

TOWN OF ULSTER TOWN BOARD MEETING (5)

FEBRUARY 15, 2018

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

ROLL CALL by Town 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. Building Inspector, Kathy Moniz
3. Highway Superintendent, Frank Petramale
4. Town Assessor, James Maloney
5. Police Chief, Kyle Berardi
6. 45 audience members

ADDITIONS OR CHANGES TO THE AGENDA— None

PUBLIC DISCUSSION ON AGENDA ITEMS -- None

APPROVAL OF MINUTES – January 8th and January 18th

MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

COMMUNICATIONS – Happy Birthday to Councilman Secreto

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ABSTRACT OF CLAIMS

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

2017

Prepaid Bills:	\$ 276,927.57
Abstract Bills:	\$ 63,307.38
Escrow Bills:	\$ -
Reserve:	\$ -

TOTAL: \$ 340,234.55

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

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

CARRIED

2018, February

Prepaid Bills:	\$ 171,547.33
Abstract Bills:	\$ 2,680,888.04
Escrow Bills:	\$ 9,495.00
Reserve:	\$ 540.00

TOTAL: \$ 2,862,470.37

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

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BUDGET MODIFICATIONS

FEBRUARY, 2018

General Fund:	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Bddy Bsktbl) - Jan.8,Jan.22,Jan.29,Jan.30, Feb.5 & Feb.6th - refereeing servs-Andrea refereeing servs.-Andrea Clausi	360.00
	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Bddy Bsktbl) Jan.9,23 & Jan. 30, 2018 refereeing services Paul Remick	180.00
	Modify Revenue A3089 (St.Aid-Oth Gen.Aid-Court Grant) and Appropriation A1110.200 (Court Grant) JCAP Grant #3880 - Equipment Grant	7,645.80
Ulster Water:	Modify Revenue SW1.2665 (Sale of Equipment) and Appropriation SW1.8320.250 (Meters & Hydrants) purchase of Meter, MXU, & Flange Kit from Sutton Elec,Plumb.& Heating for Mid-Hudson Valley Federal Credit Union	1,457.62

TRANSFERS

Highway Fund:	Transfer From D5142.447 Sand	Transfer To D5142.446 Salt	8,000.00
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MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

CARRIED

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New business:

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of January 2018

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

Motion to authorize the Assessor's Office to attend the NYS Assessor Association Seminar in New Windsor on March 26th

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

CARRIED

Old business:

Resolution granting Site Plan Approval Extension to LHV Precast, SBL#40.31-1-34.100 & 40.31-1-34.200, 540 Ulster Landing Road, Kingston, NY

FEBRUARY 15, 2018

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Site Plan Approval Extension
LHV Precast

SBL 40.31-1-34.100 & 40.31-1-34.200
540 Ulster Landing Road

WHEREAS, on November 17, 2016, the Ulster Town Board approved the application by LHV Precast to construct a 14,400 square foot addition to their existing 14,400 square foot building so that they can expand their manufacturing operation at 540 Ulster Landing Road; and

WHEREAS, pursuant to Ulster Town Code Section 145-13(A), construction of an approved site plan shall be commenced within twelve (12) months from the date of approval, or else the approval shall expire; and

WHEREAS, construction of the approved site plan did not commence prior to November 17, 2017; and

WHEREAS, LHV Precast, through their project architect, Paul B. Jankovitz, RA, is requesting a one (1) year extension of the site plan approval; and

WHEREAS, the Ulster Town Board has determined it is in the best interest of the Town of Ulster to extend the site plan approvals; and

WHEREAS, Ulster Town Code Section 145-14 grants the Town Board the power to vary or waive the provisions of Chapter 145, where, in its judgment, the circumstances justify such variance or waiver upon such terms and conditions as it may deem appropriate provided that such variation and/or waiver promotes the health or general welfare and orderly growth; now therefore, be it

RESOLVED, that the site plan approval heretofore granted on November 17, 2016, shall be amended as follows: the approval granted by the Town Board on November 17, 2016 shall be deemed to have expired unless construction of the approved development shall be actually commenced no later than November 17, 2018; and be it further

RESOLVED, that this resolution shall take effect upon

1. Payment by LHV Precast of any applicable extension fees; and
2. Relocation of the existing LHV Precast storm drain pipe from feeding to the stream which originates on LHV Precast property and crosses into the real property at 638 Ulster Landing Road.

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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

Resolution granting Site Plan Approval Extension to Kingwood Park Plaza, SBL# 48.8-1-36, 1204 Ulster Avenue, Kingston, NY

Supervisor Quigley: Wishes to point out that the developer of Kingswood Park made application to the Planning Board over a year ago. Project went through SEQR process, which involved review of historic structures. Today, the Supervisor received phone call today from a woman asking what the Town Board was going to do about preserving the prehistoric stone monument on the site of the project. Tax map/parcel viewer aerial view shows a stone arrangement. Supervisor responded back to caller after receiving statements from two attorneys and former Town Supervisor, all have previous knowledge that the structure was made 60 years ago by the property owner, as a park to bring his girlfriend to. Supervisor states that there is no historic structure there and Town will bring in its archaeologist from SUNY New Paltz to obtain report on structure.

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RESOLUTION
TOWN OF ULSTER TOWN BOARD

Site Plan Approval Extension
Kingwood Park Plaza

SBL 48.8-1-36
1204 Ulster Avenue

WHEREAS, on February 16, 2017, the Ulster Town Board approved the application by Paquale Iovieno with the consent of DiDonna Brothers LLC to construct a 14,400 square foot retail building along with ancillary driveways and on-site parking for 58 vehicles at 1204 Ulster Avenue; and

WHEREAS, pursuant to Ulster Town Code Section 145-13(A), construction of an approved site plan shall be commenced within twelve (12) months from the date of approval, or else the approval shall expire; and

WHEREAS, construction of the approved site plan did not commence prior to February 16, 2018; and

WHEREAS, LHV Precast, through their project architect, Paul B. Jankovitz, RA, is requesting a one (1) year extension of the site plan approval; and

WHEREAS, the Ulster Town Board has determined it is in the best interest of the Town of Ulster to extend the site plan approvals; and

WHEREAS, Ulster Town Code Section 145-14 grants the Town Board the power to vary or waive the provisions of Chapter 145, where, in its judgment, the circumstances justify such variance or waiver upon such terms and conditions as it may deem appropriate provided that such variation and/or waiver promotes the health or general welfare and orderly growth; now therefore, be it

RESOLVED, that the site plan approval heretofore granted on February 16, 2017, shall be amended as follows: the approval granted by the Town Board on February 16, 2017 shall be deemed to have expired unless construction of the approved development shall be actually commenced no later than February 16, 2018; and be it further

RESOLVED, that this resolution shall take effect upon payment of any applicable extension fees.

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MOTION: Councilman Morrow
SECOND: Councilman Brink

DISCUSSION:

Councilman Kitchen: What is the cost of the archaeologist?

Supervisor: No more than two hours of his time to look at it and write a report.

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

CARRIED

Resolution granting a Special Use Permit for Kenneth Finke d/b/a Premiere Fire Apparatus, Inc., SBL# 39.15-7-19.110, 68 Leggs Mill Road, Lake Katrine, NY

RESOLUTION OF THE TOWN BOARD
TOWN OF ULSTER

Resolution Granting Special Permit for Automotive Sales and Service
68 Leggs Mill Road, Lake Katrine

SBL: 39.15-7-19.110

Owner of Record: Cobra Manufacturing Corp.

WHEREAS, the Town of Ulster Town Board, the Town of Ulster Building Inspector, and the Town Attorney, have reviewed an application by Kenneth Finke d/b/a Premiere Fire Apparatus, Inc. seeking Special Permit approval to allow automotive sales and service on a 3.3 acre parcel located at 68 Leggs Mill Road within the Town of Ulster; and

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WHEREAS, the subject site is situated within the LC and OM Districts in the Town of Ulster, where automotive sales and service are allowed subject to Special Permit approval by the Town Board pursuant to Chapter 190 of the Town of Ulster Town Code; and

WHEREAS, the Town Board held a public hearing on this matter on February 1, 2018 during which no public controversy was raised concerning the proposed action, and

WHEREAS, the Town Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board hereby classifies this action as a SEQR Type II action and grants Special Permit approval to Kenneth Finke d/b/a Premiere Fire Apparatus, Inc. subject to the conditions, limitations and restrictions set forth below.

1. All fees, including consultant fees, shall be paid.
2. Compliance with all applicable zoning and building laws, rules, and regulations.
3. In case of a violation of any of the aforesaid conditions, this permit may be revoked by the Town Board, provided, however, that after activities under this permit shall have been properly commenced, there shall be no such revocation until substantial evidence of such violation shall have been presented to the Town Board at a meeting of said Board called for the purpose of hearing such evidence on notice to the owner.

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

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PUBLIC COMMENT:

1. Regis Obijiski, 170 Ledge Rd (handout provided) RE: Lincoln Park Grid
Has three requests:
 1. Asks Town Board to post changes to the agenda no later than 24 hours before a meeting (cites the Open Meetings Law)
 2. Asks Town Board extend public comment 90 days for scoping.
 3. Encourage citizens to ask questions even repetitive during scoping meeting.

2. Laura Hartmann, 45 Birch Street (handout provided) RE: Lincoln Park Grid
Thanks Town Clerk for adjusting meeting calendar on Website.
Submits two petitions: one with 279 signatures and one with 57 signatures (from Town of Ulster residents). These are in regard to the positive declaration declared on 2/1.
Scoping process is very important for such a complex project. Townofulstercitizens.org believes that more time is imperative for public comment. Asking for 90 day public comment period on the draft scope.

3. Fred Niessen, 192 Ledge Road RE: Lincoln Park Grid
Residents in his area will be affected by Glidepath project. Project will require variances; has wetlands. This project lacks concern for approx. location. Value of homes will decrease in value 20-50%. Pollution, wildlife eradication, noise. This project will not hire town of Ulster residents, as it is unmanned. No-win situation. Takes note that he is a registered Republican, an independent thinker, and fiscal conservative. This type of project has never been built by Glidepath. His comments and opinions are personal, not political.

4. Dan Furman, 273 Riseley Street RE: Lincoln Park Grid/Glidepath
Glidepath presentation in January – we questioned their credentials since they have never built a project such as this one. Glidepath stated that emissions would be 195 lbs/kwh. They were challenged on that number by Ellen Wright PhD, stating that the number is too low, but physically impossible. A few weeks later, Ellen gave a presentation and stated Glidepath contacted her to correct that number to 850 lbs/kwh.
Neighbors' concerns are emissions and noise. If Glidepath are experts, how did they get the wrong number for the emissions? They don't know.

5. Karen Smith-Spanier, 95 LakeView Ave RE: Lincoln Park
Does not live near the project. Concerned about the 850 lbs/kwh number. Asking for the 90 day extension. Concerned about air quality. We are on the verge of technologies that would take away from our good air.

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6. Vincent Guido, 153 Old Flatbush Road RE: Lincoln Park
Negative comments about the power plant. Ninety day comment period would behoove residents. EAF was not on the Website until a week after the Draft Scope. Town Board should look at our own quality of life and cleanliness of the air. Site plan was incorrect. States that there are 37 errors in the scoping document and EAF.

Supervisor: Would you be willing to present/share with the Town Board your 37 errors?

Guido: Yes. Doesn't have time now.

~ NO FURTHER COMMENTS ~

MOTION to enter Executive Session at 7:35 pm

To discuss tax certiorari litigation

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

Questions Before Town Board Departs for Executive Session:

Bill Kemble, Daily Freeman: In what case (tax certiorari)?

Supervisor: Names several – WalMart, 901 Grant Ave, 701 Grant Ave, Home Depot, Tech City. All \$60M of risk.

Guido: If Town Board does grant the 90 days, how would citizens be notified of that decision?

Supervisor: Poses question to the audience – How many people want the Town Board to comply with the New York State SEQRLaw?

Audience: Chatter – “What does that mean?”

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Supervisor: Suggests that audience members should have done their homework before asking for the 90 days.

~ TOWN BOARD DEPARTS FOR EXECUTIVE SESSION ~

RETURN from Executive Session: No Action taken; Nothing to report.

MOTION to adjourn (8:04 pm):

MOTION: Councilman Brink
SECOND: Councilman Morrow

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