

TOWN OF ULSTER TOWN BOARD MEETING (24)
NOVEMBER 16, 2023

MEETING HELD IN PERSON

CALLED TO ORDER BY DEPUTY SUPERVISOR, CLAYTON VAN KLEECK, at 7:00 PM

SALUTE TO OUR FLAG

ROLL CALL by Town Clerk, Suzanne Reavy:

TOWN COUNCILMAN CLAYTON VAN KLEECK
TOWN COUNCILMAN ROCCO SECRETO
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILWOMAN ANNA HAYNER
SUPERVISOR JAMES E. QUIGLEY 3rd - *EXCUSED*

ALSO IN ATTENDANCE:

1. Warren Tutt, Building Inspector
2. Frank Petramale, Highway Superintendent
3. Kyle Berardi, Police Chief
4. Tosca Sweeney, Comptroller
5. Jason Kovacs, Town Attorney
6. Vincent Maggiore, Wastewater Superintendent
7. Bill Kemble, Daily Freeman
8. Eight in-person attendees

ADDITIONS OR CHANGES TO AGENDA – None

Councilman Van Kleeck responds to Public Comment from the previous meeting (11/2/23)

1. Response Hon. Susan Kesick

Why weren't judges given budget packets?

All department heads were given budget packets via email on 9/29/23.

Why weren't judges consulted?

All department heads can request a meeting, and no requests were received from judges.

Budget items regarding the court office were discussed with judges during personnel meetings over the last few months.

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Why is there a full time position and no part time clerk positions?

We discussed with both judges a full time clerk to manage phone and window for both judges. With recent changes in the office, staff split evenly. We will leave that position as a full time position until resolution occurs. With board's discretion, position could be split into two part time clerks as needed.

Will board consider hiring a sixth full time clerk?

No consideration for that. Early 2024, assessment of staff in court office.

Is the full time clerk a civil service position?

All positions in court clerk office are covered under civil service guidelines. Each judge has an exempt clerk. Full time and part time staff under civil service rules, with part time staff having some exemptions.

Why no raises for the judges?

Judge Kesick has participated with UC Sheriff's Office to create a CAP Court system, to provide a central court at the county jail to provide court on nights and weekends, eliminating need for judges to be called out on nights and weekends. If judges participate in program, they will be paid by the county. This will result in a raise. We will adjust as situation unfolds.

Will clerks get raises?

All town clerk positions in Local 17 follow that agreement. The others follow a similar scheduled agreement.

Why was training line reduced?

Due to changes within the clerks office, clerks did not attend the conference. We will address this in 2024. All certification required for court personnel is available online and is free. No requirement to go to training.

2. Response to Regis Obijiski

Regis asked the town board to apply unanticipated unassigned fund balance to offset the anticipated tax increase.

Response: The decision to apply any 2023 surplus will be applied when the accounting for 2023 is closed, in 2024. At that time, the board will review and can assign any surplus to 2024 budget and we will try to disseminate that information.

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3. Response to Larry Quick

Larry asked why/what is my tax increase going to be?

Response: Independent search for similar priced houses in that area, results in an approximate \$50 increase. School taxes are higher than that.

Councilman Van Kleeck Shares Expressions of Thanksgiving

As Deputy Supervisor and spokesman for the town, shares the following:

Thankful for everyone here and online, the faith everyone puts into the town board.

Thankful for all political parties and townofulstercitizens.org for their support.

“Iron Sharpens Iron”.

We are thankful for:

- Leadership of the supervisor
- Town Board – thankless job
- Peggy King – “Mother Hen”
- Tosca Sweeney and Nancy Gallo – town finances
- Town Clerk’s Office – leaders of quality service
- Justices – staff works diligently
- Frank Petramale and highway crew – serving our community and other departments
- Kyle Berardi, Police Chief and police department -- 365 days a year enforcing peace and enforcing the laws
- John Rose and Water Department – they protect our water around the clock
- Vincent Maggiore and Wastewater Department – ensures end products are safe for community and environment, today and tomorrow.
- Kate in Water Department – compassion
- Miranda Bernholz and Mary (Secreto) - Tax Assessor’s Office fair and equitable
- Warren Tutt and Building, Planning, Zoning – help town grow within the rules
- Randy (Sauers) and Parks Staff – valuable gem
- Teddy (Mojica) to consistently clean facilities
- Part time staff are valuable
- Legal staff including Jason Kovacs – regular consultations
- Volunteer firefighters and emergency service providers
- Bill Kemble and Daily Freeman – things watched do better.

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- We do not take enough time to give thanks. We want to take time to start a new trend.
Happy Thanksgiving

PUBLIC DISCUSSION ON AGENDA ITEMS – None

APPROVAL OF MINUTES – October 1st and 15th (2023-M-351)

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

COMMUNICATIONS – Letter read from residents at Hillside Terrace, stating that the streetlight near 32 Hillside Terrace is gone, and asking for at least two more lights from Hillside Terrace to Millers Lane.

ABSTRACT OF CLAIMS (2023-M-352)

November, 2023

TOTAL: \$ 755,922.20

MOTION: Councilman Hayner

SECOND: Councilman Kitchen

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

New Business:

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of October 2023 (2023-M-353)

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Presentation and Acceptance of the Supervisor's Monthly Report for the month of October 2023 (2023-M-354)

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize the Supervisor/Deputy Supervisor to sign Engagement letters with EFPR Groups, CPAs for the Town of Ulster 2023 Financial Statement Audit (2023-M-355)

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MOTION: Councilwoman Hayner
SECOND: Councilman Kitchen

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize the Supervisor/Deputy Supervisor to sign Engagement letters with EFPR Groups, CPAs for the AUP Report for the TOU Justice Court and Town Clerk/Receiver of Taxes for 2023 (2023-M-356)

MOTION: Councilman Kitchen
SECOND: Councilwoman Hayner

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize the Supervisor/Deputy Supervisor to sign the 2024 Range Agreement with the Kingston Police Department (2023-M-357)

MOTION: Councilman Hayner
SECOND: Councilman Kitchen

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes

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Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize the Supervisor/Deputy Supervisor to sign the 2024 Range Agreement with the NYS DEC (2023-M-358)

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize the Supervisor/Deputy Supervisor to sign the 2024 Range Agreement with the Ulster County Law Enforcement Training Group (2023-M-359)

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

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Motion to authorize the Supervisor/Deputy Supervisor to sign the DWI High Visibility Engagement Campaign Agreement for the period October 1, 2023 to September 30, 2024 (2023-M-360)

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize Councilman-Elect Maryann DeGroodt to attend NYS Association of Towns training in New York City, February 18th-February 20th , 2024 (2023-M-361)

MOTION: Councilman Hayner
SECOND: Councilman Secreto

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize Councilman-Elect Maryann DeGroodt and Councilman Anna Hayner to attend NYS AOT Newly Elected Officials School in Albany, January 17th-19th, 2024 (2023-M-362)

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

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Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize the Comptroller to attend NYGFOA Holiday Seminar, December 13th, 2023 in Ossining, NY (2023-M-363)

MOTION: Councilwoman Hayner
SECOND: Councilman Kitchen

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize the hiring of one WWTOP Trainee for the Sewer Department (2023-M-364)

Presented by Councilman Secreto

Vincent Scilabro: union; grade 6; step 1; \$18.45/hour; start date 11/27/23

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

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Motion to authorize the Highway Superintendent to rescind the motion to purchase a 47X Western Star chassis made on July 20, 2023 and purchase four pieces of equipment per the attached list (2023-M-365)

1. 1- Ford F350 XL Extend a cab 4x4 chassis from Van Bortel Ford 71 Marsh Rd, East Rochester, NY 1445 as per the Onondaga County Bid #0010808 U2- B For the amount not to exceed \$ 64, 000.
2. 1- Western Star 47X 6X4 (10) Wheeler from Tracey Road Equipment, 115 Railroad Ave, Albany, NY. as per the Onondaga County Bid # 0010808 U2- BFor the amount not to exceed \$ 245, 000.
3. 1- 1. 8- yard Fisher poloycaster sander from Bonesteel Service center 598 Ulster Ave, Kingston NY. For an amount not to exceed \$ 7, 875.
4. 1- 2. 5- yard Fisher poloycaster sander from Bonesteel Service center 598 Ulster Ave, Kingston NY. For an amount not to exceed \$ 8, 701.

MOTION: Councilwoman Hayner

SECOND: Councilman Secreto

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize the purchase of one Dell Power Edge RE750 Server under OSG Contract PM 20820 for \$23,044.00 (2023-M-366)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

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**Motion to set the 2024 Transfer Station Permit Fee per attached schedule
(2023-M-367)**

For All Users except for Town of Ulster Residents over the Age of 62:

Per year \$ 70. 00

Second permit\$ 55. 00

Half year \$ 50. 00 (pro- rated on a half-year basis after July 1)

Single Day \$ 20. 00

For Town of Ulster Residents over the age of 62 only, the following fees apply:

Per year \$ 50. 00

Half year \$ 40. 00 (pro- rated on a half-year basis after July 1)

Second permit \$ 40. 00

Single Day: \$ 12.50

MOTION: Councilman Secreto

SECOND: Councilman Hayner

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

**Resolution authorizing the Intention to Enter into Agreement for a payment
in lieu of Tax “Pilot” Agreement by and among the Town of Ulster, Chambers
Senior Housing Development Fund Corporation and BC Ulster Portfolio LLC
(2023-R-368)**

Deputy Supervisor: Change in ownership and PILOT needs to be amended.

**RESOLUTION AUTHORIZING THE INTENTION TO ENTER INTO AGREEMENT
FOR A PAYMENT IN LIEU OF TAX (“PILOT”) AGREEMENT BY AND AMONG
THE TOWN OF ULSTER, CHAMBERS SENIOR HOUSING DEVELOPMENT FUND
CORPORATION AND BC ULSTER PORTFOLIO LLC**

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WHEREAS, the Town of Ulster (the “Town”) desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for persons with low incomes; and

WHEREAS, Chambers Senior Housing Limited Partnership (“CSHLP”) was formed pursuant to Article V of the Private Housing Finance Law (“PHFL”), with the Town as the supervising agency in connection with the development, ownership and operation of that certain multi-family senior housing project located at 401 Chambers Drive, Ulster, New York 12401 (a/k/a 102-116, 202-216, 302-316 ,402-416, 502-516, 601-615, 702-716, 802-816 and 902-916 Chambers Drive, Ulster, New York 12401)(the “Project”); and

WHEREAS, CSHLP desires that the Town approve (i) the termination of CSHLP’s existing Article V tax exemption, (ii) the conveyance of the beneficial interest in the Project to BC Ulster Portfolio LLC (the “New Beneficial Owner”), (iii) the conveyance of the fee interest in the Project to Chambers Senior Housing Development Fund Corporation (the “HDFC”), as nominee for the New Beneficial Owner and (iv) the voluntary dissolution of CSHLP; and

WHEREAS, the HDFC has been formed for the purpose of renovating, and continuing to operate and maintain the Project, as nominee for the New Beneficial Owner; and

WHEREAS, the HDFC’s and the Company’s plan for the use of the Property continues to constitute a “housing project” as that term is defined in the Private Housing Finance Law of the State of New York (“PHFL”); and

WHEREAS, the HDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Council Members to exempt the Project from real property taxes; and

WHEREAS, the New Beneficial Owner and the HDFC intend to enter into a PILOT Agreement whereby they will make payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to this Board for approval, subject to review by the Town Attorney, and **WHEREAS**, the Town, the HDFC and the New Beneficial Owner agree that the tax exemption for the Project would be beneficial to the community;

NOW, THEREFORE, be it

RESOLVED, that (i) the termination of CSHLP’s existing Article V tax exemption, (ii) the conveyance of the beneficial interest in the Project to New Beneficial Owner, (iii) the conveyance of the fee interest in the Project to the HDFC, as nominee for the New Beneficial

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Owner and (iv) the voluntary dissolution of CSHLP, are each hereby approved by the Town, and be it

FURTHER RESOLVED, that the Town does hereby agree to exempt the entire Project from real property taxes to the extent authorized by section 577 of the PHFL in consideration of the Company and HDFC entering into a payment in lieu of taxes (“PILOT”) agreement which shall be binding pursuant to Article 11 of the said PHFL;

The PILOT payments are estimated to be the following amounts:

<u>Calendar Year</u>	<u>Amount</u>	<u>72 units</u>
*2024	\$200 per unit	\$14,400
*And thereafter increase by two (2%) percent annually, until amount increases to \$450 per unit		
2026* and thereafter	\$450 per unit	\$30,150

*And, beginning with the second year after the increase to \$450 per unit, an additional increase of two (2%) percent annually, and be it

**The increase to \$450 per unit will occur the earlier of (i) the next year following the conversion of the Project to long term permanent financing or (ii) 2030. If the permanent conversion does not occur in 2025, then the PILOT payments will continue at \$200 per unit annually, subject to two (2%) annual increases of such amount until the payment amount increases in 2030 to \$450 per unit annually.*

FURTHER RESOLVED, that the exemption and agreement referred to above shall continue for so long as the Project continues to serve elderly and disabled persons at the Property, but in no event for more than thirty (30) years, pursuant to section 577 of the PHFL, and be it

FURTHER RESOLVED, that the Town authorizes the Town Supervisor to execute and deliver the PILOT Agreement or any other documents he deems necessary to effectuate the purposes of this resolution, subject to review by the Town Attorney, and be it

FURTHER RESOLVED, that the exemption and agreement referred to above shall not be effective until the PILOT has been approved as to form and substance by the Town Attorney and executed by the Company, HDFC and the Town.

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MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Discussion on the Christmas Tree Lighting Ceremony on November 25, 2023

Reavy: Lighting taking place on November 25 at 5pm. Asking for permission to spend \$500 for the event.

Motion to Authorize the Recreation Department to Spend \$500.00 for the Christmas Tree Lighting Event (2023-M-369)

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Old Business:

Resolution Adopting Town Budget for 2024 (2023-R-370)

Deputy Supervisor reads resolution

Resolution Adopting Town Budget for 2024

The Town Board of the Town of Ulster, duly convened in regular session, does hereby resolve as follows:

SECTION 1. Pursuant to and in accordance with the provisions of section 106 of the Town Law, and other applicable provisions of law, the annexed detailed statement of estimated expenditures and revenues be and the same hereby is approved and adopted as the final budget of the Town of Ulster for the fiscal year beginning January 1, 2024. Such final budget shall be filed forthwith in the office of the Town Clerk of the Town of Ulster, where it shall be available for public inspection.

SECTION 2. This resolution shall take effect as of November 16, 2023.

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

ROLL CALL VOTE:

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. ___ of 2023- A Local Law to Establish a Temporary Moratorium on New Sanitary Sewer Connections in the Ulster Sewer District (2023-R-371)

Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. 3 of 2023 – A Local Law to Establish a Temporary Moratorium on New Sanitary Sewer Connections in the Ulster Sewer District

WHEREAS, an introductory Local Law entitled “A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON NEW SANITARY SEWER CONNECTIONS IN THE ULSTER SEWER DISTRICT” was introduced before the Town Board of the Town of Ulster on September 21, 2023, and upon notice duly published and posted, a hearing was held on October 5, 2023 before the Town Board,

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significant of said introductory local law, and be it

RESOLVED, that the adoption of the introductory local law entitled “A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON NEW SANITARY SEWER CONNECTIONS IN THE ULSTER SEWER DISTRICT” is hereby determined to be a Type II SEQR action, and be it further

RESOLVED, that the Town Board of the Town of Ulster hereby adopts said Local Law No. 3 of 2023 - A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON NEW SANITARY SEWER CONNECTIONS IN THE ULSTER SEWER DISTRICT, a copy of which is attached hereto and made a part of this resolution, and be it further

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.

**TOWN OF ULSTER
LOCAL LAW NO. 3 of 2023**

**A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON NEW
SANITARY SEWER CONNECTIONS IN THE ULSTER SEWER DISTRICT**

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Be it enacted by the Town Board of the Town of Ulster that the Town Code is amended as follows:

Section 1. Purpose

The purpose and intent of this local law is to adopt a moratorium on certain sanitary sewer connections in the Ulster Sewer District. The Ulster Sewer District is currently evaluating improvements to its wastewater treatment facilities, and is experience near-maximum capacity along the Ulster Avenue and Boices Lane sewer lines, and the Town of Ulster Town Board finds it is in the best interest of the Ulster Sewer District to suspend new sanitary sewer connections to the Ulster Sewer District's sanitary sewer system for a period of one year except as provided for herein.

Section 2. Moratorium

From the effective date here, and for a period of one calendar year, there shall be no new connections or connections resulting in increased flow to the Ulster Sewer District sanitary sewer system, including but not limited to the Ulster Sewer District sanitary sewer collection system, except as follows:

- A. Replacement of existing sewer connection laterals shall be permitted upon approval by the Town of Ulster Wastewater Superintendent in accordance with Chapter 141 of the Ulster Town Code;
- B. New sanitary sewer connections for individual single-family residential homes upon approval by the Town of Ulster Wastewater Superintendent in accordance with Chapter 141 of the Ulster Town Code;
- C. New sanitary sewer connections as part of any project approved prior to the effective date of this article. For purposes of this article, "approved" shall mean any project for which a building permit has been issued prior to the effective date of this article, or any project which has received site plan approval by the Town of Ulster Planning Board and Town of Ulster Town Board prior to the effective date of this article; and
- D. New sanitary sewer connections that may be approved by the Town Board upon recommendation from the Town of Ulster Wastewater Superintendent in accordance with Chapter 141 of the Ulster Town Code.

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Section 3. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this article or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this article, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. Effective Date

This article shall take effect upon filing in the office of the Secretary of State of New York State.

MOTION: Councilwoman Hayner

SECOND: Councilman Secreto

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Resolution Granting Special Use Permit for Ulster Hospitality, P-742, 1581 Ulster Ave, Lake Katrine, N.Y., SBL 39.82-2-7.117, Zone OM. Resubmittal of a Previously Approved Project for a 100 room hotel (2023-R-372)

Resolution Granting Conditional Site Plan and Special Use Permit Approval for Ulster Hospitality, LLC, with the Consent of 1561 Ulster Properties, LLC – 1581 Ulster Avenue (Route 9W) – SBL: 39.82-2-7.119

WHEREAS, the applicant – Ulster Hospitality, LLC c/o LaBella Associates with the Consent of 1561 Ulster Properties, LLC (owner by Jeff Kane) – is seeking Site Plan and Special Permit approval for the development of a 100-room hotel on the pad site that was reserved for a 100-room hotel on the Overall Master Development Plan (OMDP) that was approved by the Town Board; and

WHEREAS, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan and Special Permit review and approval by the Town of Ulster Town Board since the Proposed Action involves more than 2,500 sf of new building area; and

WHEREAS, the Town of Ulster Town Board issued a SEQR Negative Declaration for the approved Overall Master Development Plan (OMDP) for the MHMG-Kingston development on March 1, 2012; and

WHEREAS, the Town of Ulster Town Board held the required public hearing on the Special Permit on November 2, 2023; and

WHEREAS, the Town of Ulster Planning Board referred this matter to the Town Board with a recommendation to grant Site Plan and Special Permit approval.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board, based upon the above and its own review of the application materials, and upon advisory recommendation of the Town of Ulster Planning Board, the Town of Ulster Town Board hereby grants Conditional Site Plan and Special Permit approval subject to the following 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. Compliance with site plan, design plans and all details as cited herein;
4. The applicant addresses all technical revisions as required by the Town Designated Engineer and Town Planner;

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5. The applicant provides details for the sign package and the Town Planner finds such details to comply with Section 190-33 of the Town Code;
6. The Town’s consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
7. All fees, including consultant fees, shall be paid.

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Resolution approving Site Plan Approval for BVH Sapphire Trust, P-891, 127-133 Glenerie Blvd, Saugerties, NY, SBL 39.7-8-1.1 (2023-R-373)

RESOLUTION
TOWN OF ULSTER TOWN BOARD
BVH Sapphire Trust Site Plan, P-891, 127-133 Glenerie Blvd.
SBL 39.7-8-1.1, ZONE: R30

WHEREAS, the applicant and owner, BVH Sapphire Trust, proposed and had approved a three (3) lot minor subdivision of a 3.656 acre parcel fronting Glenerie Boulevard, and now also proposes a site plan for two (2), new 3 unit apartment buildings each on two (2) of the proposed three (3) new lots; and,

WHEREAS, the applicant has submitted a complete subdivision application and associated site plan application, including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form, Part 1 to the Town of Ulster Planning Board; and,

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WHEREAS, the Town of Ulster Planning Board has previously approved the proposed minor subdivision noted above; and,

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

- Completed Application for Subdivision prepared by Eliezer Y. Sher as Trustee for BVH Sapphire Trust, dated 10/06/2022
- Updated Application for Subdivision by Eliezer Y. Sher as Trustee for BVH Sapphire Trust, dated 12/15/22
- Map of Proposed Subdivision of Lands of BVH Sapphire Trust, prepared by Brinnier & Larios, P.C. dated 9/22/22, **Revised 12/02/22** “to reconfigure parking, show water services, mailbox and trash locations”, Revised 7/11/2022 “To add shrubs and lighting fixtures”, and Revised 8/07/2023 by Hudson & Pacific Design
- Project Narrative prepared by Brinnier & Larios, P.C. dated 10/6/2022
Completed Short Environmental Assessment Form, Part 1 including EAF Mapper Summary, unsigned / undated
- Proposed Floor Plan, 127 Glenerie, Sheet A-1, prepared by Ideal Design, no date
- Proposed Elevations, 127 Glenerie, consisting of two (2) sheets, both titled A-2
- Nuvo 60-4923 Lighting Fixture Specification Sheet, Satco/Nuvo, copyright 2020
- Nuvo 65-219 Lighting Fixture Specification Sheet, Satco/Nuvo, copyright 2020
- One page comment memo (email) from Town of Ulster Water Superintendent, to Town of Ulster Planning Department, dated 1/05/2023
- Two-page comment letter from The Glenerie Lake Park Improvement Association, Inc, to the Town of Ulster Planning Board, dated 02/24/2023 and outlining comments on Traffic & Safety, Environment, Emergency Access, Notification, Recreational Space, and Litter
- Ulster County Planning Board Review Memo No. 2023-022, dated 03/01/2023 including required modification comments on Signage, Landscaping, Lighting, and Elevations/Photo Simulations; and,

WHEREAS, the Town Board of the Town of Ulster has final site plan approval authority in coordination with and based on recommendations from the Town of Ulster Planning Board; and,

TOWN OF ULSTER TOWN BOARD MEETING (24)
NOVEMBER 16, 2023

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Town Board and Planning Board including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Town Board, in coordination with the Planning Board, previously determined the Town Board was lead agency, typed the application as an Unlisted Action, and initiated the coordinated review under the New York State Environmental Quality Review Act (SEQRA); and,

WHEREAS, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board who returned comments as described in *Referral No. 2023-022* referenced above and below; and,

WHEREAS, the Planning Board considered all the application materials submitted by the applicant in support of the Proposed Action, along with the comments of the Ulster County Planning Board, as well as Town consultants and staff; and,

WHEREAS, the Town Board held a public hearing on this matter on September 7, 2023 and October 5, 2023, during which time the public discussed the nature and the purpose of the proposed action, and

WHEREAS, the Town Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board hereby grants Site Plan Approval to BVH Sapphire Trust subject to the conditions, limitations and restrictions set forth below.

1. All fees, including consultant fees, shall be paid.
2. Compliance with all applicable zoning and building laws, rules, and regulations.
3. In case of a violation of any of the aforesaid conditions, this permit may be revoked by the Town Board, provided, however, that after activities under this permit shall have been properly commenced, there shall be no such revocation until substantial evidence of such violation shall have been presented to the Town Board at a meeting of said Board called for the purpose of hearing such evidence on notice to the owner.

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MOTION: Councilman Secreto
SECOND: Councilman Kitchen

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

End of Regular Agenda

PUBLIC COMMENT:

1. Eileen Murphy, town resident
Regarding the new Kingdom Hall on Memorial Drive/Route 9W
Would like an update on the site plan approval and wondering if the town declared a negative declaration. Residents met and will address at future meetings.
2. Laura Hartmann, town resident
Would like to refer to council members Anna Hayner and newly elected, Maryann DeGroot, as “councilwomen”. Also asking what the transfer station fees will be for 2024.
Town Clerk gives Hartmann the printout of fees.
3. Eileen Murphy
Asking for clarification on the DWI agreement.

Chief Berardi: This is for additional funding for events and holidays. Additional overtime expenses are covered.

4. Vicki Lucarini, town resident
Regarding the new Kingdom Hall

TOWN OF ULSTER TOWN BOARD MEETING (24)
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We want to know what the preconditions are. If any new building in town, proper drainage should be implemented. Some communities are experiencing flooding and ultimately, increased expenses due to drainage problems.

Councilman Van Kleeck: We can ask Warren Tutt to make a presentation at the next meeting.

~ END OF PUBLIC COMMENT ~

MOTION to adjourn (7:32 pm) (2023-M-374)

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

Town Councilwoman Hayner	-Yes
Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk