

TOWN OF ULSTER TOWN BOARD MEETING (23)

September 21, 2017

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN: 7:03 PM

SALUTE TO THE FLAG

ROLL CALL By Town Clerk, Suzanne Reavy:

TOWN COUNCILMAN JOEL B. BRINK

TOWN COUNCILMAN ERIC KITCHEN ~ *Excused*

TOWN COUNCILMAN JOHN MORROW

TOWN COUNCILMAN ROCCO SECRETO

SUPERVISOR JAMES E. QUIGLEY 3rd

ALSO IN ATTENDANCE:

1. Town Attorney, Jason Kovacs
2. Highway Dept Superintendent, Frank Petramale
3. Police Chief, Kyle Berardi
4. Water Dept Superintendent, John Rose
5. Sewer Dept Superintendent, Vincent Maggiore
6. Town Assessor, James Maloney
7. Recreation Director, Jeff Hayner
8. Two town residents

ADDITIONS OR CHANGES TO THE AGENDA – None

PUBLIC DISCUSSION ON AGENDA ITEMS –

1. **Brian Stumpf**, Cypress Creek Renewables
In reference to Landau Solar Project. Has Tom Puchner from Phillips Lytle with him.

Supervisor Quigley: The solar project is not on the agenda.

Stumpf: I wanted to talk to you about the solar code. Knows that Cypress Creek is not on the agenda.

Will discuss this during public comment at the end of the meeting

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2. **Tom Puchner**, Phillips Lytle

With respect to moratorium Resolution, has some comments. Asks that the moratorium not be enacted. Currently enough tools that the Town Board and Planning Board needs to properly review any solar applications.

Supervisor: Regarding Town policy – tonight is presentation of proposed law. In two weeks then TB will set a public hearing two weeks out. Third meeting is the public hearing and public comment. No vote on the law that night. At least four meetings between now and a Town Board vote. Plenty of time to slow it down; can defer it depending on negotiations with Cypress Creek. Laws are on the Town Website. Had a telephone meeting with Aaron Mann (Cypress Creek) in CA this morning. Agreed to hold a meeting between the Town and Cypress Creek to discuss the issues.

APPROVAL OF MINUTES – August 3rd; 17th; and 23rd

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

CARRIED

COMMUNICATIONS –

1. Letter read from Gina Avery, resident & daycare provider, Potterhill Road, requesting attention to traffic and dangers on her road. There should be:
 - A. Speed limit sign(s) when entering onto Potterhill from 9W/Old Stage Road; and
 - B. A “children at play” sign.

A. MOTION authorizing the placement of speed limit signs with the appropriate speed level, if none are currently present

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MOTION: Councilman Secreto
SECOND: Councilman Morrow

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

CARRIED

B. The Town Board will investigate this request. Has been called to Supervisor’s attention that the “children at play” sign may not be legal in the traffic manual.

2. Letter read from Roy and Sherri Mayone, Lainey Lane, thanking: Kathy Moniz for the building department’s attention to having a “No Outlet” sign installed at the corner of Kerry and Virginia; Frank Petramale and the highway dept for working on a drainage/high water problem on Lainey and Virginia; both departments for mowing the lawn at a vacant property at the end of Lainey Lane.

Supervisor: Thanks Frank Petramale and staff.

3. Letter read from Alphonse Marino, Superintendent Village of Saugerties Wastewater Dept, thanking Vince Maggiore, Josh Brink, & Sean Ennis of the sewer/wastewater dept for assisting the Village of Saugerties with a sewer line inspection and professionalism.

Supervisor: Thanks Vincent Maggiore and his staff.

ABSTRACT OF CLAIMS

Presented by Councilman Secreto (reviewed by Secreto & Councilman Brink)

Prepaid Bills:	\$ 282,397.09
Abstract Bills:	\$ 174,407.84
Escrow Bills:	\$ 4875.00
Reserve:	\$ 2602.50

TOTAL: \$ 464,282.43

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MOTION: Councilman Morrow

SECOND: Councilman Brink

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

CARRIED

BUDGET MODIFICATIONS

Presented by Councilman Secreto (reviewed by Secreto & Councilman Brink)

General Fund:	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) electric - Orlando St. Ballfield	442.50
	Reduce Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Football League) insurance payment to K&K Insurance Group Voided	492.08
	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) infield mix & play cushion mulch - J. Cutrone, Inc.	2,160.00
	Modify Appropriation A9950.900 (Transfer, Cap. Proj.) to be funded through A5110 (Approp. Reserve-Building) transfer town funds from Landfill Closure for town funding of Brigham Lane Cap. Proj. (Engineering) Brinnier & Larios	630.00
Highway Fund:	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb.-Oper.Funds	5,442.11

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	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil Gas) July Reimb. (Ruby Fire Dist.)	86.12
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (Ulster Fire Dist.#1)	54.26
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (E.Kng.Vol.Fire Co.)	
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) June Gas Reimb. (Town of Kng. Hwy. Fund)	496.43
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (Ulster Fire Dist.#5)	51.76
Ulster Water:	Modify Revenue SW1.2665 (Sale of Equipment) and Appropriation SW1.8320.250 (Meters & Hydrants) meter purchase for Wendy's paid by Mid-Hudson Wendico,Inc.	1,396.62
Brigham Lane Wtr. Cap. Project:	Modify Budget - Town Fund from Landfill Closure	
	Revenue - HBL.5031 Interfund Transfer	630.00
	Appropriation - HBL.8310.400 Engineering (Brinnier & Larios)	630.00

BUDGET TRANSFERS

Highway Fund:	Transfer From	Transfer To	
	D.5130.413 Rental	D.5130.422 Equip. Maint.	3,000.00
	D.5110.420 Gas & Oil	D.5130.422 Equip. Maint.	15,000.00
	D.5142.449 Calcium	D.5130.491 Parts	2,000.00
	D.5142.447 Sand	D.5130.491 Parts	5,000.00

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MOTION: Councilman Morrow

SECOND: Councilman Brink

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

CARRIED

DEPARTMENT HEAD REPORTS

1. John Rose, Water Department

Water Dept very busy; major valve project in Ulster Water District. Four water breaks; 146 service calls; 85 mark outs. Repaired hole in the south tower. Testing new paint on hydrants. Worked valves in all six water district; ninety percent done working on valves in Ulster Water District. In October, will be flushing hydrants in all districts. The dates and times are available on the Town Website.

2. Frank Petramale, Highway Department

In the middle of a major road construction in Halcyon Park. More paving to do in the next 30 days. Equipment and employees are all fine. Summer help gone; some part timers remain. Getting ready for winter. Leaf schedule will soon be on the Town Website. Anticipating an early fall. Recommends please do not place leaves in the road until after Election Day. Parks are in good shape.

Supervisor: On behalf of the Town Board, thanks Frank and John for well-orchestrated work on VanKeuren Highway and Morton Blvd.

3. Jeff Hayner, Recreation

Recreation Dept has biddy ball signups at the Town Clerk's Office. Adult volleyball signups soon. This year had 225 summer campers – was fun and went great. Adult men's softball just ended. Thanks to Frank and his crew. Parks will be closed by November 1; they are in great shape.

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4. Kyle Berardi, Police Department

Slight increase from 2016 statistics. So far in 2017, police handled 14,517 service calls; 824 accidents; 555 arrests; 20 DWI arrests; 2071 traffic tickets; Detective division handled 193 cases; 21 overdoses compared to 9 at this time in 2016. Working hard to get a handle on overdoses. Events upcoming: Saturday, child safety seat check at Town Hall parking lot; 9/30 child IDs at Old Navy; 10/7 child IDs at Home Depot; 10/9 child IDs at the Adams Harvest Fest; 10/14 9am-12pm at the Town Hall – “Shed the Meds” – teaming up with Sen Amedore.

5. Vincent Maggiore, Sewer Department

Very busy. Work within plant and collection system, which runs through the woods in remote areas. Work done on clearing and maintaining easements. Performing ionized studies with manhole structures. Whittier sewer plant DEC inspection this week went well. In-house work on building and grounds. Washington Ave doing well, increase in flow. Employees are doing well.

6. James Maloney, Office of the Assessor

Office is running normally in day to day operations. New clerk, Mary Secreto, doing very well. Office sending out to mobile home parks at this time what they owe for STAR rebates. Beginning field inspections of building permits as notified by Kathy’s (building dept) office. Would like the board to consider the 10-year Cold War veterans exemption. Governor extended it. Adopted by the Board in 2007 for its initial application.

Supervisor: Does Town Board have any concerns if he asks the Town attorney to prepare the proper Resolution to extend the exemption?

Town Board: None

7. Suzanne Reavy, Office of the Town Clerk

In addition to our daily tasks, working on records management projects. Now scanning large volumes of documents into Laserfiche program. Town Clerk working on updating the Town Code – last updated 12/2014. Will be complete by this December. Recently completed a Records Management Policy to be submitted to the Town Board for approval. Deputy Clerk working on new resident welcome packet. Since August 1, office issued 130 hunting licenses.

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NEW BUSINESS

PRESENTATION AND ACCEPTANCE of the Town Clerk's Monthly Report for the month of August, 2017

MOTION: Councilman Morrow
SECOND: Councilman Brink

Councilman Brink: Aye
Councilman Kitchen: *Excused*
Councilman Morrow: Aye
Councilman Secreto: Aye
Supervisor Quigley: Aye

CARRIED

PRESENTATION AND ACCEPTANCE of the Supervisor's Monthly Report for the month of August, 2017

MOTION: Councilman Brink
SECOND: Councilman Morrow

Councilman Brink: Aye
Councilman Kitchen: *Excused*
Councilman Morrow: Aye
Councilman Secreto: Aye
Supervisor Quigley: Aye

CARRIED

**RESOLUTION declaring the Town of Ulster Town Board to be Lead Agency for an Initiation of SEQR Unlisted Action – Coordinated Review for Joseph Emanuele, 2310-2332 Route 32, Saugerties, SBL: 39.12-1-24
(4,000 sq.ft addition to existing building)**

September 21, 2017

RESOLUTION
TOWN OF ULSTER TOWN BOARD

Initiation of SEQR Unlisted Action-Coordinated Review

Joseph Emanuele

S-B-L: 39.12-1-24

WHEREAS, the applicant – *Joseph Emanuele (Owner)* – is seeking *site plan amendment approval* for construction of a 60' x 75', 4,500 square feet (sf) steel storage building behind an existing steel commercial building; and

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

- *Consent Form* signed by Joseph Emanuele dated August 21, 2017;
- *Site Plan Application* prepared by Joseph Emanuele dated August 22, 2017;
- *SEQR Short EAF Part 1* prepared by Michael F. Vetere, Jr, LS, PLLC, dated August 21, 2017; and
- *Map of Site Plan* prepared by Michael F. Vetere, Jr, LS, PLLC, dated August 18, 2017.

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

WHEREAS, the Town of Ulster Town 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 Town Board determined it was the only Involved Agencies include; and

WHEREAS, Interested Agencies include the Town of Ulster Planning Board, Ulster County Planning Board and NYSDOT (traffic circulation); and

WHEREAS, the Town of Ulster Planning Board 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 Town Clerk to circulate a Notice of Intent to all Interested Agencies.

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MOTION: Councilman Morrow

SECOND: Councilman Secreto

Councilman Brink: Aye
Councilman Kitchen: *Excused*
Councilman Morrow: Aye
Councilman Secreto: Aye
Supervisor Quigley: Aye

CARRIED

PRESENTATION of Local Law _____ of the Year 2017, Imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems

(To be brought back at next meeting to schedule a Public Hearing. Law available on the Town Website)

PRESENTATION of Local Law _____ of 2017, a Local Law Regulating Certain Solar Energy Systems and Equipment within the Town of Ulster

(To be brought back at next meeting to schedule a Public Hearing. Law available on the Town Website)

OLD BUSINESS

RESOLUTION approving Conditional Site Plan Amendment Approval for Lia Honda, 727-747 East Chester St., Kingston SBL: 48.50-2-16.110 & 16.221

(Lia Honda representative not present)

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RESOLUTION
TOWN OF ULSTER TOWN BOARD

Conditional Site Plan Amendment Approval

Lia Honda

S-B-L: 48.50-2-16.110 & 16.221

WHEREAS, the applicant – *Lia Kingston Realty, LLC dba Lia Honda of Kingston* – submitted an application for Site Plan Amendment to allow the demolition of the existing Mac Fitness buildings and construction in its place a new 36,000 square foot (sf) automotive sales and service building with a show room and a carwash along with associated parking, access drives, landscaped areas and utility infrastructure; and

WHEREAS, the Proposed Action also involved an application for Lot Line Adjustment approval to consolidate the above listed tax lots; and

WHEREAS, the Town of Ulster Planning Board had the authority to approve the Lot Line Adjustment and the Ulster Town Board the authority to approve the Site Plan Amendment; and

WHEREAS, the Town of Ulster Planning Board was designated Lead Agency for this Unlisted Action – Coordinated Review; and

WHEREAS, at its August 8, 2017 Planning Board meeting, the Planning Board as Lead Agency issued a SEQRA Conditioned Negative Declaration and granted Lot Line Adjustment approval to allow the consolidation of the tax lots; and

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

- *Site Plan Narrative* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated May 25, 2017;
 - *Site Plan Application* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated May 25, 2017;
 - *Consent Form* signed by Vincent Lia dated May 15, 2017;
 - *SEQR Full EAF Part 1* prepared by Joe E. Mihm, PE, B&L Eng. & Land Surveying, dated 5/25/2017;
 - *Site Photographs* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 3/30/2017;
 - *Existing Conditions Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated May 2017;
 - *Demolition Plan* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated May 2017;
 - *Site Plan* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated May 2017;
 - *Grading Plan* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated May 2017;
 - *Site Utilities* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated May 2017;
 - *Fire Apparatus Fire Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated May 2017;
 - *Details* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated May 2017;
 - *Lia of Honda Floor Plan* prepared by BBL Construction Services dated May 25, 2017
 - *Lighting Plan* by Brinnier & Larios and *Exterior Perspective* by Stuart Romm Architecture; and
 - *Lia of Honda Building Elevations* prepared by BBL Construction Services dated May 25, 2017.
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- *Site Plan Narrative* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated June 29, 2017;
 - *Site Plan Application supplement* by Brinnier & Larios, Eng. & Land Surveying, P.C. dated 6/27/17;
 - *Site Plan Application supplement* by Brinnier & Larios, Eng. & Land Surveying, P.C. dated 6/29/17;

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- *SEQR Full EAF Part 1* prepared by Joe E. Mihm, PE, B&L Eng. & Land Surveying, revised 6/14/2017;
- *Property Access Agreement Documentation* by B&L Eng. & Land Surveying, revised 6/14/2017;
- *Commercial Access Highway Work Permit Application and Checklist* by B&L dated July 7, 2017;
- *Town of Ulster Sign Permit Application* prepared by B&L Eng. & Land Surveying, dated 6/27/2017;
- *Application for Area Variance - ZBA* prepared by B&L Eng. & Land Surveying, dated 6/27/2017;
- *Cover Sheet* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 10, 2017;
- *Existing Conditions Plan* by Brinnier & Larios, Eng. & Land Surveying, P.C. revised July 10, 2017;
- *Site Plan* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. revised July 10, 2017;
- *Demolition Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. revised July 10, 2017;
- *Grading Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. revised July 10, 2017;
- *Site Utilities* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. revised July 10, 2017;
- *Exterior Lighting/Photometric Plan* by Brinnier & Larios, Eng. & Land Surveying, P.C. revised 7/10/17;
- *Landscaping Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. revised July 10, 2017;
- *Fire Apparatus Fire Plan* by Brinnier & Larios, Eng. & Land Surveying, P.C. revised July 10, 2017;
- *Details* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. revised July 10, 2017;
- *Site Sign Details* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 10, 2017;
- *Exterior Perspective Sheet A-1* prepared by BBL Construction Services dated June 7, 2017;
- *Main Level Floor Plan Sheet A-2* prepared by BBL Construction Services dated May 25, 2017;
- *Lower Level Floor Plan Sheet A-2* prepared by BBL Construction Services dated May 25, 2017; and
- *Exterior Elevations* prepared by BBL Construction Services dated June 27, 2017.
- *Project Narrative* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 24, 2017;
- *Lot Line Adjustment Application* by Brinnier & Larios, Eng. & Land Surveying, P.C. dated 7/24/17; and
- *Lot Line Deletion Map* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated July 24, 2017;
- *SEQR Full EAF Part 1* prepared by Joe E. Mihm, PE, B&L Eng. & Land Surveying, revised 6/14/2017;
- *Cover Sheet* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated August 3, 2017;
- *Existing Conditions Plan* by Brinnier & Larios, Eng. & Land Surveying, P.C. revised August 3, 2017;
- *Site Plan* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;
- *Demolition Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;
- *Grading Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;
- *Site Utilities* by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;
- *Stormwater Management* by Brinnier & Larios, Eng. & Land Surveying, P.C. revised August 3, 2017;
- *Erosion & Sediment Control* by Brinnier & Larios, Eng. & Land Surveying, P.C. dated August 3, 2017;
- *Site Lighting/Photometric Plan* by Brinnier & Larios, Eng. & Land Surveying, P.C. dated 8/3/17;
- *Site Lighting/Photometric Plan* by Brinnier & Larios, Eng. & Land Surveying, P.C. revised 8/3/17;
- *Site Landscaping* by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;
- *Fire Apparatus Fire Plan* by Brinnier & Larios, Eng. & Land Surveying, P.C. revised August 3, 2017;
- *Details* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. revised August 3, 2017;
- *Site Sign Details* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated August 3, 2017;
- *Segmental Retaining Wall Profile* by Brinnier & Larios, Eng. & Land Surveying, P.C. dated 8/3/17;
- *Architectural Rendering Sheet A-1* prepared by BBL Construction Services dated August 3, 2017;
- *Main Level Floor Plan Sheet A-2* prepared by BBL Construction Services dated August 3, 2017;
- *Lower Level Floor Plan Sheet A-2* prepared by BBL Construction Services dated August 3, 2017;
- *Exterior Elevations* prepared by BBL Construction Services dated August 3, 2017; and
- *Draft Stormwater Management Pollution Prevention Plan* by Brinnier & Larios, dated July 2017.

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WHEREAS, the Conditioned Negative Declaration required the applicant to revise their draft SWPPP to address the comments of the Alternate Town Designated Engineers (TDE) Praetorius & Conrad to ensure compliance with the requirements of the New York State Stormwater Management Design Manual (NYSDEC 2015) for both construction conditions and permanent post-development conditions; and

WHEREAS, the applicant submitted a revised Stormwater Pollution Prevention Plan (SWPPP), which was reviewed by the Alternate Town Designated Engineers (TDE) Praetorius & Conrad, who have found the SWPPP in compliance with NYSDEC regulations and recommended it be accepted by the Planning Board and Town Board subject to minor technical revisions as cited in their September 12, 2017 letter to the Planning Board; and

WHEREAS, the Town Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants and planner made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Town Board, as Lead Agency, upon review of the entire record (including SEQR Short EAF Part 1, 2 and 3), Planning Board Conditioned Negative Declaration, revised SWPPP and revised Site Plan set found the Proposed Action did not pose any potentially significant adverse environmental impact; and

WHEREAS, the Town Board determined the Town had complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and thereby *reaffirms the SEQRA Negative Declaration granted by the Planning Board on August 8, 2017; and*

WHEREAS, the Town of Ulster Planning Board has recommended the Town Board approve the applicant's request for Site Plan Amendment approval.

NOW THEREFORE BE IT RESOLVED, the Town Board hereby grants conditional Site Plan approval to *Lia Honda* on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with final site plan, design plans and all details as cited herein;
4. The applicant addresses all technical comments by the Alternate Town Designated Engineers (TDE) Praetorius & Conrad, PC;
5. Commercial driveway permits from NYSDOT will be required prior to construction of permanent commercial driveways;
6. To avoid impacting the Northern Long Eared Bat summer roosting, the applicant will perform any tree removal associated with the proposed project between November 1st and March 31st;
7. The Town's consulting planner, Alternate Town Designated Engineer (TDE) and Building Inspector are hereby authorized to approve minor Site Plan changes of a

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ministerial nature, which may arise due to unforeseen circumstances in the project site development; and

8. All fees, including consultant fees, shall be paid.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Councilman Brink:	Aye
Councilman Kitchen:	<i>Excused</i>
Councilman Morrow:	Aye
Councilman Secreto:	Aye
Supervisor Quigley:	Aye

CARRIED

September 21, 2017

RESOLUTION approving Conditional Site Plan Approval for 5th Element Properties Warehouse, 950 Old Route 9W, Kingston, SBL: 48-50-5-11.110

RESOLUTION
TOWN OF ULSTER TOWN BOARD

Conditional Site Plan Approval
5th Element Properties Warehouse

S-B-L: 48.50-5-11.110

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *5th Element Properties, LLC* seeking a Site Plan approval to construct a 5,000 square-foot (sf) warehouse/workshop along with associated parking, access, landscaped areas and utility infrastructure on the subject site and to convert an existing house into an office to be leased to All About Construction; and

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

- *Consent Form* signed by Carl Sumliner – 5th Element Properties, LLC., dated August 2, 2017
- *Application for Site Plan Approval* by Carl Sumliner dated August 2, 2017;
- *SEQR Short EAF* prepared by Carl Sumliner dated July 18, 2017; and
- *Sketch Map for Site Plan* [unknown] dated August 1, 2017;
- *Building Elevations* by Star Building Systems dated June 26, 2017; and
- *Site Plan* prepared by [unknown] dated August 2, 2017.

WHEREAS, the Town of Ulster Town Board had the authority to approve the Site Plan application since more than 2,500 SF of new gross floor area is proposed and the Town Board served as Lead Agency for the SEQR Review; and

WHEREAS, the Town's Planning Board referred the Proposed Action to the Town Board for the purpose of initiating a SEQR *Unlisted Action-Coordinated Review* with the Town Board so named as Lead Agency and the Town Board then referred this matter to the Ulster County Planning Board; and

WHEREAS, the Planning Board determined other Interested Agencies include: Ulster County Planning Board (NYSGML 239 1 and m reviews), Town of Ulster Highway Superintendent (site access); and Town of Ulster Water and Sewer Departments; and

WHEREAS, WHEREAS, the Town Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants and planner made via memoranda (which memoranda are incorporated herein by reference); and

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WHEREAS, this matter was referred to the Ulster County Planning Board, who issued required modifications in their response letter dated September 6, 2017 as follows: 1) Lighting levels should be calculated for the plan and levels should not exceed the Illuminating Engineering Society (IES) Outdoor Site/Site Recommended Illumination Levels; 2) Signs – details have not been provided; 3) Landscaping – Site Plan should require a level of detail that removes any questions as to what the planning board is being asked to review; and

WHEREAS, upon review of the UCPB's required the Town of Ulster Town Board concludes as follows: 1) Lighting – (Override County Required Modification) since the applicant provide the lighting cut sheets and is proposing LED wall packs that are International Dark Sky (IDA) compliant fixtures (i.e., the Town Board feels these details were sufficient for the applicant on this site); 2) Signs – (Plan Complies) the applicant has stated he does not want signs; and 3) Landscaping – (Revised Plan Complies) since the applicant's revised Site Plan dated August 2, 2017 retains the existing hedgerow and several trees on the subject site, which the Town Board felt was sufficient for the Proposed Action in the context of its surroundings; and

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) and revised Plan Set dated August 2, 2017 found the Proposed Action did not pose a potentially significant adverse environmental impact; and

WHEREAS, the Town Board determined the Town had complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby makes a SEQRA Determination on non-significance and grants a SEQRA Negative Declaration; and

WHEREAS, the Town of Ulster Planning Board has recommended the Town Board approve the applicant's request for Site Plan approval.

NOW THEREFORE BE IT RESOLVED, The Town Board hereby overrides the UCPB required modification to provide a detailed Lighting Photometric Plan; and

FURTHER BE IT RESOLVED, the Town Board hereby grants conditional Site Plan approval to *5th Element Properties* on the above referenced site subject to the conditions, limitations and restrictions set forth below.

9. Compliance with applicable zoning and building laws, rules and regulations;
10. Compliance with all representations made by the applicant;
11. Compliance with final site plan, design plans and all details as cited herein;
12. The applicant submits a revised Site Plan the design professional who prepared the Site Plan drawing;
13. The Town's consulting planner, engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
14. All fees, including consultant fees, shall be paid.

TOWN OF ULSTER TOWN BOARD MEETING (23)

September 21, 2017

MOTION: Councilman Secreto

SECOND: Councilman Brink

Councilman Brink: Aye
Councilman Kitchen: *Excused*
Councilman Morrow: Aye
Councilman Secreto: Aye
Supervisor Quigley: Aye

CARRIED

RESOLUTION authorizing acceptance of public easement for the Hudson Landing Promenade

RESOLUTION OF THE TOWN BOARD
TOWN OF ULSTER

Resolution Authorizing Acceptance of Public Easement for the Hudson Landing Promenade

WHEREAS, representatives of Kingston Landing Development, LLC, having last appeared before the Town of Ulster Town Board in connection with the adoption of a certain Developer Agreement for the project known as "Hudson Landing"; and,

WHEREAS, the City of Kingston Planning Board and the Town of Ulster Planning Board, having further considered draft changes to the Developer Agreement, have both formally adopted the Hudson Landing Developer Agreement, as revised on February 10, 2014 and February 18, 2014;

WHEREAS, the Town of Ulster Town Board formally adopted the Hudson Landing Developer Agreement by resolution dated February 20, 2014; and

WHEREAS, as part of the Hudson Landing Developer Agreement, the plans for development of the Hudson Landing Phase 1 Promenade have obtained a grant funding award for a certain January 23, 2014 "Work Plan" from the New York State Department of State; and

WHEREAS, the January 23, 2014 "Work Plan calls for a publicly accessible Promenade along the Hudson River within the boundaries of both the City of Kingston and the Town of Ulster; and

TOWN OF ULSTER TOWN BOARD MEETING (23)

September 21, 2017

WHEREAS, acceptance of an easement from Kingston Landing Development LLC to the Town of Ulster is necessary so that the Promenade may be utilized as public park land in accordance with all approvals associated with the Hudson Landing project and pursuant to the expenditure of funds as determined of record between Kingston Landing Development LLC, the City of Kingston, and the Town of Ulster, together with any and all New York State and/or Federal Funding which is attributable to the Promenade; and

WHEREAS, said easement has been offered by Kingston Landing Development LLC to the Town of Ulster, and

WHEREAS, the Town Board of the Town of Ulster is desirous of accepting said offered easement on behalf of said Town, and

WHEREAS, the Town Board of the Town of Ulster has examined said instrument and finds the consideration described above to be fair and reasonable for the value of such taking,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Ulster does hereby accept the Declaration of Public Easement for the Hudson Landing Promenade from Kingston Landing Development, LLC in accordance with the terms and conditions contained in said instrument; hereby authorizes the Town Supervisor to sign said document; and directs that the same be recorded in the Office of the Clerk of the County of Ulster, the fee for said recording to be borne by Kingston Landing Development, LLC.

Jason Kovacs: This is a large residential project between Ulster and City of Kingston. As far as state grant application, there would be a public walkway and there needs to be a public easement giving the public the right to walk on this walkway. This doc is the agreement between the owner of the property (Kingston Landing), the City of Kingston, and the Town of Ulster.

Supervisor Quigley: This Resolution also provides for the authorization for the Supervisor to sign agreements the required documents relating to the program.

MOTION: Councilman Morrow

SECOND: Councilman Brink

Councilman Brink:	Aye
Councilman Kitchen:	<i>Excused</i>
Councilman Morrow:	Aye
Councilman Secreto:	Aye
Supervisor Quigley:	Aye

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (23)

September 21, 2017

PUBLIC COMMENT -- None

MOTION TO ADJOURN (7:29 PM)

MOTION: Councilman Morrow

SECOND: Councilman Brink

Councilman Brink:	Aye
Councilman Kitchen:	<i>Excused</i>
Councilman Morrow:	Aye
Councilman Secreto:	Aye
Supervisor Quigley:	Aye

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk