town of Ulster Water Department, the proposal of Warwick Properties, LLC to construct approximately 1,365 linear feet of 10 inch CL52 DIP water main extending from the existing municipal 8 inch water main on Quail Drive, traversing the parcel, and connecting to the existing municipal 10 inch main on Memorial Drive and be it further

RESOLVED, that consistent with the recent approval by the Town of Ulster Town Board of the Ulster Gardens project, the Town of Ulster Town Board hereby approves, subject to the consent of the Town of Ulster Sewer Department, the proposal of Warwick Properties, LLC to construct approximately 1,888 linear feet of 8 inch SDR35 PVC sewer discharging to the existing 8 inch sewer on Memorial Drive, with a doghouse manhole to be installed in Memorial Drive at the intersection of the proposed and existing municipal sewer system; and be it further

RESOLVED, that irrespective of the official boundaries of the Ulster Water District and the Ulster Sewer District, the entire parcel identified on the tax map of the County of Ulster as SBL 48.58-7-21.1 shall continue to be taxed and treated as part of said districts.

2nd by Councilman Brink
All Ayes

Resolution Approving Special Permit and Site Plan for Millens Holding, LLC Recycling Center

A long discussion occurred between the engineer and the Town Board about the project addressing all the town's concerns.

Councilman Kitchen moved to approve the following:

**RESOLUTION TOWN OF ULSTER TOWN BOARD
SEQR Negative Declaration
Site Plan & Special Permit Approval
Millens Holdings, LLC Recycling Center
Section-Block-Lot: 48.66-2-2.1**

WHEREAS, the Town of Ulster Planning Board and its consultant planner, Town Alternate Engineer (Praetorius & Conrad, PC), Highway, Water & Sewer Departments have reviewed an

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application by *Millens Holdings, LLC* – seeking *Site Plan & Special Permit approval* to establish a scrap metal recycling and transfer facility on a 4.2-acre site identified on the Town of Ulster Tax Maps as SBL 48.66-2-2.1; and

WHEREAS, the subject site presently contains an existing 51,750 square foot (sf) building formerly utilized as the Miron Truss Plant (aka Pro-Build); and

WHEREAS, the applicant proposes to demolish a 28,000 sf portion off the rear of the existing building and construct a 24,000 sf and 31.5-foot high addition in its place; and

WHEREAS, the facility will include a fully-covered processing area for the receipt of ferrous and non-ferrous metals that will be bailed, cut, chopped, sheared and sorted; and

WHEREAS, the subject site is situated within the OM-Office Manufacturing District where such use is allowed by Special Permit approved by the Town Board and Site Plan approved by the Town Board; and

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

- *Application for Site Plan Review* prepared by Donald F. Brott, P.E. dated 12/22/2011;
- *Project Narrative* prepared by Donald F. Brott, P.E. (Brinnier & Larios) dated 12/22/2011;
- *SEQRA Full EAF Part 1* prepared by Donald F. Brott, P.E. (Brinnier & Larios) dated 12/22/2011;
- *Existing Conditions Plan* prepared by Brinnier & Larios, P.C. dated December 2011;
- *Demolition Plan* prepared by Brinnier & Larios, P.C. dated December 2011; and
- *Proposed Site Plan* prepared by Brinnier & Larios, P.C. December 2011.
- *Cover Letter* prepared by Donald F. Brott, P.E. Brinnier & Larios, PC dated 1/18/2012;
- *SEQR Full EAF Part 1* by Donald F. Brott, P.E. (Brinnier & Larios) *revised* 1/18/2012;
- *Existing Conditions Plan* prepared by Brinnier & Larios, P.C. *revised* January 11, 2012;
- *Demolition Plan* prepared by Brinnier & Larios, P.C. *revised* January 31, 2012;
- *Proposed Improvements* prepared by Brinnier & Larios, P.C. *revised* January 31, 2012;
- *Lighting and Processing Procedure Plan* prepared by Brinnier & Larios, P.C. *dated* 1/31/2012;
- *Elevation Views* prepared by Brinnier & Larios, P.C. *revised* January 31, 2012; and
- *Details Sheet* prepared by Donald F. Brott, P.E. of Brinnier & Larios, P.C. December 2011.
- *Cover Letter* prepared by Dennis Larios, P.E. Brinnier & Larios, PC dated 3/1/2012;
- *Acoustic Analysis* prepared by Sterling Environmental Engineering, P.C. dated 2/29/2012;
- *Existing Conditions Plan* prepared by Brinnier & Larios, P.C. *revised* January 11, 2012;
- *Demolition Plan* prepared by Brinnier & Larios, P.C. *revised* January 31, 2012;
- *Proposed Improvements* prepared by Brinnier & Larios, P.C. *revised* February 28, 2012;
- *Lighting and Processing Procedure Plan* prepared by Brinnier & Larios, P.C. *revised* 2/21/12;
- *Elevation Views* prepared by Brinnier & Larios, P.C. *revised* February 29, 2012; and

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- *Details Sheet* prepared by Donald F. Brott, P.E. of Brinnier & Larios, P.C. *revised* 2/21/12.
- *Correspondence from the NYSDEC* concerning Millen's dated April 10, 2012;
- *Cover Letter* prepared by Dennis Larios, P.E. Brinnier & Larios, PC dated 5/2/2012;
- *Percolation Test Data* prepared by Brinnier & Larios, PC dated April 27, 2012;
- *Storm Water Calculations & Report* prepared by Brinnier & Larios, PC dated 5/2/2012;
- *Turning Radius Plan* prepared by Brinnier & Larios, PC dated 5/2/2012;
- *Existing Conditions Plan* prepared by Brinnier & Larios, P.C. *revised* May 1, 2012;
- *Demolition Plan* prepared by Brinnier & Larios, P.C. *revised* January 31, 2012;
- *Proposed Improvements Plan* prepared by Brinnier & Larios, P.C. *revised* May 1, 2012;
- *Lighting, Processing & Traffic Plan* prepared by Brinnier & Larios, P.C. *revised* 5/1/12;
- *Elevation Views* prepared by Brinnier & Larios, P.C. *revised* February 29, 2012;
- *Details Sheet* prepared by Donald F. Brott, P.E. of Brinnier & Larios, P.C. *added* 4/1/12; and
- *Details Sheet* prepared by Donald F. Brott, P.E. of Brinnier & Larios, P.C. *revised* 5/1/12.
- *BMP & SWPPP* prepared by Brinnier & Larios, PC *revised* 6/5/2012;
- *Turning Radius Plan* prepared by Brinnier & Larios, PC *revised* 6/5/2012;
- *Existing Conditions Plan* prepared by Brinnier & Larios, P.C. *revised* May 1, 2012;
- *Demolition Plan* prepared by Brinnier & Larios, P.C. *revised* January 31, 2012;
- *Proposed Improvements Plan* prepared by Brinnier & Larios, P.C. *revised* June 5, 2012;
- *Lighting, Processing & Traffic Plan* prepared by Brinnier & Larios, P.C. *revised* June 6, 2012;
- *Elevation Views* prepared by Brinnier & Larios, P.C. *revised* February 29, 2012;
- *Details Sheet* prepared by Donald F. Brott, P.E. of Brinnier & Larios, P.C. *added* 4/11/12; and
- *Details Sheet* prepared by Donald F. Brott, P.E. of Brinnier & Larios, P.C. *revised* 6/5/12.

WHEREAS, the Town of Ulster Town Board is the designated Lead Agency for the coordinated environmental review of the proposed Unlisted Action; and

WHEREAS, the applicant provided a Full EAF Part 1 with Full Visual EAF Addendum which assessed the full build-out of the subject site; and

WHEREAS, the Town of Ulster Planning Board and Town Board completed a Full EAF Part 2, which was used to identify potentially significant adverse impacts and required studies; and

WHEREAS, upon review of the Full EAF Part 1, Part 2 and Best Management Practice & SWPPP; a Full EAF Part 3 EAF was not prepared since no potentially large impacts were identified due to the mitigation measures, which were designed into the Proposed Action; and

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 written comments from the UCPB were provided on April 4, 2012; and

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WHEREAS, upon review of the UCPB Required Modifications, the Town of Ulster Planning Board and Town Board have concluded the UCPB's required modifications *were addressed through the applicant's revised plans and BMP & SWPPP*; and

WHEREAS, the Town of Ulster Town Board has received the advisory recommendation of its Planning Board along with comments of its consulting planner and engineers, Highway, Water and Sewer Departments and also finds the Proposed Action would not pose any potentially significant environmental impacts *based upon detailed studies provided and the mitigation measures being employed in the design of the development*; and

WHEREAS, the Town Board has held the required public hearing for the Special Permit use.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board – as Lead Agency – hereby issues a SEQR Determination of Non-Significance (Negative Declaration) as stated in written Negative Declaration Notice of Determination dated June 19, 2012; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby grants Site Plan & Special Permit Approval to *Millens Holdings, LLC* to establish a scrap metal recycling and transfer facility on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable State regulations and local zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with BMP & SWPPP for recycling facility;
4. Completion of any technical revisions to Plan Set as may be required by the Town Engineer and Town of Ulster Water & Sewer Departments; and
5. Payment of an annual fee to the Town of Ulster in the amount of \$2,400.00 per year (amount subject to amendment by resolution of the Town Board) to cover the costs of six (6) inspections per year by the Town of Ulster or its third-party agents (four (4) quarterly inspections and two (2) unannounced inspections) to supplement NYSDEC inspections of the recycling facility;
6. The special permit is subject to an annual inspection of the recycling facility (by a Town Board-designated third party inspector) to ensure satisfactory compliance with all State and local regulations;
7. Failure to comply with applicable State and local regulations shall result in revocation of Special Permit; and
8. All fees, including consultant fees, shall be paid;

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9. Applicant will be required to test the groundwater upon approval to establish a baseline and to determine the locations of the groundwater monitoring wells;
10. Applicant will be required to install two (2) on-site groundwater monitoring wells for quarterly sampling;
11. Applicant will be required to participate in a proposed Stormwater District if and when formed, and a Memorandum of Understanding must be signed before issuing of building permit;
12. Applicant will be required to contribute to the Town of Ulster the sum of \$40,000.00 for the purpose of forming said Stormwater District;
13. Regardless of the No Exposure certification by the NYS Department of Environmental Conservation (DEC), the Applicant shall monitor and sample storm water as proposed in the June 15, 2012 letter from Praetorius and Conrad, P.C. to the Town of Ulster Building Department, attached hereto and made a part hereof;
14. All storage of liquid wastes regardless of the size of the container in relation to the DEC Permit requirement must be maintained in compliance with DEC regulations.

2nd by Councilman Morrow

A Roll Call Vote was taken - All Ayes

Resolution Approving Special Permit and Site Plan for Bread Alone

Mr. Denis Larios, from Brinnier & Larios, PC, gave an overview of the project and answered the Town Board's questions.

Councilman Kitchen moved to approve the following:

RESOLUTION TOWN OF ULSTER TOWN BOARD

Special Permit Approval

Bread Alone

S-B-L: 39.015-4-16

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Bread Alone* for a "Change in Use" to establish a full-service 80-seat café with seating for an additional 30 patrons on an outdoor seasonal patio along with a state-of-the-art wholesale bakery that will employ 45 production workers, 8 office/sales staff members and 23 café/restaurant employees on a site within the HC-Highway Commercial District; and

WHEREAS, the proposed wholesale bakery is a "Light Industry" use as defined in the Town Code, which requires Site Plan Approval by the Planning Board and Special Permit Use approval by the Town Board following a public hearing; and

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

- *Site Plan Application* prepared by Bread Alone's Sharon Burns-Leader dated April 18, 2012;
- *Written Narrative Description* of Proposed Action by Bread Alone undated;
- *SEQRA Short EAF* prepared by Bread Alone's Sharon Burns-Leader dated April 18, 2012;
- *Site Plan Consent Form* by William Orange – Property Owner dated April 23, 2012;
- *Exterior Elevations* prepared by Peter Gluck and Partners dated February 24, 2012;
- *Existing Conditions Site Plan* prepared by Brinnier & Larios, PC dated May 2012;
- *Site Plan for Bread Alone* prepared by Brinnier & Larios, PC dated May 2012;
- *Lighting Plan for Bread Alone* prepared by Brinnier & Larios, PC dated May 2012; and
- *Proposed Grading, Soil Erosion Plan* prepared by Brinnier & Larios, PC dated May 2012.
- *Written Narrative* prepared by Brinnier & Larios, PC dated May 15, 2012;
- *SEQRA Long EAF* prepared by Brinnier & Larios, PC dated May 15, 2012;
- *Existing Conditions Site Plan* prepared by Brinnier & Larios, PC revised May 15, 2012;
- *Site Plan for Bread Alone* prepared by Brinnier & Larios, PC revised May 15, 2012;
- *Lighting Plan for Bread Alone* prepared by Brinnier & Larios, PC revised May 15, 2012; and
- *Proposed Grading, Soil Erosion Plan* prepared by Brinnier & Larios, PC revised May 15, 2012.
- *Site Plan Application* prepared by Bread Alone's Sharon Burns-Leader dated April 18, 2012;
- *Written Narrative Description* of Proposed Action by Bread Alone undated;
- *SEQRA Short EAF* prepared by Bread Alone's Sharon Burns-Leader dated April 18, 2012;
- *Site Plan Consent Form* by William Orange – Property Owner dated April 23, 2012;
- *Exterior Elevations* prepared by Peter Gluck and Partners dated February 24, 2012;
- *Existing Conditions Site Plan* prepared by Brinnier & Larios, PC dated May 2012;
- *Site Plan for Bread Alone* prepared by Brinnier & Larios, PC dated May 2012;
- *Lighting Plan for Bread Alone* prepared by Brinnier & Larios, PC dated May 2012; and
- *Proposed Grading, Soil Erosion Plan* prepared by Brinnier & Larios, PC dated May 2012.

WHEREAS, the Town of Ulster Planning Board declared its intent to be Lead Agency for an Unlisted Action-Coordinated review pursuant to SEQRA as its May 15, 2012 meeting; and

WHEREAS, the no Involved Agency objected to its designation as Lead Agency for the Proposed Action; and

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 written comments from the UCPB were provided on June 6, 2012, which require approval by the Ulster County Health Department of the method of sewage disposal; and

WHEREAS, the applicant provided a Full EAF Part 1 which assessed the Proposed Action on the subject site; and

ULSTER TOWN BOARD MEETING

June 21, 2012 AT 7:00 PM

WHEREAS, the Town of Ulster Planning Board completed a Full EAF Part 2, which was used to identify potentially significant adverse impacts and required studies; and

WHEREAS, upon review of the Full EAF Part 1 and Full EAF Part 2; a determination was made that a Full EAF Part 3 would not prepared since no potentially large impacts were identified due to the mitigation measures, which were designed into the Proposed Action; and

WHEREAS, the Town of Ulster Planning Board, as Lead Agency, issued a SEQR Determination of Non-Significance (Negative Declaration) and granted Site Plan Approval for the Proposed Action at its June 19, 2012 meeting; and

WHEREAS, the Town of Ulster Planning Board at its June 19, 2012 meeting, referred this matter to the Town Board with a recommendation to approve the Special Permit Use; and

WHEREAS, the Town of Ulster Town Board has received the recommendation of its Planning Board and comments of its consulting planner and engineers, Water and Sewer Departments and also finds the Proposed Action would not pose any potentially significant environmental impacts based upon documentation and plans provided and the mitigation measures being employed in the design of the development; and

WHEREAS, the Town Board has held the required public hearing on the Proposed Action.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board hereby grants Special Permit Approval to *Bread Alone* to establish a full-service 80-seat café with seating for additional 30 patrons on an outdoor seasonal patio along with a state-of-the-art wholesale bakery -“Light Industry Use” - that will employ 45 production workers, 8 office/sales staff members and 23 café/restaurant employees on a above referenced site subject to the conditions, limitations and restrictions set forth below:

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Completion of all technical revisions to Plan Set as may be required by the Town Planner, Town's Alternate Consulting Engineer (Praetorius & Conrad) and/or Town of Ulster Water & Sewer Departments;
4. Approval by Ulster County Health Department of wastewater disposal for subject site; and
5. All fees, including consultant fees, shall be paid.

2nd by Councilman Hendrick
All Ayes

Bread Alone Project – Proposed Sewer Line

Mr. Denis Larios, from Brinnier & Larios, PC, gave an overview of the projected reporting that an out of district sewer service to Bread Alone and Central Hudson was suggested. This would be a low cost and fast installation that would be beneficial to all parties involved. Mr. Domount

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recommended installing a low pressure sewer system. This system would cost around \$280,970 and there would be no cost to the tax payers. It also could be expanded upon. It would take 6 months to install and would have little impact on traffic. An exchange of questions and answers followed between the Town Board and the engineers.

Councilwoman Hendrick moved to authorize the Supervisor to negotiate all the contracts required to instate this program with the understanding that the contract will be brought back to the Town Board for ratification.

2nd by Councilman Morrow

All Ayes

Honoring Former Councilman Orvil Norman

Supervisor Quigley suggested that the Town Board consider a way to honor former Councilman Orvil Norman. He is looking for ideas from the public and Town Board.

Public Comment

Mr. Robert Barton inquired about the status of the Town Hall.

Supervisor Quigley reported that there has been some recent changes that may affect the study. The schools are selling off some of their buildings and the Business Resource Center may move into one of their buildings. The building vacant by the Business Resource Center would fit the Town's needs. So this may change the outcome of what needs to be done.

Mr. John Quick was not in favor of the tree planting grant.

Mr. John Iannotti suggested that the Town Board form a special ad hoc committee to rule out politics and help observe any rules and regulations in regard to naming a building after Orvil Norman or any other person. He would see if there are any minutes of these meetings.

Executive Session

Councilman Hendrick moved to enter into executive session at 8:23 PM to discuss a personnel discipline action

2nd by Councilman Morrow

All Ayes

The Town Attorney, Mr. Jason Kovacs, and Mr. Paul Economos were present in the executive session.

The Town Board left executive session at 8:52 PM

Supervisor Quigley reported that no actions were taken.

Councilman Morrow motioned to adjourn the meeting at 8:55 PM

2nd by Councilman Kitchen

All Ayes

Respectfully Submitted by Jason Cosenza, RMC FHCO - Ulster Town Clerk