

TOWN OF ULSTER WORKSHOP MEETING (11)

May 19, 2016

**PUBLIC HEARING SCHEDULED 7:15 PM – 2016 CFA Application for Office of
Community Renewal – Community Development Block Grant Program Funds**

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN: 7:00 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK, Suzanne Reavy:

TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN JOHN MORROW
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR JAMES E. QUIGLEY 3rd

ALSO IN ATTENDANCE:

1. Town Attorney, Jason Kovacs
2. Highway Superintendent, Frank Petramale
3. Building Inspector, Kathy Moniz
4. Officer in Charge, JP Gramoglia
5. Town Assessor, James Maloney
6. Mark Blauer, Town Grant Writer
7. Five town residents

ADDITIONS OR CHANGES TO AGENDA: None

PUBLIC DISCUSSION ON AGENDA ITEMS:

Town Resident, Hans Funccius (HF): RE: Kingston Commons

Questions what type of retail store is going to be at the site.

Supervisor Quigley (SQ): Only a retail store/tenant approved by Town Zoning Code is permissible in that area. They have to comply.

HF: T/Ulster Comprehensive Management Plan – is Kingston Commons following this plan?

SQ: This comes from the Planning Board with a full recommendation to proceed.

HF: What bothers him are the pad sites – what is going in those places? Tattoo parlors, mattress stores?

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SQ: Does not think those types of places will be able to pay the rent to provide an economic return to the developer.

HF: What is the role of the Board? We do not have architectural review board in the Town. Concerns about what types of businesses are coming in – hopes that businesses in Kingston Commons are aesthetically pleasing. Comprehensive Management Plan is a good plan. Wants development with economic benefits and eye appeal.

SQ: (Quotes tonight’s proposed Resolution) As a condition of approval , “The color scheme for the building is to be presented to the Town of Ulster Planning Board and is to be approved as to color by said Planning Board.”

APPROVAL OF MINUTES – April 7th and 21st :

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

COMMUNICATIONS: Town Clerk reads letter from William Sept, Bus Driver for Arthur F. Mulligan, Inc. Thank you for school bus stop warning sign for 56 Tuytenbridge Road, Lake Katrine, NY.

ABSTRACT OF CLAIMS:

Presented by Councilman Brink [Previously reviewed (5/18/16) by Brink & Councilman Secreto]

This Month Vouchers:

Prepaid Bills:	\$	247,935.68
Abstract Bills:	\$	155,161.14
Escrow:	\$	5,275.00
Reserve:	\$	37.96
Total:	\$	408,409.18

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*Councilman Brink calls for **MOTION** to accept Abstract of Claims as presented:*

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

BUDGET MODIFICATIONS:

[Presented by Councilman Brink]

General Fund:

Modify Revenue A2770 (Misc.Rev.) and Appropriation A1420.400 (Legal Fees)	
check from Andrew Moss & Florence Ancillotti for legal costs - conveyance of surplus town property off of Main St. in Ruby	300.00
Modify Appropriation A1110.200 (Court Grant) to be funded through A5990 (Approp.Fund Bal.) grant from JCAP for construction to enlarge court office	24,000.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) electric - Orlando St. Ballfield	37.96

Highway Fund:

Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) March Gas Reimb. - Oper.Funds	4,485.23
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) March Gas Reimb. (Ruby Fire Dist.)	100.09
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) March Gas Reimb. (Ulster Fire Dist.#1/Spring Lake)	51.49

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	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) March Gas Reimb. (East Kingston Vol. Fire Co.)	246.63
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) March Gas Reimb. (Town of Kingston Hwy. Dept.)	247.62
	Modify Revenue D3501 (CHIPS AID) and Appropriation D5112.200 (CHIPS Aid) addl. Funding from NYS for New PAVE-NY Program	34,123.48
Ulster Water:	Modify Revenue SW1.2665 (Sale of Equipment) and Appropriation SW1.8320.250 (Meters & Hydrants) purchase of 2 Cs meters, gaskets and MXU wire radio reads from Edgewater Management Co., Inc. (Meters & Hydrants) purchase of 2 C2 meters, meter gaskets, and wire radio reads from Edgewater Management Co., Inc.	3,182.36
	Modify Appropriation SW1.8320.457 (Water Main Replacement-Leggs Mill Road) to be funded through SW1.5990 (Approp.Fund Balance) for contractual expenses for water main replacement on Leggs Mill Road	60,000.00
Whittier Sewer Cap. Proj.:	Modify Appropriation SS1.9950.900 (Interfund Transfer, Cap. Project) to be funded through SS1.5990 (Approp.Fund Bal.) payment to Brinnier & Larios - Engin.Servs. Engin.Servs. - Inv.#12 - Primary Clarifier Replacement	3,416.00
	Modify Appropriation SS1.9950.900 (Interfund Transfer, Cap. Project) to be funded through SS1.5990 (Approp.Fund Bal.) payment to Zoro Tools for hand rails and steps - Primary Clarifier Replacement	903.91
Whittier Sewer Cap. Proj.:	Modify Revenue HWS.5031 (Interfund Transfer) and Appropriation HWS.8110.400 (Engineering) payment to Brinnier & Larios - Engin.Servs. - Inv.#12 - Primary Clarifier Replacement Clarifier Replacement	3,416.00
	Modify Revenue HWS.5031 (Interfund Transfer) and Appropriation HWS.8110.200 (Construction) payment to Zoro Tools for hand rails and steps - Primary Clarifier Replacement	903.91

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BUDGET MODIFICATION TRANSFERS:

General Fund:	Transfer From	Transfer To	
	A1990.400 Contingency	A1355.403 Office Supplies	1,500.00
	A1990.400 Contingency	A1440.400 Engineering	100.00
E.Kingston Water:	Transfer From	Transfer To	
	SW7.8320.454 Maint.	SW7.8320.409 Repairs & Suppls.	33.00

*Councilman Brink calls for **MOTION** to accept Budget Modifications as presented:*

MOTION: Councilman Secreto
SECOND: Councilman Morrow

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

REVOTE OLD BUSINESS:

RESOLUTION authorizing Conditional Final Site Plan Approval for Kingston Commons, LLC, 625 & 631-669 Washington Ave., Kingston, NY, SBL #48.14-1-19 & 20:

Same Resolution put before Town Board at 4/21/16 Town Board Meeting, with the following additions:

- 1. Recital for the reason why this Resolution is being brought back to this Board. It requires a majority + 1 vote and on 4/21 we did not have appropriate attendance.*
- 2. The color scheme addition added at the 4/21 request made by Councilman Morrow.*

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**TOWN OF ULSTER TOWN BOARD
RESOLUTION AND DECISION GRANTING CONDITIONAL
FINAL SITE PLAN APPROVAL**

IN THE MATTER OF THE APPLICATION OF SAI CAPITAL GROUP, LLC FOR THE KINGSTON
COMMONS COMMERCIAL DEVELOPMENT PROJECT:

WHEREAS, on August 21, 2015 SAI Capital Group, LLC, hereinafter referred to as the “Applicant”, made Application to the Ulster Town Board pursuant to the Town of Ulster Zoning Law and associated provisions of Section 274-a of the Town Law of New York State for Site Plan Approval of a commercial development project known as “Kingston Commons”; and,

WHEREAS, the Town of Ulster Planning Board, the Town of Ulster Town Board, the Ulster County Planning Board, and their collective consultants have reviewed the Application aforesaid which Application is seeking Site Plan Approval for construction of 6,490 square feet of retail space, a 3,190 square foot bank with 2 drive-thru service lanes, a 4,430 square foot fast food restaurant with 2 drive-thru service lanes, a 2,200 square foot coffee/donut shop with 1 drive-thru service lane, together with on-site parking and a sidewalk which is proposed to be located within a portion of the NYSDOT right-of-way; and,

WHEREAS, the lands comprising the proposed project are zoned Highway Commercial under the Town of Ulster Zoning Law. The project site is further located along Washington Avenue and at the NYS Route 87 Thruway Circle [S/B/L Numbers 48.14-1-20 and 48.14-1-19]; and,

WHEREAS, the project site is further adjacent to the Ulster County Harry M. Thayer Memorial Park and bisected by an existing non-exclusive easement and right-of-way which provides the County of Ulster and members of the public access to said County Park; and,

WHEREAS, pursuant to the Zoning Law of the Town of Ulster and the Site Development Plan Law of the Town of Ulster, the Town of Ulster Town Board possesses authority to approve the proposed project, as more than 2,500 square feet of new gross floor area is proposed as part of the Site Plan Application aforesaid; and,

WHEREAS, the project was duly classified as an Unlisted Action by the Town of Ulster Planning Board pursuant to the State Environmental Quality Review Act [SEQRA] of New York State and coordinated environmental review was undertaken by utilization of a Full Environmental Assessment Form, Part 1, Application documents, maps and related addenda with all involved agencies as follows [Discretionary Reviews]:

- a) Ulster County Health Department.
 - Approval of water/sewer system modifications.

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- b) NYSDEC
 - SPDES General Permit for Stormwater Discharges.
 - Stormwater Pollution Prevention Plan.
- c) NYSDOT.
 - Site access and curb cut permit.
- d) Ulster County Department of Public Works.
 - Relocation of County Railroad Caboose and Tourism Center Facilities. [It is noted that the applicant has advised that the caboose and related tourism facilities are located on the project site lands without permission and that approval of the Ulster County Department of Public Works is not required at law in order to proceed with the project plans and associated approvals/permits. The Town of Ulster Town Board concurs that a discretionary permit or approval of the County of Ulster Department of Public Works is not required. However, this is important to the County of Ulster and the Town of Ulster Town Board requests that the applicant continue to work cooperatively with the County of Ulster with regard to this issue, to the extent practicable].
- e) Ulster County Legislature.
 - Easement and Right-of-Way Relocation.
 - Potential non-exclusive drainage easement over a portion of County Owned Land.
- f) Town of Ulster Town Board.
 - Site Development Plan Approval.
- g) Town of Ulster Planning Board.
 - SEQRA Review and Conditional Negative Declaration Issuance; and,

WHEREAS, the following additional interested agencies have participated in the review of the project to date [Ministerial Reviews]:

- i) Ulster County Planning Board.
 - Referral pursuant to Section 239-m of the General Municipal Law of New York State.
- ii) New York State Office of Parks and Recreation and Historic Preservation.
 - Report referral under Section 14.09 of the Historic Preservation Law of New York State.

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iii) Town of Ulster Code Enforcement Officer/Floodplain Administrator.

- Building Permit issuance.
- Certificate of Occupancy issuance.
- Emplacement of soil, as fill, within the floodplain.

iv) Town of Ulster Planning Board

- Recommendation under Town of Ulster Zoning Law; and,

WHEREAS, on January 12, 2016, the Town of Ulster Planning Board, having reviewed the proposed project at length with its consulting engineer, consulting planner and with additional examination of the project by involved/interested agencies, the said Town Board issued a Conditional Negative Declaration for the Kingston Commons Project [said Conditional Negative Declaration is incorporated herein by reference hereto as if fully set forth at length]; and,

WHEREAS, the materials and documentation submitted of record as part of the Kingston Commons Project have been detailed within the Conditional Negative Declaration aforesaid and a Listing of said record documentation is annexed hereto and made a part hereof as Exhibit "A"; and,

WHEREAS, in addition to the Exhibit "A" documentation, the following additional materials have been duly submitted to the Town of Ulster Town Board as part of the continuing Site Development Plan review which followed the issuance of the SEQRA Conditional Negative Declaration:

- 1) Ecological Assessment, prepared by North County Ecological Services, Inc., dated December 22, 2015.
- 2) Memorandum: Kingston Commons Easement and Right-of-Way Relocation Agreement with the County of Ulster, drafted by Michael A. Moriello, Esq., dated January 12, 2016.
- 3) Ulster County Planning Board Recommendation, prepared by the Ulster County Planning Department, issued March 2, 2016.
- 4) Site Plan Maps [See Exhibit "A"].
- 5) Review by Planit Main Street, Inc., consisting of Project Review Notes referenced as Ulster 15-24 dated September 9, 2015, Ulster 24A dated October 19, 2015, Ulster 24A, dated December 14, 2015 and Ulster 16-02, dated January 11, 2016 and cited herein by reference; and,

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WHEREAS, pursuant to Section 239-m of the General Municipal Law of New York State, the Town of Ulster Planning Board referred a full statement of the proposed action to the Ulster County Planning Board at its January 12, 2016 meeting and the Ulster County Planning Board issued its Recommendations on or about March 2, 2016; and,

WHEREAS, the Ulster County Planning Board issued the following Required Modifications as part of its General Municipal Law Section 239-m Recommendations:

- a) Develop alternative designs, including second story treatments, use of local building materials, requiring pitched roofs, window types/placement, additional street trees along the site frontage lighting height limitations and the conduct of visual simulations.

For reasons articulated at length within the Conditional Negative Declaration and discussed of record before the Town of Ulster Planning Board and the Town of Ulster Town Board, the Town Board hereby determines to overrule the Recommendations of the County Planning Board in all of the foregoing areas, save for one, inasmuch as the Project Sponsor has added additional street trees and other project enhancements as part of the updated Site Development Plans.

The foregoing Recommendations would be unduly burdensome to an Applicant which has been through a nearly 8 month review process which has culminated in a site plan which the Town Board finds aesthetically pleasing and appropriate for commercial uses at the planned location.

- b) Signage requiring area variances.
The signage associated with the proposed Site Development Plan does not require area variances pursuant to the Town of Ulster Zoning Law and the Applicant is on record as stating that area variances will not be sought for signage.
- c) Performance of a hydraulic analysis with respect to the potential for scour during flood events and coordination with the Ulster County Department of the Environment as part of final approval.

The Town of Ulster Town Board is confident that the project engineers and its own consulting engineers have examined the fill emplacement planned for the site, changes in water flow directions and the potential for scour. Stormwater, drainage and soil erosion management have all been comprehensively examined as part of the environmental review process which culminated in the issuance of the Conditional Negative Declaration [see also, Stormwater Pollution Prevention Plan and SPDES General Permit for Stormwater Discharges GP-0-15-002].

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Hydraulic analysis will not change the engineering which has been satisfactorily planned and extensively reviewed for the project. Nor is the Town Board required to engage in speculative environmental possibilities which are not buttressed within the Record. Accordingly, the Town Board finds no reason to engage in hydraulic analysis in the instant Application.

d) Aesthetics of the retaining wall.

The Planning Board requested the applicant's engineer to describe the retaining wall sections that are proposed for the project site. The engineer described the retaining wall to the southeast would vary from 5-6 feet in height. The retaining wall in the southwest portion of the site would vary from 8-13 feet in height. The applicant will reach out to the County of Ulster to see if there is a willingness to allow an easement to allow a sloped embankment, but without their consent it would be difficult to step the retaining wall without adverse impacts on site layout. As the retaining wall is located wholly upon the lands comprising the project site, the Town of Ulster Planning Board recommended referral to the Town of Ulster Town Board for approval, but also asked the applicant to further assess the feasibility of modifications to better address aesthetics such as plantings. The Town Board of the Town of Ulster concurs in this request.

Finally, the applicant offered to provide grading activities on the County owned property in order to eliminate the need for the retaining wall and so that shared stormwater drainage could be accommodated by and between the applicant and Ulster County. At this time, there has been no commitment by Ulster County with respect to this offer.

Accordingly, although the Town of Ulster Town Board has no objection to the elimination of the retaining wall, the current plans call for its utilization and the same are acceptable to the Town of Ulster Town Board pursuant to the Site Plan Review Procedures in the Town of Ulster [see Site Plan Review Law, at Chapter 145 of the Town of Ulster Code].

e) Removal of fill from the floodway.

It is noted that the Applicant did not place the fill on the site and as such, the Applicant is not responsible for the same. The Town of Ulster Town Board has been informed by the Applicant that to the extent this fill can be lawfully incorporated into the soil balancing for the project site, the Applicant will make a good faith effort to accomplish the same as part of its build plans. However, there should be no requirement that the Applicant correct pre-existing condition which it did not create.

f) Coordination with the NYSDOT on the right in entrance movement and the possibility for the installation of pedestrian crosswalks, if recommended by the NYSDOT.

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The Applicant continues to coordinate with the NYSDOT as to these two areas of concern and the Applicant has stated that it will meet required measures as posed by the NYSDOT during permit review process. However, this is a NYSDOT related post approval condition in any event.

- g) An Endangered/Threatened Species report should be submitted.

This has been accomplished by the Applicant and the Town of Ulster Town Board finds the report to be acceptable in its conclusion that there will be no effect upon endangered/threatened species of plants or animals posed by the Kingston Commons Project.

- h) Widening of the width of the proposed relocated Ulster County Easement and Right-of-Way to permit two way traffic at a minimum of 18 feet, together with 5 foot pedestrian access to the Harry M. Thayer Memorial Park.

The revised Site Plan Sheet C-4 provides for a right-of-way of 60 feet, which is sufficiently wide to accommodate the Ulster County Planning Board's required modification.

- i) Granting of a non-exclusive access easement in favor of Ulster County through the site and from the County's lands to the signalized intersection at Washington Avenue and Sawkill Avenue.

A review of the Site Development Plan shows that this is not necessary, inasmuch as there is ample room for two way traffic flow through the planned publicly traversed parking areas [see Site Development Plans].

It is further noted that under New York State case law, the Applicant cannot be compelled by a governmental agency to grant an easement over its lands as a condition which has no nexus to any demonstrable physical, safety or necessity reasons of Record.

In this regard, physical access and public use thereof, by virtue of the site roadway network, will provide safe access in the identical manner set forth within the Ulster County Planning Board's Required Modification. Therefore, the Town of Ulster Town Board finds no reason to compel the granting of this non-exclusive easement, through the planned parking area.

- j) Providing for improvements in lighting and landscaping. The applicant has revised Sheet C-8 with a total of eight new fixtures to improve lighting levels along the proposed sidewalk. The applicant has further revised Sheet C-13 to include

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additional landscaping along Washington Avenue. The Town of Ulster Town Board finds the lighting and landscaping improvements to be sufficient for the project.

WHEREAS, the Town of Ulster Town Board finds that the foregoing issues have all been adequately addressed and that the reasons articulated by the Planning Board for overruling the Ulster County Planning Board have been set forth comprehensively within this Decision; and,

WHEREAS, on April 21, 2016 the Town of Ulster Town Board voted to grant Conditional Final Site Plan Approval for the Kingston Commons Project by way of 3 aye/0 nay vote. However, owing to the requirements of Section 239-m of the General Municipal Law of New York State, a majority plus one vote of the Town Board aforesaid is required to overrule the Ulster County Planning Board as herein stated. This occurrence has necessitated a second vote by the Town of Ulster Town Board upon the Conditional Final Site Plan Approval Resolution/Decision for the Kingston Commons Project; and,

WHEREAS, the members of the Town of Ulster Town Board have read this Resolution and Decision, know the contents thereof and desire to adopt and issue said document as the Decision Granting Conditional Final Site Plan Approval to the Applicant's Site Development Plan for Kingston Commons.

NOW THEREFORE, BE IT RESOLVED, that pursuant to Section 274-a of the Town Law of New York State, the Town of Ulster Zoning Law, the Town of Ulster Site Development Law and in consideration of the administrative review of the Application, the Town of Ulster Town Board hereby grants Conditional Final Site Plan Approval to the Kingston Commons Project, subject to the following conditions subsequent:

A.) Building Permit Issuance Conditions:

- 1) Payment of any and all outstanding Review Escrow Fees, or any other necessary fees, as required pursuant to the Town of Ulster Code.
- 2) Approval of the Final Utility, Stormwater, Lighting and Landscaping plans for the Project by Brinnier and Larios, PC, as Town of Ulster Consulting Engineers.
- 3) Approval of the project signage by the Town of Ulster Building Inspector.
- 4) Approval by the Ulster County Legislature of the Planned non-exclusive easement and right-of-way relocation, as well as the potential approval of shared drainage with the County of Ulster by way of non-exclusive drainage easement, if any.

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- 5) Submittal of Final Site Plan Maps by the Project Engineer for signature by the Planning Board.
- 6) Filing of this Resolution/Decision within the Offices of the Town of Ulster Clerk.
- 7) **The color scheme for the building is to be presented to the Town of Ulster Planning Board and approved as to color by said Planning Board.**

The foregoing conditions are all to be completed prior to issuance of any Building Permits by the Town of Ulster.

B.) Certificate of Occupancy Permit Conditions:

- 1) Issuance of a Curb Cut/Access Permit and sidewalk access within the NYSDOT right-of-way by the NYSDOT pursuant to Section 52 of the Highway Law of New York State.

With respect to NYSDOT Permit issuance, the Town of Ulster Town Board notes the concern expressed by members of the public with respect to attempting to save the existing sycamore tree which is located near the entrance proposed for the project site. This concern is shared by the Town of Ulster Town Board and the Town of Ulster Planning Board.

The ultimate disposition of the sycamore tree will be determined by the NYSDOT, as it is situate within the NYSDOT right-of-way. Accordingly, the Town of Ulster Planning Board has requested that the NYSDOT further evaluate the feasibility of saving the sycamore tree and the applicant is working with the NYSDOT to address this issue. However, ultimately, the status of the sycamore tree will be determined by the NYSDOT during the NYSDOT permit review process.

- 2) Obtaining of coverage under the SPDES General Permit for Stormwater Discharges [GP-0-15-002] by requisite filing of the Notice of Intent and all related stormwater plans/studies, including the Stormwater Pollution Prevention Plan [SWPPP], with the NYSDEC and the Town of Ulster Building Inspector.
- 3) Approval of municipal sewer and water system modifications and associated hook-ups for the project by the Ulster County Health Department.

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- 4) The applicant's ultimate determination as to the relocation of the Railroad Caboose and Ulster County Tourism Facilities, either on or off the project site, and applicant's advising of the status of this matter to the Town of Ulster Town Board and the Town of Ulster Code Enforcement Officer.

The foregoing conditions are all to be completed prior to the issuance of any Certificates of Occupancy by the Town of Ulster; and,

- C.) In the Event of Non Approval by the Ulster County Legislature of the Non-Exclusive Easement Relocation and any Non-Exclusive Drainage Easement, if Necessary.

Should the Applicant not timely obtain the non-exclusive easements as stated above from the County of Ulster, the Applicant retains the option of modifying its Site Development Plans in order to obviate the need for Ulster County Legislature Approval by maintaining the current status-quo for the location of the non-exclusive access easement any by not engaging in any shared drainage with the County of Ulster over lands situate within the Harry M. Thayer County Park. This option shall include the necessity for obtaining Amended Site Development Plan Approval.

However, as the Conditioned Negative Declaration clearly demonstrates that non-exclusive easement access and drainage issues have been comprehensively addressed, it shall not be necessary for the Applicant to revisit the project plans by de novo environmental review. Only those environmental impacts directly related to the project changes associated with the existing non-exclusive easement and existing drainage may require revisited SEQRA review, if any additional SEQRA review is necessitated thereby; and,

BE IT FURTHER RESOLVED, that the Kingston Commons Project is deemed to be in conformance with the Review Standards set forth within Section 145-7 of the Town of Ulster Site Development Plan Law in all manner and respects [see Conditional Negative Declaration and the Administrative Record; and,

BE IT FURTHER RESOLVED, that pursuant to Section 274-a of the Town Law of New York State and the Town of Ulster Zoning Law, the Town of Ulster Town Board hereby adopts and issues this Resolution/Decision upon the vote thereupon and the signature of the Supervisor herewith; and,

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BE IT FURTHER RESOLVED, that the Town of Ulster Town Board shall sign and date the Final Site Development Plan Maps immediately following the execution and dating of this Resolution/Decision.

MOTION: Councilman Brink
SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

NEW BUSINESS

MOTION authorizing the Supervisor to sign the Memorandum of Receipt for Ulster County in reference to funding of Buckley St. Flood remediation work:

MOTION: Councilman Morrow
SECOND: Councilman Kitchen

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

MOTION to approve the proposal from Town of Ulster Kiwanis for Town Senior Picnic to be held July 21, 2016 at Robert Post Park:
[\$11.00 per person]

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MOTION: Councilman Morrow

SECOND: Councilman Kitchen

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

RESOLUTION to initiate SEQR Unlisted Action-Coordinated Review of Romeo Chevrolet Buick GMC, LLC, 1905 Ulster Ave., Lake Katrine, NY, SBL# 39.19-3-38.100:

[Proposed new Kia dealership]

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Initiation of SEQR Unlisted Action-Coordinated Review
Romeo Chevrolet Buick GMC, LLC
S-B-L: 39.19-3-38.100

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Romeo Chevrolet Buick GMC, LLC (dba Romeo KIA Dealership)* seeking *Site Plan and Special Permit* approval to develop an automotive sales and service center on the subject site,

through the construction of a 19,000 square-foot (s.f.) KIA automobile dealership building along with associated parking, access, landscaped areas and utility infrastructure; and

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

- *Project Narrative* prepared by George M. Turner Jr., Project Manager for Chazen dated 4/27/2017;
- *Site Plan Consent Form* by Leonard Romeo, Member, Romeo Chevrolet, LLC 4/26/16;
- *Site Plan Application* by Romeo KIA, signed by Leonard Romeo, dated April 26, 2016;
- *Short Form EAF for Romeo KIA* prepared by The Chazen Companies dated April 27, 2016;
- *Map of Survey* prepared by Donald Brewer, P.L.S., dated February 9, 2016; and
- *Sketch Plan for Romeo KIA Dealership* prepared by The Chazen Companies dated April 27, 2016.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Site Plan and Special Permit application since more than 2,500 SF of new gross floor area is proposed; and

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WHEREAS, the Town of Ulster Planning Board, upon review of the SEQR Short EAF Part 1 determined the Proposed Action was an *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, the Planning Board determined other Involved Agencies include: NYSDEC (General Permit for Construction Activities and SWPPP), NYSDOT (site access), and the Ulster County Highway Department (site access); and

WHEREAS, Interested Agencies include the Town of Ulster Planning Board, UCPB and New York State DEC for consultation regarding Threatened and Endangered Species; and

WHEREAS, the Town of Ulster Planning Board, at its May 10th, 2016 meeting, referred this matter to the Town Board for the sole purpose of initiating a SEQR *Unlisted Action-Coordinated Review* with the Town Board so named as Lead Agency.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board, based upon the above and its own review of the application materials, hereby declares its intent to be Lead Agency for an Unlisted Action-Coordinated Review and directs the Deputy Town Clerk to circulate a Notice of Intent to all Involved Agencies.

MOTION: Councilman Secreto

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

RESOLUTION authorizing the Supervisor to sign all documents regarding SCADA System Grand and appropriating funds from Ulster Water District and Spring Lake Water District Fund Balance in the amount of \$17,500.00:

May 19, 2016

Resolution of the Town Board
TOWN OF ULSTER

Resolution Authorizing Town Supervisor to sign all documents related to State and Municipal Facilities Grant for Upgrade of Ulster Water Districts SCADA System

Date: May 16, 2016

WHEREAS, the Town of Ulster has received preliminary approval for a \$87,500.00 grant from a State and Municipal Facilities Grant, administered by the Dormitory Authority of the State of New York (DASNY), towards the upgrade of the SCADA System Upgrade for the Ulster Water and Spring Lake Water Districts which is expected to cost a total of \$105,000; and

WHEREAS, it is in the best interest of the Town of Ulster to comply with any additional applications and documentation so the Town may receive this grant; now therefore, be it

RESOLVED that the Town Supervisor is hereby authorized to sign on behalf of the Town of Ulster any additional required applications or documentation in connection with this grant.

RESOLVED that the Town Board hereby appropriates the total sum of \$17,500 from the Ulster Water District and the Spring Lake Water District Unappropriated Fund Balances to be split based upon actual costs to provide funding for these upgrades.

MOTION: Councilman Brink

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

TOWN OF ULSTER WORKSHOP MEETING (11)

May 19, 2016

RESOLUTION declaring SCADA System Upgrade a Type II action under ECL 617.5 (C):
[Completes SEQR process. No area of land or tree disturbance involved.]

RESOLUTION OF THE TOWN BOARD

**Town of Ulster
Ulster County, New York**

May 19, 2016

Whereas, The Town of Ulster plans to install SCADA (Supervisory Control and Data Acquisition) system enhancements at the Dogwood Street Pump Station in the Ulster Water District and at the Spring Lake Water District; and

Whereas, the Town Board of the Town of Ulster desires to be Lead Agency with respect to the Environmental Review of the project, and

Whereas, the project involves no land disturbance and only involves the installation of instrumentation and communications equipment; and

Whereas, a detailed review of the planned project indicates that the action is a Type II action in accordance with 617.5(c) of the Environmental Conservation Law.

Therefore, be it resolved that the Town Board declares the activity to be a TYPE II action and that this action is therefore precluded from environmental review under Environmental Conservation Law, Article 8.

MOTION: Councilman Brink
SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

TOWN OF ULSTER WORKSHOP MEETING (11)

May 19, 2016

PRESENTATION and ACCEPTANCE of 2015 Annual Update Document in fulfillment of Supervisor's Reporting Requirement under GML30:

[This AUD is available for viewing on the Town Website: www.townofulster.org]

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

PRESENTATION and ACCEPTANCE of the Supervisor's Monthly Report for the month of December, 2015:

[This report is available for viewing on the Town Website: www.townofulster.org]

MOTION: Councilman Secreto

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

PRESENTATION and ACCEPTANCE of the Supervisor's Monthly Report for the months of January-April, 2016:

[This report is available for viewing on the Town Website: www.townofulster.org]

MOTION: Councilman Secreto

TOWN OF ULSTER WORKSHOP MEETING (11)

May 19, 2016

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

PUBLIC HEARING SCHEDULED: 2016 CFA Application Grant

Supervisor Quigley introduces Mark Blauer, Town Grant Writer, to give brief explanation of the reason for public hearing.

Blauer:

- ✓ Working with the Town since 1983, specifically water, sewer, storm drainage. Each year there is an opportunity to apply for a grant from the State. Two years ago the Town applied for an extension of the water district for what has been unserved on Leggs Mill Road and Brigham Lane. Successful, under design, will be built this year. Idea is to get grant money for these improvements, and as a result tax payers are not burdened with increases.
- ✓ This year the grant ceiling has been increased from \$600,000 to \$750,000. Works closely with Supervisor and Brinnier & Larios to look at projects and deem which ones look promising for obtaining a grant.
- ✓ This year suggested application to a particular project – extension of sanitary sewer service on Katrine Lane from 9W to the end of Katrine Lane, a street currently without sanitary sewer service. Some have perfectly good septic systems, others have problems with septic systems. Believes the project can be done well under \$750,000 (depending on the estimate from our engineer).
- ✓ 47 households: Launching an income survey in the next few days to qualify that neighborhood. Provided that the income survey goes well, application will be done by the end of July for the full grant amount. Will hear a yes or no by the second week in December. If successful, the project will proceed during 2018.
- ✓ Reason for this public hearing is that prior to the application, the funding agency mandates the opportunity for the public to comment on the proposed idea or to suggest any other

Supervisor Quigley asks for **MOTION** to open Public Hearing (7:23 PM):

TOWN OF ULSTER WORKSHOP MEETING (11)

May 19, 2016

MOTION: Councilman Brink
SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

PUBLIC COMMENT -- PUBLIC HEARING

Town Resident, Hans Funccius: Questions if the water sewer main on the street requires a mandatory hookup?

Blauer: Believes there to be a mandatory hookup ordinance, but will defer to the Board.

Supervisor Quigley: We will evaluate the probability of being successful on the grant, Each resident within that sewer district would be treated just like any other resident that resides within that district. They would pay usage charges if hooked up and taxes if charged.

In most recent district added in the Town (Washington Avenue Sewer) there was a provision that said in X number of years, each building had to be hooked up. There is a provision and a timeframe in there for that (not sure what the exact timeframe is).

For example, in Town of Ulster water district, if you live within the boundaries of the water district, you cannot have a well. You have to buy your water from the municipal system.

Councilman Morrow: Mr. Blauer did not mention that Katrine Lane has ½ mile along Esopus Creek where residents have septic systems, and tying into the sewer system would be excellent, not having to worry about the creek backing up.

No Further Comments

TOWN OF ULSTER WORKSHOP MEETING (11)

May 19, 2016

Supervisor Quigley asks for **MOTION** to close Public Hearing:

MOTION: Councilman Kitchen

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

PRESENTATION of Resolution Adopting Revised Policy regarding Adoption of Local Laws for Consideration at next Town Board Meeting:

[Will be presented for vote at our next Town Board Meeting: June 18, 2016]

RESOLUTION OF THE TOWN BOARD
TOWN OF ULSTER

Revised Policy Regarding Adoption of Local Laws

Be it resolved by the Town Board of the Town of Ulster as follows:

A proposed local law may be introduced only by a member of the Town Board at a meeting of such Board. (MEETING #1)

At the next regularly scheduled meeting of the Town Board, (MEETING #2) the Town Board shall schedule a public hearing on the local law. Notice of the public hearing must be given at least five (5) days prior to hearing.

At the hearing, interested parties may be allowed to speak either for or against the local law. (MEETING #3)

TOWN OF ULSTER WORKSHOP MEETING (11)

May 19, 2016

It is the policy of the Town Board that the Board shall delay the vote on the proposed local law until the next meeting. (MEETING #4) A majority of the full Board is necessary to approve the local law, and the names and votes must be entered in the minutes.

If a vote on the matter has not been taken within 90 days of the Public Hearing (Meeting #3) the matter must start the process over again.

If a mandatory or permissive referendum is required, the procedures of the Municipal Home Rule Law must be followed.

The adoption of the local law must be certified by the Town Clerk after passage, and as to accuracy and procedure by the Town Attorney. The certified copy shall contain only the text of the local law and shall be on the forms prescribed by the Department of State.

Local laws shall be numbered consecutively, beginning with No. 1 in each calendar year. Laws subject to referendum should not be numbered until filed.

A local law becomes effective twenty (20) days after adoption and filing, unless otherwise provided in the local law, and no local law shall take effect before it is filed.

All local laws filed in the Clerk's office shall be recorded in a separate book or books, which are to be indexed.

RESOLUTION authorizing the Supervisor to sign the contract with Mark Blauer d/b/a Blauer Associates for preparation of 2016 CFA Grant Application:

Resolution of the Town Board **TOWN OF ULSTER**

Resolution Authorizing Supervisor to Sign Agreement with Mark Blauer d/b/a Blauer Associates for Professional Services

Date: May 19, 2016

WHEREAS, the Town of Ulster Town Board has been contacted by Mark Blauer d/b/a Blauer Associates in regard to providing services as may be required to develop and produce a Community Development Block Grant Small Cities Program application for submission to the

TOWN OF ULSTER WORKSHOP MEETING (11)

May 19, 2016

New York State Office of Community Renewal prior to the 2016 deadline for the Consolidated Funding Application process; and

WHEREAS, attached as an exhibit to this resolution is a copy of the proposed agreement; and

WHEREAS, it is in the best interest of the Town of Ulster to enter into said agreement; now, therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes the Town Supervisor to sign an agreement with Mark Blauer d/b/a Blauer Associates to assist the Town of Ulster in performing such services as may be required to develop and produce a Community Development Block Grant Small Cities Program application for submission to the New York State Office of Community Renewal prior to the 2016 deadline for the Consolidated Funding Application process.

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

DISCUSSION on cancelling July Workshop meeting:
[specifically: July 7]

MOTION: Councilman Brink

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye

TOWN OF ULSTER WORKSHOP MEETING (11)

May 19, 2016

Supervisor Quigley

-Aye

CARRIED

PUBLIC COMMENT

1. *David Lomasney, Town Resident:*

Was here last meeting. Here tonight asking how to propose a Resolution or Motion for an ordinance to regulate livestock, especially chickens in a residential neighborhood. Spoke to his neighbor in regards to the chickens in Lomasney's yard, and so far no problems. Lomasney's son had surgery; was successful.

Brought with him tonight, pictures of his yard; chicken coop is 20' from his house.

Supervisor Quigley: You refer to the previous efforts by the Town Board as "dropping the ball". The previous efforts of the Town Board were met with extreme public dissent. We never got to a vote – several public outcries. Willing to put forth a proposal specifically limited to the *housing of chickens*, so that they are not running loose and in neighbors yards.

Lomasney: Believes property is too small for chickens. Roosters making noise. Six chickens, two roosters.

Councilman Secreto: Are they cooped? Have to take a look at where the coops are what the setback is. Building Inspector is here.

Lomasney: they are cooped.

Councilman Kitchen: There may not be enough room.

Supervisor: They have to be in compliance with the zoning.

Kathy Moniz: Find out what the zoning setbacks are.

Lomasney: Was never contacted by Health Department.

Supervisor: (to James Maloney) Would you find out Mr. Lomasney was not contacted?

James Maloney: Contacted County Executive after last meeting (5/5/16), has voice mails. County Exec put a call in to Dr. Carol Smith. Will follow up again this evening.

Supervisor: From a Public Health standpoint is this a recognized problem, from the raising of chickens.

Maloney: I agree there should be setbacks. I don't know if this is a regulated use by the County from the Health Dept standpoint.

Supervisor: Will call David Monday morning.

2. *Hans Funccius*

TOWN OF ULSTER WORKSHOP MEETING (11)

May 19, 2016

Thank you to the Town for writing the letter to the State. Spoke with David Corrigan, NYSDOT regarding the sycamore tree. Was not sure if, once construction takes place, with underground lines, the root system would be protected. Hoping that the Town Board could make a recommendation to Stonefield to protect the root system.

Supervisor: Will talk to the owner.

Hans: Recently he and wife used the new kayak ramp on Sandy Road. Great ramp; however the creek is blocked with snags and trees on both sides. Never been cleaned.

Supervisor: Will call Martin Brand, DEC Regional Commissioner, tomorrow. We did look into this as far as the flooding issue. Maybe now that there is a large investment in Sandy Road, the DEC may look into it further.

No further comments.

MOTION to adjourn (7:41 PM): Councilman Secreto
SECOND: Councilman Brink

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk