

TOWN OF ULSTER TOWN BOARD MEETING (26)
DECEMBER 21, 2023

~Public Hearing Scheduled: 7:10 PM, Request by iPark87 for Certain Parcels to be Designated by the Town of Ulster as part of the Redevelopment Overlay District

**MEETING HELD IN PERSON and VIRTUALLY THROUGH ZOOM
BROADCAST VIA FACEBOOK LIVE**

CALLED TO ORDER BY SUPERVISOR, JAMES E QUIGLEY 3RD , 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

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. Michelle Hinchey, Senator
7. Melanie Rieker, Deputy Town Clerk
8. Maryann DeGroot, Councilperson-Elect
9. Bill Kemble, Daily Freeman
10. Thirteen in-person attendees

PRESENTATION BY SENATOR MICHELLE HINCHEY

Senator: Two years ago, received call from Supervisor Quigley to change the town of Ulster from a second class town to a first class town. Began a research project. Every branch of government worked together. Presents the town with a signed bill from Governor Hochul, declaring the town of Ulster a first class town.

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Supervisor: After research, discovered town of Ulster was not a first class town. Thank you very much.

ADDITIONS OR CHANGES TO AGENDA – None

PUBLIC DISCUSSION ON AGENDA ITEMS – None

APPROVAL OF MINUTES – November 2nd and 16th (2023-M-383)

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	-Yes

CARRIED

COMMUNICATIONS –

1. Letter received from Heidi Schwartz, 49 Hillside Terrace, requesting to connect to the Spring Lake water district.
2. Correspondence received from Dawn DeLuca, thanking the water and highway departments for help she received during recent flooding.

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ABSTRACT OF CLAIMS (2023-M-384)

December, 2023

TOTAL: \$ 1,775,509.54

MOTION: Councilman Van Kleeck

SECOND: Councilwoman Hayner

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

CARRIED

BUDGET TRANSFERS (2023-M-385)

Councilman Van Kleeck: Over \$500,000
Thank you to the comptroller.

MOTION: Councilman Van Kleeck

SECOND: Councilman Secreto

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

CARRIED

RESPONSE TO PRIOR PUBLIC COMMENTS

Supervisor Quigley

Eileen Murphy asked questions at the 11/16/23 town board meeting regarding the SEQR process. There is no five minute answer. Supervisor, building inspector (Warren Tutt) and town planner

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(David Church) scheduled a meeting with Eileen to go over the procedure for start to finish of a project. Meeting scheduled for tomorrow.

Eileen Murphy: Thank you

AWARD FOR COUNCILMAN KITCHEN’S YEARS OF SERVICE TO THE TOWN OF ULSTER

Presented by Supervisor Quigley

- Councilman Kitchen thanks the Supervisor and all town board members
- Looks forward to his term as a county legislator.

Public Hearing: 7:10 PM, Request by iPark87 for Certain Parcels to be Designated by the Town of Ulster as part of the Redevelopment Overlay District

Motion to Open the Public Hearing 7:11 pm (2023-M-386)

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	- Yes

CARRIED

~ No Public Comment ~

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Motion to Close Public Hearing 7:12 pm (2023-M-387)

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	- Yes

CARRIED

New Business:

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of November 2023 (2023-M-388)

MOTION: Councilwoman Hayner
SECOND: Councilman Van Kleeck

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (26)
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Presentation and Acceptance of the Supervisor’s Monthly Report for the month of November 2023 (2023-M-389)

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	-Yes

CARRIED

Motion to authorize the Supervisor to sign the UC Probation Department Community Service agreement (2023-M-390)

Supervisor: This document is needed between probation and the town covering probation subjects that perform assistance to town departments.

MOTION: Councilman Secreto
SECOND: Councilman Van Kleeck

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

CARRIED

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Motion to authorize the Purchase of NY RICI Livescan Desktop Scanning System and Software, NYS OGS Contract 23150 in an amount not to exceed the NYS Grant of \$24,000 (2023-M-391)

Chief Berardi: Acceptance of the live scan grant was approved at the last meeting. Current system is past its useful life. Integrates with the Ulster County records management program.

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	-Yes

CARRIED

Motion to authorize the purchasing of Lexipol Public Safety Software for Police Department through Sourcewell Cooperative Purchasing for an amount not to exceed \$48,000 (2023-M-392)

Chief Berardi: Online policy and procedure manual. Current is 25+ years old. More efficient and encouraged by the insurance company.

Councilman Van Kleeck: Important that this will increase receiving live updates to the policy.

MOTION: Councilman Van Kleeck

SECOND: Councilman Secreto

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

CARRIED

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Motion to authorize the Supervisor to sign the DWI Task Force Agreement for the period January 1, 2024, to December 31, 2024 (2023-M-393)

Chief Berardi: Grant we received through Ulster County Stop DWI for the 2024 calendar year. This is separate from the grant received and approved at the last meeting.

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	-Yes

CARRIED

Motion to authorize the Police Chief to sign an Agreement for Licensed Professional Assessment and Reporting with Dr. Gerald Fix for the Police Department for 2024 (2023-M-394)

Chief Berardi: Dr. Fix is currently our department psychiatrist. Professional Police Standards Act requires police applicants to be examined with a psychiatric background check.

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	-Yes

CARRIED

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Motion to authorize the Renewal of the Town’s Business Insurance Coverage for 2024 through Guerin & Guerin Agency Inc. in accordance with the email of November 13, 2023, with Analysis and detailed Quote from Travelers Insurance dated October 26, 2024 (2023-M-395)

MOTION: Councilman Van Kleeck
SECOND: Councilman Kitchen

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

CARRIED

Motion to replace the current Supplemental United Healthcare Retiree Health Care coverage with the United Healthcare Medicare Advantage Program effective January 1, 2024 (2023-M-396)

MOTION: Councilman Secreto
SECOND: Councilman Van Kleeck

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

CARRIED

Resolution to establish a Capital Reserve Account under GML Section 6-c for the Washington Ave. Sewer District Capital Reserve Account (2023-R-397)

Resolution Establishing Capital Reserve Fund f/b/o Washington Ave. Sewer District Under General Municipal Law Section 6-c

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

SECTION 1. That there be and hereby is established a capital reserve fund for the future repairs to or improvement of the facilities of Washington Ave. Sewer District (the “District”).

SECTION 2. Such fund is to be known as the “Capital Reserve Fund f/b/o Washington Ave. Sewer District of the Town of Ulster.”

SECTION 3. That the estimated maximum cost of the said capital improvement(s) is unknown at the present time.

SECTION 4. Such additional sums as may hereafter be appropriated shall become part of the fund.

SECTION 5. The moneys in the fund shall be deposited in a separate bank account.

SECTION 6. The Supervisor, in his discretion, may invest the moneys in the fund in the manner provided in section 6-f of the General Municipal Law of the State of New York. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become a part of the fund.

SECTION 7. No expenditure shall be made from the fund except by authorization of the Town Board of the Town of Ulster pursuant to the provisions of section 6-c of the General Municipal Law of the State of New York.

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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	-Yes

CARRIED

**Motion to open a new Bank Account for the Washington Ave. Sewer District
Capital Reserve Account with the Bank of Greene County (2023-M-398)**

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	-Yes

CARRIED

Resolution authoring the sale of surplus Highway Equipment to the Ulster County Resource Recovery Agency and the exchange of Town Owned Equipment for UCRRA Owned Equipment in accordance with the memo request from Superintendent Petramale (2023-R-399)

Supervisor: Selling two surplus trucks to UCRRA; going to a government agency. Exchanging a surplus sweeper for a surplus screener.

Resolution Declaring Certain Equipment as “Surplus” and Authorizing its Conveyance to the Ulster County Resource Recovery Agency

WHEREAS, the Highway Superintendent has declared that the equipment listed below has no further useful life to the Town Highway Department and therefore declares them to be “surplus” and requests that he be authorized to sell or trade the equipment to the Ulster County Resource Recovery Agency; and

WHEREAS, the General Municipal Law allows surplus town equipment to be conveyed to another municipal or governmental entity or agency; Now, therefore, be it

RESOLVED, that the highway equipment listed as follows is hereby determined to be surplus equipment and the Highway Superintendent is authorized to sell or trade the equipment to the Ulster County Resource Recovery Agency.

1. 2005 Mack 10-wheel dump truck (133,798.5 miles); Sold to the Ulster County Resource Recovery Agency for \$20,000.00;
2. 2015 Ford F-450 Utility Truck with plow (57,486 miles); Sold to the Ulster County Resource Recovery Agency for \$15,000.00;
3. 2007 Elgin Sweeper to be traded to the Ulster County Resource Recovery Agency for one (1) used 2014 Terra Select T30 Screener.

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MOTION: Councilman Kitchen
SECOND: Councilwoman Hayner

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Town Councilman Kitchen	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

Motion to authorize the Sewer Superintendent to surplus four vehicles per enclosed list (2023-M-400)

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	-Yes

CARRIED

Old Business:

Resolution authorizing the Supervisor to sign the Agreement for a Payment in Lieu of Tax (“Pilot”) Agreement by and among the Town of Ulster, Birches at Chambers Housing Development Fund Company, Inc., and Birches at Chambers, L.P. (2023-R-401)

Supervisor: Replacing the 2005 Pilot agreement. Owners are in the process of refinancing and making improvements.

**RESOLUTION AUTHORIZING THE TOWN TO ENTER INTO
AGREEMENT FOR A PAYMENT IN LIEU OF TAX (“PILOT”)
AGREEMENT BY AND AMONG THE TOWN OF ULSTER,
BIRCHES AT CHAMBERS HOUSING DEVELOPMENT FUND
COMPANY, INC., AND BIRCHES AT CHAMBERS, L.P.**

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, Birches at Chambers Housing Development Fund Company, Inc., an Article XI New York private housing finance law corporation and a New York not-for-profit corporation (the “HDFC”), holds bare legal, or record, title to a leasehold interest in a certain portion of an 11.7-acre lot located in the Town identified as tax map number 48.49-1-20.110 on the Official Tax Map of Ulster County, as more particularly set forth in a site plan approved by the Town of Ulster on December 4, 2006 (the “Property”); and

WHEREAS, the Birches at Chambers, L.P., a New York limited partnership (the “Partnership”) holds beneficial and equitable title to a leasehold interest in the Property in accordance with a certain declaration of interest and nominee agreement by and between the HDFC and the Partnership; and

WHEREAS, the Property includes a 67-unit rental housing development for low income senior citizens (the “Project”); and

WHEREAS, the HDFC was formed for the purpose of providing residential rental accommodations for persons of low-income; and

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WHEREAS, the HDFC’s and the Partnership’s plan for the use of the Property constitutes 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 Partnership and the HDFC intend 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, and

WHEREAS, the Town, the HDFC and the Partnership agree that the tax exemption for the Project would be beneficial to the community;

NOW, THEREFORE, be it

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 Private Housing Finance Law (“PHFL”), in consideration of the Partnership and HDFC entering into a payment in lieu of taxes (PILOT) agreement which shall be binding pursuant to Article 11 of the said PHFL on the local school district and county to accept such payments in lieu of taxes to be applied to the Project, which consists of a total of sixty-seven (67) rental units;

The PILOT payments are estimated to be the following amounts:

<u>Calendar Year</u>	<u>Amount</u>	<u>67 units</u>
2024 and thereafter until 2030	\$200 per unit	\$13,400
2030	\$450 per unit	\$30,150

And thereafter increase by two (2%) percent annually, and be it

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

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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, 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 Partnership, HDFC and the Town.

MOTION: Councilman Van Kleeck

SECOND: Councilman Kitchen

ROLL CALL VOTE:

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

CARRIED

Resolution authorizing the Supervisor to sign the 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-402)

Supervisor: Replacing the 2009 Pilot agreement. Changes in ownership and refinancing to make improvements.

RESOLUTION AUTHORIZING THE TOWN 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

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

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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, 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 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 on the local school district and county to accept such payments in lieu of taxes to be applied to the Project;

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
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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 next year following the conversion of the Project to long term permanent financing. 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 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, 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.

MOTION: Councilman Secreto
SECOND: Councilman Van Kleeck

ROLL CALL VOTE:
Town Councilwoman Hayner -Yes
Town Councilman Kitchen -Yes
Town Councilman Secreto -Yes
Town Councilman Van Kleeck -Yes
Supervisor Quigley -Yes

CARRIED

Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. 4 of 2023: A Local Law Entitled “Zoning Amendments Pertaining to the Redevelopment Overlay District “ (2023-R-403)

WHEREAS, an introductory Local Law entitled Local Law No. 4 of 2023: A Local Law Entitled “Zoning Amendments Pertaining to the Redevelopment Overlay District” was introduced before the Town Board of the Town of Ulster on September 7, 2023, and upon notice duly published and posted, a hearing was held on October 5, 2023 at 7:25 p.m. before the Town Board,

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law; and

WHEREAS, the proposed local law was provided to the Ulster County Planning Board for its review and comment, together with all other interested and involved agencies entitled to notice by law or regulation, and the “Required Modifications” received from the Ulster County Planning Board are hereby found to be not germane or relevant to the proposed local law and/or would present overly draconian and byzantine land use regulations which in the opinion of the Town of Ulster Town Board would hamper development on the iPark87 campus, which is not in the best interest of the Town of Ulster or the County of Ulster; and

WHEREAS, a letter dated December 5, 2023 was submitted to the Town of Ulster by Joseph Cotter, Director of Development at National Resources, corporate parent of iPark87 LLC, the owner of record of the iPark87 campus, and said letter provided responses to the comments raised in the Ulster County Planning Board’s (UCPB) November recommendation letter regarding the Town’s review of the ROD Re-zoning Application & Zoning Statute Amendment at iPark 87’s East Campus, and said letter is incorporated herein to this resolution, and said letter is relied upon by the Town Board of the Town of Ulster in order to override the County’s “Required Modifications;” and

WHEREAS, the Town of Ulster Planning Board has also reviewed this action and has unanimously voted to support the proposed local law; and

WHEREAS, the applicant has provided a 2023 Supplemental Generic Environmental Impact Statement to the Town of Ulster Town Board and Planning Board, and both boards have reviewed the same; now, therefore, be it

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RESOLVED, that the adoption of the introductory local law entitled Local Law No. 4 of 2023: A Local Law Entitled “Zoning Amendments Pertaining to the Redevelopment Overlay 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 overrides all “Required Modifications” from the Ulster County Planning Board; and be it further

RESOLVED, that the Town Board of the Town of Ulster hereby adopts said Local Law No. 4 of 2023: A Local Law Entitled “Zoning Amendments Pertaining to the Redevelopment Overlay 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 she 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
ZONING AMENDMENTS**

PERTAINING TO THE REDEVELOPMENT OVERLAY DISTRICT

BE IT ENACTED by the Town Board of the Town of Ulster, County of Ulster, State of New York, as follows:

§ 1. Statement of Authority

This Local Law is authorized by the New York State Constitution, the provision of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Ulster, and the general police power vested in the Town of Ulster to promote the health, safety, and welfare of all residents and property owners in the Town.

§ 2. Section 1. Chapter 190, titled “Zoning,” of the Code of the Town of Ulster is amended as follows:

Section 190-12.2, titled “Redevelopment Overlay District” is amended by

1. removing subsection 190-12.2(C)(9)(a); and

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2. removing subsection 190-12.2(C)(9)(c) and replacing it with the following:

Residential uses permitted. All residential uses permitted in the OM district are permitted in the ROD district except 1-family detached dwellings which are prohibited. Any dwelling unit shall have no more than two bedrooms. A studio unit shall contain no less than 450 square feet of interior floor area, a one bedroom unit shall contain no less than 700 square feet of interior floor area and a two bedroom unit shall contain no less than 850 square feet of interior floor area; and

3. Adding a new subsection as follows: *No building or structure in the ROD District shall exceed a height of 75 feet above curb level, or five stories, whichever is less.*

§ 3. Severability; Repealer.

If any section, paragraph, subdivision, clause, or provision of this local law shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this local law shall be deemed valid and effective. Any local law, ordinance, or part thereof in conflict herewith is hereby repealed.

§ 4. Effective Date.

This Local Law shall become effective upon filing in the Office of the New York State Secretary of State.

MOTION: Councilman Secreto

SECOND: Councilman Van Kleeck

ROLL CALL VOTE:

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

CARRIED

Resolution Designating Certain Parcels as Part of the Redevelopment Overlay District (2023-R-404)

(Designation of parcels on the east campus)

Resolution Designating Certain Parcels as Part of the Redevelopment Overlay District

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

WHEREAS, after review and study by the Town Board it was determined that the site known as the East Campus of TechCity n/k/a iPark87 would be suitable for designation as a Redevelopment Overlay District; and

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

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

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

WHEREAS, on January 5, 2012, the Town Board of the Town of Ulster adopted Local Law No. 1 of 2012, which amended Chapter 190 of the Ulster Town Code by adding the “Redevelopment Overlay District (ROD)” to the Town of Ulster Zoning Law; and

WHEREAS, A property owner may apply to the Town Board for designation of an eligible parcel or parcels as a ROD. An eligible parcel or parcels must be in the existing OM District, be at least 100 acres in area and include existing buildings with an aggregate floor area of at least 500,000 square feet; and

TOWN OF ULSTER TOWN BOARD MEETING (26)
DECEMBER 21, 2023

WHEREAS, the current owner of the former TechCity site, iPark87, has applied to the Town of Ulster pursuant to Town Code Section 190-12.2(D), for use of the Redevelopment Overlay District provisions in lieu of the use, bulk parking, floor area ratio and related standards in the underlying OM District; and

WHEREAS, iPark87 has requested that the following parcels be included as part of the Redevelopment Overlay District:

48.7-1-29.110; 48.7-1-29.120; 48.7-1-29.130; 48.7-1-29.140; 48.7-1-29.150; 48.7-1-29.160; 48.7-1-29.170; 48.7-1-29.240; 48.7-1-29.250; 48.7-1-29.260; 48.7-1-29.270; 48.7-1-29.400; 48.7-1-29.500; 48.7-1-29.600; 48.7-1-29.700; 48.7-1-29.800; 48.7-1-29.900

WHEREAS, pursuant to the Ulster Town Code, before parcels may be designated by the Town Board as part of the ROD, a public hearing is required to be held;

WHEREAS, the Town Board held a public hearing on this matter on December 21, 2023 during which time public discussion was heard at such hearing concerning the merits and environmental significance of designating the above listed parcels to be included as part of the Redevelopment Overlay District; and

WHEREAS, the applicant has provided a 2023 Supplemental Generic Environmental Impact Statement to the Town of Ulster Town Board and Planning Board, and both boards have reviewed the same; now, therefore, be it

RESOLVED, that the designation of the above listed parcels to be included as part of the Redevelopment Overlay District is a SEQR Type I action and will not have a significant adverse impact on the environment; and be it further

RESOLVED, that the following list of parcels shall be able take full use of the Redevelopment Overlay District provisions in lieu of the use, bulk parking, floor area ratio and related standards in the underlying OM District:

48.7-1-29.110; 48.7-1-29.120; 48.7-1-29.130; 48.7-1-29.140; 48.7-1-29.150; 48.7-1-29.160; 48.7-1-29.170; 48.7-1-29.240; 48.7-1-29.250; 48.7-1-29.260; 48.7-1-29.270; 48.7-1-29.400; 48.7-1-29.500; 48.7-1-29.600; 48.7-1-29.700; 48.7-1-29.800; 48.7-1-29.900;

and be it further

RESOLVED, that the Town Clerk of the Town of Ulster shall update the Town of Ulster Zoning Map and Ulster Town Code to reflect these changes in zoning.

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MOTION: Councilwoman Hayner
SECOND: Councilman Secreto

ROLL CALL VOTE:

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

CARRIED

Resolution Adopting the 2024 Town Fee Schedule (2023-R-405)

**Resolution of Town Board of the Town of Ulster Adopting a Fee
Schedule to Take Effect January 1, 2024**

WHEREAS, the Town Board of the Town of Ulster is authorized to set all fees, deposits, and costs by resolution of the Town Board pursuant to adopted local law,

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the schedule of fees, deposits, and costs is hereby amended as set forth in Exhibit "A" annexed hereto, effective as of January 1, 2024.

MOTION: Councilman Secreto
SECOND: Councilman Van Kleeck

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

CARRIED

End of Regular Agenda

PUBLIC COMMENT:

1. Laura Hartmann, town resident, and on behalf of townofulstercitizens.org
Reads from prepared material (attached) regarding the recent planting of trees and bushes in the town. Thanks the town board and highway department; Travis Ferry and Jake Wedemeyer (Ulster County Soil and Water).

UC Soil and Water will provide tree wraps to prevent damage from deer.

2. Supervisor: Two announcements
Re: Ridge behind Hudson Valley Mall. Town Board desire to protect the ridge behind the Hudson Valley Mall, east of Frank Sottile Blvd. Two parcels owned by Sam's/Wal-Mart developer may be included in Ulster County tax sale next year due to remaining unpaid for three years. Supervisor informed Ulster County that the town is interested in gaining title in order to preserve the ridge. We must wait until November next year. Hoping Councilman Kitchen can continue this effort at the county level. It would be appropriate to name the ridge after Nora Budziak.

Re: Daily Freeman story about the town of Ulster selling water to the town of Saugerties. Important to inform town residents. In 2016, was asked about water on Old Stage Road. Double benefit to town of Ulster with also providing water to town of Saugerties. Over the past seven years, has brought this up to Saugerties supervisor Costello, without a response. Town of Ulster had discussions with engineers, Brinnier and Larios (also engineers for Saugerties and its water department). The town and village of Saugerties are in discussions about modification to water contract and increasing demands in Glasco for water. Larios mentioned the possibility of an interconnection two years ago at a planning board meeting. A member of the planning board remembered that conversation and it led to an article in the Daily Freeman by Bill Kemble. No discussions between elected officials in Saugerties, other than supervisor Quigley's mention of an interconnection. That is where the situation lies now.

In 2015, town was ready to connect seven residences to the Spring Lake water district, purchasing pipes, valves, only to be denied by Ulster County Department of Health, due to lack of water pressure to connect two of the seven houses.

If residents wish to be connected to a water district, register with the water department and voice concerns.

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~ END OF PUBLIC COMMENT ~

MOTION to adjourn (7:38 pm) (2023-M-406)

MOTION: Councilman Kitchen

SECOND: Councilman Van Kleeck

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

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk