

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (24)  
DECEMBER 7, 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 - *Excused*  
TOWN COUNCILWOMAN ANNA HAYNER  
SUPERVISOR JAMES E. QUIGLEY 3<sup>rd</sup> - *Excused*

**ALSO IN ATTENDANCE:**

1. Jason Kovacs, Town Attorney
2. Tosca Sweeney, Comptroller
3. Warren Tutt, Building Inspector
4. Chief Kyle Berardi, Ulster Police
5. Frank Petramale, Highway Superintendent
6. Several In-Person Attendees
7. Bill Kemble, Daily Freeman

**ADDITIONS OR CHANGES TO AGENDA** – \* Deputy Supervisor removes the agenda item regarding the presentation of Chambers Senior Housing PILOT resolution.

**PUBLIC DISCUSSION ON AGENDA ITEMS** – None

**COMMUNICATIONS** – Letter read from Joanne Powers, Secretary to Glenerie Lake Park Improvement Association, requesting the addition of three speed bumps on Glenerie Boulevard.

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**COMMITTEE REPORTS**

1. Recreation: Rocco Secreto  
For Halloween we held the Trunk or Treat and had 22 vehicles participating. The “Tree Lighting” we had over 100 kids. Bidy Ball we have exactly 100 kids playing at Chambers School, not Crosby. We are also using St. Joseph’s parish on Saturdays. Recreation committee meeting on 12/20. Thanks Suzy (Reavy) and Melanie (Rieker) from town clerk’s office.
  
2. Finance: Anna Hayner  
87.25% of budget for this year. Still 12.75% of budget until end of year and December expenditures. Thank you to the comptroller.
  
3. Building and Grounds: Anna Hayner  
Working on beautifying the town hall. Will be going to other buildings. The trees recently planted at the town hall and Fording Place Road parking lot look great.

*Councilman Secreto*: Thank you to the highway department.

**New Business:**

**Presentation of the Town Fee Schedule for 2024**

*Will vote on at next meeting.*

**Motion to set the 2024 Organizational Meeting for Thursday, January 4, 2024, at 7:00pm (2023-M-375)**

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

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

*CARRIED*

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**Motion to authorize the hiring of one full time Building Inspector (2023-M-376)**  
*Presented by Councilman Secreto*

Mark Perez: Request from personnel committee and Warren Tutt. Provisional Building Inspector I; full time; union; \$20.61/hour; start date 12/4/2023; he will take the civil service test in January, 2024.

MOTION: Councilwoman Hayner  
SECOND: Councilman Secreto

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

*CARRIED*

**Motion to authorize the Supervisor/Deputy Supervisor to sign the Intermunicipal Agreement for Police Services with the City of Kingston for 2024 (2023-M-377)**

MOTION: Councilman Secreto  
SECOND: Councilwoman Hayner

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

*CARRIED*

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**Motion to authorize the Police Chief to auction two vehicles with Auctions International (2023-M-378)**

MOTION: Councilwoman Hayner  
SECOND: Councilman Secreto

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

*CARRIED*

**Motion to accept a \$24,00.00 grant from DCJS for the purchase of a new Livescan Fingerprint System (2023-M-379)**

*Chief Berardi:* Grant application was made twice and this time successful. This is for electronic high end fingerprinting, more efficient and compatible with the rest of the county. Should cover the entire cost.

MOTION: Councilman Secreto  
SECOND: Councilwoman Hayner

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

*CARRIED*

**Old Business:**

**Presentation of Resolution authorizing the intention 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.**

**RESOLUTION AUTHORIZING THE INTENTION 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

**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

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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 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

**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.

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\* **REMOVED**: Presentation of 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

**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-380)**

*Deputy Supervisor*: Has been reviewed and a public hearing held.

**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 “**

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; now, therefore, be it

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

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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 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  
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
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*

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*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: Councilwoman Hayner

SECOND: Councilman Secreto

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

*CARRIED*

**Resolution Scheduling Public Hearing on Request by iPark87 for Certain  
Parcels to be Designated by the Town of Ulster as Part of the Redevelopment  
Overlay District (2023-R-381)**

*Deputy Supervisor:* December 21 at 7:10 pm

Deputy Supervisor reads the parcels be included in and related to this resolution:

- 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

**Resolution Scheduling Public Hearing on Request by iPark87 for  
Certain Parcels to be Designated by the Town of Ulster 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

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**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

**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:

SBL 48.7-1-29.120  
SBL 48.7-1-29.130  
SBL 48.7-1-29.140  
SBL 48.7-1-29.160  
SBL 48.7-1-29.250  
SBL 48.7-1-29.270

**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;

**NOW, THEREFORE, BE IT RESOLVED** that a public hearing be held by this Governing Body with respect to the application by iPark87 for the above-listed parcels to be included as part of a Redevelopment Overlay District at 7:10 p.m. on December 21, 2023, at the Town of Ulster Town Hall, 1 Town Hall Drive, Lake Katrine, NY 12449, and it is further

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**RESOLVED** that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

MOTION: Councilman Secreto  
SECOND: Councilwoman Hayner

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

*CARRIED*

***End of Regular Agenda***

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**PUBLIC COMMENT:**

1. Eileen Murphy, Quail Drive

Last board meeting posed an inquiry about property, understanding that the protocol is that it be answered at the following meeting.

*Deputy Supervisor:* We do not have an answer yet and we need more clarification.

**MOTION to adjourn (7:17 pm) (2023-M-382)**

MOTION: Councilwoman Hayner

SECOND: Councilman Secreto

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

*CARRIED*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk