

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

~ Public Hearing Scheduled : 7:10 - Special Use Permit for Central Hudson Gas and Electric, Hurley Ave Substation Improvement Project, Hurley Ave., Hurley N.Y., SBL: 48.17-1-10.100, 13.110 and 22.110

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

SALUTE TO THE FLAG

ROLL CALL by Town Clerk, Suzanne Reavy:

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

ALSO IN ATTENDANCE:

1. Kathy Moniz, Building Inspector
2. Kyle Berardi, Police Chief
3. Frank Petramale, Highway Superintendent
4. James Maloney, Assessor
5. Jason Kovacs, Town Attorney

ADDITIONS OR CHANGES TO THE AGENDA— None

PUBLIC DISCUSSION ON AGENDA ITEMS –

COMMUNICATIONS -- None

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

New business:

Motion to authorize the Supervisor to attend the GFOA Conference in Albany, NY March 26th-29th at a cost of \$400.00

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

CARRIED

Motion to proclaim the month of April at the Town of Ulster as World-Wide Parkinson's Disease Awareness Month

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

CARRIED

Presentation of Local Law ___ of 2019: A Local Law Providing for a Vacant Building Registry

[published on Town Website]

Kathy Moniz: Asking Town Board to consider a local law for vacant building registry. Finding that vacant buildings are unsightly, unsafe, and have a negative effect on the community. To establish a program to set forth responsibilities of owners of vacant buildings and rehabilitation.

Supervisor: Will give you a point of contact to establish communication with owner to ensure compliance.

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

Resolution in Support for the Granting of a PILOT to Ulster Hospitality for a Hotel at Ulster Commons

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

Resolution in Support of the Application to Develop and Operate a One Hundred (100) Room Hotel at 1581 Ulster Avenue, Lake Katrine

WHEREAS, an application has been made or will soon be made to the Town of Ulster Town Board and Town of Ulster Planning Board to develop and operate a one hundred (100) room Major Flag Hotel in the Town of Ulster, County of Ulster, Sate of New York; and

WHEREAS, the application concerns property known as Section 39.82, Block 2, Lot 117 on the Tax Map of the Town of Ulster (the "Project Site"). The Project site is situated on New York State Route 9W in close proximity to New York State Route 209; and

WHEREAS, the affiliates and principals of the applicant are qualified individuals with substantial experience in financing, developing, and operating entertainment, restaurant, and hotel facilities; and

WHEREAS, the residents of the Town of Ulster would welcome the job opportunities, increased local spending, and economic and community benefits that would most assuredly derive from such a hotel; and

WHEREAS, the Town Board recognizes the uniqueness of the Project Site, the qualifications of the applicant, and the opportunity the Project Site represents to the Town of Ulster; and

WHEREAS, by encouraging the development and operation of the hotel at the Project Site, the Town of Ulster and the County of Ulster can expand their tourism base by providing services and overnight accommodations for visitors as part of a balanced economy and can expand the tax base of the Town. In addition, the Town Board believes that the development and operation of the hotel at the Project Site would have a positive impact on Ulster County, New York, the Kingston City School District, and surrounding communities, through the increase of property tax revenues and the expansion of employment opportunities for the citizens of Ulster County, New York; and

NOW THEREFORE IT IS HEREBY RESOLVED, that the Town Board of the Town of Ulster fully supports the Application to be filed by the applicant for the development and operation of the hotel on the Project Site and fully supports and encourages the development and operation of the hotel on the Project Site by the applicant, its successors and assigns, and be it further

RESOLVED, that should the applicant seek a payment in lieu of taxes agreement with

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

the Ulster County Industrial Development Agency, the Town Board of the Town of Ulster fully supports any such application, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Clerk of the Ulster County Legislature, the Ulster County Executive,

Supervisor: 2011, town approached by developer for the site intersection of Route 9W and Route 209. At that time, site was environmentally contaminated, declared a brownfield, unsightly. Approached by a developer from Newburgh to build a four-story, 100 room hotel (by Care Mount). Extensive engineering needed to abate noise from railroad tracks; special air conditioning units needed; 12' framing; expensive process. In order to accomplish this, PILOT is necessary. Town is motioning to the Ulster County IDA.

MOTION: Councilman Kitchen
SECOND: Councilman Morrow

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

CARRIED

February 7, 2019

Resolution setting Planning Board Application Fees and Building Permit Fees for large scale Solar Projects

Resolution of the Town Board

TOWN OF ULSTER

Resolution of Town Board of the Town of Ulster Adopting a Fee Schedule for Solar Facilities

WHEREAS, the Town Board of the Town of Ulster is authorized to set all fees, deposits, and costs by resolution of the Town Board pursuant to adopted local law,

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the schedule of fees, deposits, and costs is hereby amended as set forth below, effective immediately:

Fee Schedule for Solar Facilities

Planning Board Application Fee:	\$1,000.00 per MW of Capacity
Building Permit Application Fee:	\$9,000.00 per MW of Capacity
Battery Installation Planning Board Application Fee:	\$1,000.00 per MW of Capacity
Battery Installation Building Permit Application Fee	\$4,500.00 per MW of Capacity

Supervisor: Research results in presentation: Proposed commercial solar project: fee of \$1000/megawatt. Landau Solar: \$6,000 in planning board fees. Planning Board approval results in a \$9,000/megawatt fee for building permit and certificate to close out. Under normal town code fee schedule, fee would have been in excess of \$100K, which would not support this project. Fee schedule to support solar farms for renewable energy.

MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

Resolution declaring the Intent to be Lead Agency for the Unlisted SEQR Action for Apollo Group, LLC dba All Space Storage, 1693 Ulster Ave, Lake Katrine, N.Y. SBL: 39.19-3-24

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Lead Agency Designation

Apollo Group, LLC dba All Space Storage
1693 Ulster Avenue (U.S. Route 9W)
S-B-L: 39.19-3-24

WHEREAS, . The applicant – *Apollo Group, LLC dba All Space Storage* – is seeking *site plan amendment approval* for the construction of two (2) additional storage units with a total of 24,259 square feet (ft), along with the construction of associated access drives, site lighting and stormwater treatment facilities; and

WHEREAS, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Town Board since the Proposed Action involves more than 2,500 sf of new building area; and

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

- *Site Plan Application* prepared by Darin Page – Apollo Group, LLC dated 1/28/19;
- *Site Plan Consent Form* prepared by Darin Page – Apollo Group, LLC dated 1/28/19;
- *SEQR Short Form EAF* prepared by Kelly Libolt – Page Park Associates dated 1/28/19;
- *Cover Sheet* prepared by LRC Group, Engineering dated January 29, 2019;
- *Existing Conditions Plan Sheet* by Vincent P. Ausfeld, P.L.S, dated November 19, 2018;
- *Site Plan Sheet* prepared by LRC Group, Engineering dated January 29, 2019;
- *Grading & Drainage Plan Sheet* prepared by LRC Group, Engineering dated 1/29/19;
- *Utility Sheet Plan* prepared by LRC Group, Engineering dated 1/29/19;
- *Erosion & Sediment Control Plan* prepared by LRC Group, Engineering dated 1/29/19;
- *Lighting Plan* prepared by LRC Group, Engineering dated January 29, 2019;
- *Truck Turning Plan* prepared by LRC Group, Engineering dated January 29, 2019;
- *Site/Stormwater Details* prepared by LRC Group, Engineering dated January 29, 2019;
- *Erosion Control Details* prepared by LRC Group, Engineering dated January 29, 2019;
- *Preliminary Elevations prepared by* NEL-STRUCT, LLC dated January 15, 2019; and
- *Preliminary Floor Plan for “Building R”* by NEL-STRUCT, LLC dated January 15, 2019; and
- *Preliminary Floor Plan for “Building S”* NEL-STRUCT, LLC dated January 15, 2019.

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

WHEREAS, Involved Agencies include: Town of Ulster Town Board (Site Plan); and

WHEREAS, Interested Agencies include the Town of Ulster Planning Board (Site Plan), Ulster County Planning Board (NYSGML 239 review), NYSDEC Division of Environmental Permits for Region 3 for consultation regarding Threatened and Endangered Species (Northern

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

Long-eared Bat); U.S. Fish & Wildlife Service for consultation regarding Threatened and Endangered Species (Northern Long-eared Bat); and

WHEREAS, as the only “Involved Agency” the Town of Ulster Town Board will serve as the Lead Agency for the Unlisted Action SEQRA review.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board herby declares itself Lead Agency for this Unlisted *Action* SEQRA review and directs the Deputy Town Clerk to circulate a Notice to all Interested Agencies.

MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

~ Public Hearing Scheduled : 7:10 - Special Use Permit for Central Hudson Gas and Electric, Hurley Ave Substation Improvement Project, Hurley Ave., Hurley N.Y., SBL: 48.17-1-10.100, 13.110 and 22.110

Supervisor: Invites representatives to speak prior to the public hearing.

PRESENT:

Caren LoBrutto & David Young, Chazen
Ivan Hojsak, Central Hudson

LoBrutto: 2.5 acre expansion to existing five acre substation facility. Rerouting of transmission line. Relocation of one 303 transmission line. Bioretention pond for storm water on NE corner. New construction access road – a pervious material and will be temporary.

Supervisor: Have the Spring Lake FD requirements been taken into consideration:

Young: We are engaging in conversation with them. Currently looking at grading to see what is sufficient for them.

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

LoBrutto: Here tonight for site plan and special use permit approval. Seeking 110’ tall tower for transmission line best practice design. Transmission structures cannot exceed 100’ without special use permit. Substation will have three new structures and those will be same height as existing structures – 65’ tall with 20’ tall lightning mast; 301 transmission line existing 73’ tall structure replaced with a 77’ structure; and additional 86’ structure.

Young: Permitting for wetland pockets. Minimum impact to wetlands.

LoBrutto: Covered by Nationwide Permit 12 utility under Army Corp authorization.

Supervisor: Public hearing for special use permit required before they can take next step at planning board. Once planning board completes review process, town board will vote at a future meeting date.

MOTION to OPEN public hearing (7:17 PM)

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

CARRIED

Public Comment:

1. Frank Falatyn, 721 W Chestnut St., Kingston, NY
Land owner that abuts this property. Supportive of Central Hudson. Would like to be kept informed on this project.

- End of Public Comment -

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

MOTION to CLOSE public hearing (7:20 PM)

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

CARRIED

Resolution awarding Contracts for Salt Shed Storage Building

RESOLUTION OF THE TOWN BOARD
TOWN OF ULSTER

Resolution Awarding Contracts for Salt Shed Storage Building

WHEREAS, the Town of Ulster Town Board has been notified by the Town of Ulster Highway Superintendent of the need for a structure for the protection of the Town's salt reserves necessary for the appropriate maintenance of Town of Ulster roads and highways; and

WHEREAS, on or about January 3, 2019, the Town Board of the Town of Ulster authorized the solicitation of bids pursuant to General Municipal Law 103, purchase/procurement of a salt storage building, more specifically set out in the scope of the Town of Ulster Salt Storage Building Bid Specifications, for use by the Town of Ulster Highway Department; and

WHEREAS, four (4) bid packages were duly received by the Town of Ulster in response to the bid solicitation authorized under the January 3, 2019 Resolution; and

WHEREAS, said timely bids received were opened on February 25, 2019 at 3:30 p.m. at the Town of Ulster Town Hall, 1 Town Hall Drive, Lake Katrine, New York and where a list can be referenced on the Canvass of Bids form produced by Brinner & Larios, P.C.; and

WHEREAS, Brinner & Larios, P.C. has conducted due diligence and review of the specifications of the timely bid packages; and

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

WHEREAS, the bid responses have been reviewed carefully by the Town Board; now, therefore be it

RESOLVED, that the Town of Ulster Town Board hereby awards the successful bid for a new salt storage building, more specifically set forth in the scope of the Town of Ulster Salt Storage Building Bid Specifications, to Legacy Building Solutions at a base bid price of \$144,475.00 for the rigid frame supported fabric membrane structure and \$2,500.00 for NYS professional engineered stamped calculations and construction drawings for a ten (10) feet high reinforced concrete retaining wall, subject to entering into a purchase contract for said salt storage structure and securing of financing relative to same; and it is further

RESOLVED, that the Town of Ulster Supervisor is authorized to execute the necessary documentation to procure the salt storage structure so awarded herein; and it is further

RESOLVED, that upon execution of the required documentation to procure the salt storage structure so awarded herein, Legacy Building Solutions shall deliver to the Town of Ulster its specifications for the salt storage shed foundation; and it is further

RESOLVED, that upon review of the specifications for the salt storage shed foundation by Brinnier & Larios, P.C., the Town Board of the Town of Ulster hereby authorizes the Town Clerk to place advertisement(s) for requests for proposals for the salt storage shed foundation, and be it further

RESOLVED, that the above authorization is subject to appropriate procurement of financing for this acquisition.

Frank Petramale: Awarded to Legacy Building Solutions. Next step is to go out to bid for concrete.

MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

Presentation of Local Law ____ of 2019: A Local Law Amending Section 171 of the Town Code of the Town of Ulster, Regarding Senior Citizen Tax Exemption

James Maloney: Discussed before because his office, this time of year with exemptions, does everything possible to make sure no one falls through the cracks. Local option the town can extend the filing period for exemption #467 (senior and aged exemptions – found on back of tax form).

Supervisor: [To Kovacs] This is in conformance with the Home Rule Law?

Kovacs: Yes

Maloney: Ask Board to consider, for 2019, extension as legislation states to the fourth Tuesday in May; and in 2020 going forward, extend to April 15. Discretionary manner only for someone in a hospital or infirmed.

Supervisor: We are approaching deadline. Ask Town Board to dispense on rules re: adoption of laws.

Motion to dispense rules on adoptions of Laws

MOTION: Councilman Kitchen

SECOND: Councilman Brink

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

Motion to set a Public Hearing for Local Law ___ of 2019: A Local Law Amending Section 171 of the Town Code of the Town of Ulster, for March 21st at 7:10pm

MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

Motion to set a Public Hearing for Mobile Home placement at 114 North Drive, Saugerties, NY, SBL#39.7-10-7.100 for March 21st at 7:20pm

Kathy Moniz: This is for Karen and Alan Wagor requesting . They went through the Planning Board process to combine three lots. Conformed to requirements of road frontage. They have UC Health Dept approval for septic. That have complied with zoning setback requirements. This is a requirement of Town Law as it relates to mobile home placement.

MOTION: Councilman Kitchen
SECOND: Councilman Morrow

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

CARRIED

Presentation of the Intermunicipal Agreement between the Town of Ulster and the City of Kingston School District for the shared use of the Town of Ulster's Salt Shed

Supervisor: Allows the Town of Ulster to store in its newly constructed salt shed, the city of Kingston School District's salt supply. Establishes terms and conditions of that relationship. Asks Town Attorney (Kovacs) to review agreement.

TOWN OF ULSTER TOWN BOARD MEETING (3)

February 7, 2019

Old Business:

Motion to award bid for Water and Sewer to purchase Chemicals for 2018

[Awarded to US Salt]

MOTION: Councilman Kitchen

SECOND: Councilman Brink

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

CARRIED

PUBLIC COMMENT –

~ End of Public Comment ~

MOTION to adjourn (7:27 pm):

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk