

TOWN OF ULSTER TOWN BOARD MEETING (24)

DECEMBER 16, 2021

PUBLIC HEARING SCHEDULED:

7:10PM – Special Permit for Moe’s Motor Cars LLC, P-862, 454 Hurley Avenue, Town of Ulster, SBL 48.17-1-41.100

CALLED TO ORDER BY DEPUTY SUPERVISOR MORROW, at 7:00 PM

SALUTE TO THE FLAG

ROLL CALL by Town Clerk, Suzanne Reavy:

TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN JOHN MORROW
TOWN COUNCILMAN ROCCO SECRETO
TOWN COUNCILMAN CLAYTON VAN KLEECK
SUPERVISOR JAMES E. QUIGLEY 3rd - *EXCUSED*

ALSO IN ATTENDANCE:

1. Kyle Berardi, Chief of Police
2. Warren Tutt, Building Inspector
3. Frank Petramale, Highway Superintendent
4. Jason Kovacs, Town Attorney
5. 24+ attendees

ADDITIONS OR CHANGES TO AGENDA –

Two Errors on the Agenda:

1. Romeo resolution should be listed as an “unlisted action” under SEQR
2. Public hearing on local law should be local law ____ of 2022 (not 2021)

PUBLIC DISCUSSION ON AGENDA ITEMS – None

APPROVAL OF MINUTES – November 4th and 18th (2021-M-341)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

COMMUNICATIONS –

Chief Berardi: (re: neighborhood complaints off of Route 28 – Skytop/Bright Acres)
Collaborated with UC Sheriff Dept and State Police to show an increased presence. Any
community questions or concerns should be addressed to him.

ABSTRACT OF CLAIMS (2021-M-342)

Presented by Councilman Van Kleeck

December, 2021

Prepaid Bills:	\$	300,042.47
Abstract Bills:	\$	389,511.30
Escrow Bills:	\$	550.00
Reserve:	\$	123.38
TOTAL:	\$	690,227.15

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

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

CARRIED

DECEMBER 16, 2021

New Business:

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of November 2021 (2021-M-343)

MOTION: Councilman Van Kleeck

SECOND: Councilman Kitchen

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

CARRIED

Motion to authorize the Supervisor to sign the 2022 Tax Collection Agreement with the Bank of Greene County for collection of 2022 Real Estate Taxes (2021-M-344)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

DECEMBER 16, 2021

Resolution designating Romeo Chevrolet, P-867, 1665-1673 Ulster Avenue, Lake Katrine SBL 39.82-2-18.100 as Type II under SEQRA and refer them to the Ulster County Planning Board (2021-R-345)

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Romeo Chevrolet, P-867
1665-1673 Ulster Avenue, SBL 39.82-2-18.100
ZONE: OM
Site Plan Amendement

WHEREAS, the applicant – Romeo Chevrolet - seeks Site Plan Amendment approval for an addition at existing automotive facility; and,

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

WHEREAS, the Town Board of the Town of Ulster has final review and approval authority for this application in coordination with the Town Planning Board.

NOW THEREFORE BE IT RESOLVED, as recommended by the Town of Ulster Planning Board, the Town Board determines to be Lead Agency and finds that this application is an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA); and,

NOW BE IT FURTHER RESOLVED, the Town of Ulster Town Board formally refers this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

Resolution recommending closing SEQRA as Thompson Technology Park, P-863, 39-49 Kieffer Lane, Kingston, SBL 48.66-2-20.310 in an Unlisted Action and grant them Conditional Site Plan Approval (2021-R-346)

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Thompson Technology Park, P-863
39-49 Kieffer Lane SBL 48.66-2-20.310
Site Plan Amendment

WHEREAS, the applicant, Thompson Technology Park, seeks Site Plan Amendment approval for approximately 5,945 square feet of additional warehouse and office space at their existing facility,

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

WHEREAS, the Town Board, in coordination with the Planning Board, declared its intent to be Lead Agency and previously typed the application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA); and,

WHEREAS, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board who have responded with comments on exterior lighting, building façade, and stormwater and utilities which the Town of Ulster Planning Board has considered and recommends have been addressed by the applicant; and,

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

NOW THEREFORE BE IT RESOLVED, based on recommendation of the Town of Ulster Planning Board, the Town of Ulster Town Board makes a Negative Declaration under SEQRA for this Action determining that this approval will not have any significant adverse impact on the environment; and,

BE IT FURTHER RESOLVED that the Town of Ulster Town Board grants Final Site Plan approval subject to the conditions, limitations and restrictions set forth below.

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1. Compliance with any final comments as may be needed from the Town Sewer Department, Highway Superintendent and/or Town Water Department.
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;
4. Compliance with documentation, site plan, design plans and all details as cited herein;
5. All existing and new exterior lighting shall conform to §190-271 of the Town code relevant to outdoor lighting;
6. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and

All fees, including consultant fees, shall be paid

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

DECEMBER 16, 2021

Resolution Authorizing Payment In lieu of Taxes Agreement (PILOT) with SG Pioneer PV, LLC (2021-R-347)

Resolution of the Town Board
TOWN OF ULSTER
Resolution Authorizing Payment In lieu of Taxes Agreement (PILOT) with SG Pioneer PV, LLC

WHEREAS, SG Pioneer PV, LLC has submitted a Notice of Intent to the Town of Ulster that it plans to build and operate a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") Section 487 (1)(b) (herein the "Project") with an expected nameplate capacity ("Capacity") of approximately five (5) Megawatts AC on a parcel of land located within the physical boundaries of the Town of Ulster along Sawkill Road, SBL: 48.6-1-23 (herein the "Property"); and;

WHEREAS, the Town of Ulster has not opted out of RPTL Section 487; and

WHEREAS, pursuant to RPTL Section 487 (9)(a), the Town of Ulster has indicated its intent to require a Payment in Lieu of Taxes ("PILOT") Agreement with SG Pioneer PV, LLC, under which SG Pioneer PV, LLC (or any successor owner of the Project) will be required to make annual payments to the Town of Ulster for each year during the term of this Agreement; and

WHEREAS, SG Pioneer PV, LLC has submitted or will submit to the assessor of the Town a RP-487 Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems, demonstrating its eligibility for a real property tax exemption pursuant to RPTL Section 487; and

WHEREAS, SG Pioneer PV, LLC and the Town of Ulster intend that, during the term of this Agreement, the Solar Energy System will be placed on an exempt portion of the assessment roll and SG Pioneer PV, LLC will not be assessed for any statutory real property taxes for which it might otherwise be subjected under New York law with respect to the Solar Energy System.

NOW THEREFORE, for and in consideration of the mutual covenants hereinafter contained, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

THEREFORE, BE IT FURTHER RESOLVED, the Town Board of the Town of Ulster authorizes Supervisor Quigley to sign said agreement

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MOTION: Councilman Kitchen
SECOND: Councilman Van Kleeck

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

CARRIED

Old Business:

Resolution Requesting NYS Legislature to Enact Legislation Pursuant to Section 40 of the Municipal Home Rule Declaring the Town of Ulster to be a Town of the First Class (2021-R-348)

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

Resolution Requesting New York State Legislature Enact Legislation Pursuant to Section 40 of the Municipal Home Rule Law Declaring the Town of Ulster to be a Town of the First Class

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WHEREAS, pursuant to Town Law Section 10, towns containing a population of ten thousand or more are generally considered a Town of the “First Class,” with the explicit exception of the Town of Ulster, which is, pursuant to Town Law Section 10, a town of the “Second Class,” and

WHEREAS, New York State towns of the “First Class” have more powers, obligations, and privileges under Municipal Home Rule than towns of the “Second Class,” and

WHEREAS, the only way to have the Town of Ulster declared a town of the “First Class” is by state law revising that portion of Town Law Section 10 which explicitly declares the Town of Ulster to be a town of the “Second Class,” and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature, now, therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby requests the New York State Legislature amend Town Law Section 10 so that the Town of Ulster can be declared and treated as a town of the “First Class,” and be it further

RESOLVED, that the Town Supervisor be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward certified copies of this resolution to Senator Hinchey and Assemblyman Cahill

MOTION: Councilman Kitchen

SECOND: Councilman Van Kleeck

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

CARRIED

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Set a Public Hearing for Local Law No. ___ of 2022: A Local Law to modify Section ___ of the Town Zoning Code, A Local Law known and cited as Parkland and Recreation Fees on Thursday, January 20, 2022 at 7:10pm (2021-M-349)

MOTION: Councilman Kitchen
SECOND: Councilman Van Kleeck

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

CARRIED

PUBLIC HEARING SCHEDULED:

7:10PM – Special Permit for Moe’s Motor Cars LLC, P-862, 454 Hurley Avenue, Town of Ulster, SBL 48.17-1-41.100

Councilman Morrow: This is not an adversarial public hearing. Town board not voting on anything tonight.

MOTION to Open Public Hearing 7:15 pm (2021-M-350)

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

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

CARRIED

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PUBLIC COMMENT:

1. Ann Davison, Hilltop Drive, Hurley
Question – Heard that Moe’s moving forward is dependent upon obtaining a special permit, correct? Will our input be sufficient to block the issuance? This is detrimental to the area and should not happen. We would like to keep the historic nature of our community.

Councilman Morrow: Correct. There are state laws and guidelines that determine whether an applicant can engage in activity. Input will weigh into the decision of the board, in determining what is good for the town and the community.
2. David Olsen, Rolling Meadows
Property abuts Moe’s property. Question to board is what is benefit to community? Not one person is in favor of it. Not the same as former convenient store.
3. Al Tufano, Hurley Avenue
Echoes same as last speakers. This will turn into a parking lot; disturbs aesthetic.
4. Holly Christiana, Fairway Drive
Akin to junkyard. Cannot imagine how this would be allowed.
5. Pastor Henry Albrechtsen, Good Shepherd Lutheran, Hurley Avenue
Some questions answered by Geoffrey Ring (planning board chairman). Traffic and noise during Sunday morning worship. Unsure of height of fence and of landscape. Discussion here tonight is premature.
6. Keith Mack, Fairway Drive
Parents live at 471 Hurley Avenue. Questions and inconsistencies. Project application review – seven separate items to be provided and sketch not adequate. Curious as to why review recommendations were not followed and town referred project to Ulster County Planning Board. His understanding is that this project more of a warehouse, and sales on the internet. Raises questions of benefit to community? No new jobs, direct service to residents, questions sales tax, aesthetic. Most importantly is this project supported by community? 100% of closest to property oppose. Not opposed to business, just to an eyesore. Town board should uphold interests and concerns of community. Reject application to special use permit.
7. Pastor Pete Shults, Cross Point Fellowship, Hurley Avenue & Hurley Avenue resident
Directly across street from property. Good relationship with Moe’s. Not supportive of the variances he is requesting, despite Moe’s stating that fact to others. Requests Moe is making are an atrocity. Not good for community.

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8. Betty Ann Clark, Fairway Drive
Now looks like an eyesore. Not the place for a used car lot. Will not help property values.
9. Chris Beall, St. Georges Court
More concerns as learns more about project. Went to county planning board meeting. Not being fully followed through. Applicant has argumentative attitude. Other than tax roll, no benefit to community. Applicant from Long Island. Why put business here?
10. William Moore, Patriots Place, Kingston
Drives this way to Stone Ridge. Incomplete site plan at this time. Why 8' fence? No indication of adequacy of water supply.
11. Andre Clark, Hilltop Drive, Hurley
Notes that applicant put an ad on Facebook/social media that he is looking for help for work on the site.

Councilman Morrow: Mentions the fact that Moe might not know that there is a public hearing here tonight.

MOTION to Adjourn Public Hearing to January 6, 2022: 7:40 pm (2021-M-351)

MOTION: Councilman Secreto

SECOND: Councilman Van Kleeck

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

CARRIED

TOWN BOARD PRESENTATION OF GIFTS TO COUNCILMAN JOHN MORROW FOR HIS LAST MEETING AND YEARS OF SERVICE.

Councilman Morrow: Thank you and I will miss everyone. I will continue to participate in town business.

~ END OF AGENDA ITEMS ~

PUBLIC COMMENT

1. Anna Parks, Fawn Hill Court

Re: People walking on Route 28

No lights, no sidewalks, pedestrians can get hit. Dangerous conditions for pedestrians and drivers. Most pedestrians from Motel 19 and Skytop Motel/Roadway. County Executive awarded funds for temporary housing; problem is that these people have no access to food, laundry, pharmacy. New location Quality Inn to house people – fully in support of helping people with a plan. There is no plan to help people at Motel 19 and Skytop.

2. Brooke Coleman, Tall Oaks Drive

New to neighborhood. People from Motel 19 and Skytop walking on the highway. They are placed without services. Is there some kind of transportation and supervision available?

3. Jodie Keller, Oak Ridge Terrace

Concerned that people are wandering onto properties – evidence/tracks in the snow. Concerned that there are only three patrol cars on a shift, considering size of community and shopping district. One or two more police cars would be help and hopefully taken into consideration.

4. David Olsen, Rolling Meadows

Personal experience – property backs up to wooded lot. Last March there was a homeless man there. There is activity like this going on.

Councilman Morrow – Activity in area. There are three police departments: state police, Ulster police and sheriff's department. Interesting comments, very dangerous. Suggests that people contact Ulster County legislature, legislator Brian Cahill, and county executive. Town of Ulster had no input in the project; it was a county project. We share in your concerns that people may get killed. Bicyclists travel wrong way as well.

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DECEMBER 16, 2021

MOTION to adjourn (7:56 pm) (2021-M-352)

MOTION: Councilman Van Kleeck

SECOND: Councilman Kitchen

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

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk