

ULSTER COUNTY PLANNING BOARD
Minutes – Wednesday, September 5, 2018

The Ulster County Planning Board Meeting
7:00 p.m. – Surrogate Courtroom, 3rd Floor
County Office Building

The Executive Committee Did Not Meet

Chairman Lovelett welcomed those in attendance and asked Mr. Leibowitz to read the roll call

1. **ROLL CALL – Present:** J. Leverich, R. Pecora, J. Konior, P. Brooks, K. Lovelett, H. Baker, M. Calimano, D. Boggess, T. Wilkin, J. Brown, R. Hlavaty, V. Welton, M. Watkins, F. Almquist, V. Markowitz, M. Rudikoff, J. Winer, W. Murray, V. McLaughlin, G. Gagliardi, D. Doyle, R. Leibowitz, B. Samuelson **Absent:** D. Whitaker **Excused:** L. Geary, C. Lanzetta, M. Baden, J. Bonavita-Goldman **Guests:** Shannon Harris, Melanie Marino, Joseph Guido, Carol Carson Tomasetti, Kathleen Kiernan, Tracy Lewis

2. **APPROVAL OF MINUTES**
The August minutes were approved. Motion by Mr. McLaughlin, seconded by Mr. Konior. All were in favor.

3. **PUBLIC COMMENT**
Guests in attendance were interested in the Town of Esopus zoning referral.

4. **EDUCATION & TRAINING OPPORTUNITIES**
 - Mr. Doyle stated there is a flyer in the meeting folders for our seminar on the referral process. Suggested for board secretaries, with information on how to submit a referral and an intro to the new electronic submittals (Dropbox). This training will be held on October 9th at 9:30am in the Legislature Chambers in the County Office Building.

 - Mr. Doyle noted a Train the Trainer’s Program seminar from Pace University (sent via email 9/5) It is a 4-day Sustainability Seminar: Smart Growth legislation, Community Revitalization Act, etc. Mr. Watkins stated he took their 3-day class and felt it was very informative.

 - Discussion on Utilities – Mr. Doyle stated this topic was mentioned last month. He informed the Board that Public Utilities are recognized as having a public benefit and are essential services within a community. Most zoning statutes have a provision that public utilities are allowed anywhere in the community. Most have franchise rights ie: Central Hudson, phone company, etc. Mr. Doyle noted that some claims of utilities are not as benign or necessary to public services as others. Mr. Doyle spoke about the Public Telecommunications act (cell phones) and how most communities began to think differently about regulation. We are now seeing solar facilities and proposals for smaller scale power and “Peaker” plants (less than 25 megawatts). Solar facilities and small scale generators don’t go thru Article 10 process of the PSC, they are regulated by local land use. Mr. Doyle opined that there should be model language for smaller scale utilities. Is this a topic for a seminar? The Board answered they were interested.

KEY: (f) = handout will be in folder at meeting
(m) = handout included in the mailing

Mr. Doyle noted that the Citizens for Local Power have been having discussions on doing a seminar and added that he thought the education would be valuable as a regional look at how communities should respond to these smaller scale power plants. Mr. Brooks stated that Pace Law Center has no model local law on this. He did not find any information on the NY Planning Federation website either.

5. COMMUNITY REPORTS

Ms. Welton reported on the Shandaken Statue Situation. It was decided that the statue will be considered as a structure, which requires a building permit and site plan approval. The Zoning Officer has communicated with the home owner. The homeowner has not responded yet.

Mr. Watkins reported on the Wallkill Town Center, which has received a Negative Declaration. He wanted to thank the County for making sure everything that was required went through and added that they will start building next year.

Mr. McLaughlin stated the Village of Saugerties is looking into changing overnight parking rules on streets during snow emergencies due to a push by the community. He added that this is separate from municipal parking lot issue.

Mr. Brooks stated Town of Lloyd has had preliminary interest from a developer on a 500 acre site in the north end of the Town of Lloyd for a conservation subdivision. He added that if they get the additional development rights they would like to get, they willing to extend the sewer line about a mile along 9W. It is somewhat controversial as it would add another 50-60 homes. He noted that Scenic Hudson is saying the view shed will be impacted from the FDR home. Mr. Doyle stated they will need a sign-off from the State Historic Preservation Officer. Ms. Pecora added that Town of Esopus had to do that for a project. Mr. Rudikoff stated that the agency looks at it as a matter of SEQRA.

Mr. Wilkin stated that the costs of reviewing applications came up at the local level. Town of Plattekill Planning Board made a policy change 10 years ago to have an engineer look at plans first. Some applicants think this is an over cost to them. Mr. Watkins stated having the pre-meeting helps keep an application from returning to the board several times. Mr. Doyle offered to poll the communities for information. Chairman Lovelett added that we can also poll the Secretaries during the training.

6. PLANNING BOARD REPORTS

a. Chairperson Report – Membership

Chairman Lovelett informed the Board of the handouts in their folders. The first is "Members & Alternates." He asked that anyone without an alternate please request one from their municipality. He then asked the Board to review the "Current Term" column adding that if your term is expiring to request that you get reappointed. Letters will be sent out to the municipalities of members with expiring terms. Mr. Lovelett noted that members may continue to serve until they are reappointed or replaced. Chairman Lovelett informed the Board of the 4 hour per year training requirement for board members. Credits in excess of 4 years will carry over into the next year. He also noted the attendance sheet in the folder. Chairman Lovelett informed the Board they receive 15 minutes of training credit per UCPB meeting attended. Mr. Watkins thanked the board for their continued good attendance and noted we have had a quorum every meeting this year.

Chairman Lovelett informed the Board that mileage reimbursement forms were due for the third quarter and could be turned in at the next meeting. He also had blank mileage forms available. Mr. Doyle stated he would prefer that mileage forms be turned in at the next meeting.

- b. Committee Reports
No Report

7. **PLANNING DEPARTMENT REPORTS**

- a. Financial Report

Mr. Doyle stated our current budget is good. We have submitted a draft budget for next year and will know more after the County Executive's address at the end of September. We have requested additional funding for the housing consortium and have also had discussions on open space requirements and protecting open space.

- b. Environmental Notice Bulletin & Grant Opportunities
No Member Comment

- c. Communications
No Member Comment

- d. Director/Staff Reports

Mr. Doyle gave the Board an update on trails: Hudson Valley Rail Trail (Town of Lloyd), Ashokan Rail Trail, Midtown Linear Park (City of Kingston) and City of Kingston to Town of Hurley Trail. He added we also have a number of studies ongoing with the Transportation Council and we are supporting the Continuum of Care effort for housing for the homeless. Mr. Doyle noted that we continue to work toward establishing a Fire Training Center for the County in several locations and have also been working with the Economic Development division. Mr. McLaughlin asked about the CitiBus and County bus (UCAT) merger. Mr. Doyle stated we have been working on a draft merger agreement. He noted several studies and added that we continue to negotiate the transit funding. Mr. Doyle added that in late spring or early summer we should have a transit agreement, providing we have the support at the City level and of the County Legislature.

Mr. Samuelson informed the Board that he spoke to the Housing Officer from the Coast Guard for the Northeast US, based out of Cape Cod. They are looking over the housing allowance for the Saugerties based Coast Guard. The housing officer commended the Planning Department on the Rental Housing Survey for the insights given on the housing market in Ulster County.

Mr. Samuelson stated all 12 properties submitted for this year's Ag Additions were certified by the Commissioner of Ag & Markets and all the property owners and towns were notified.

Mr. Leibowitz stated that we are waiting on the final reports to be delivered to the Department of State for the Brownfield Opportunities Area study. We have

received some feedback from the Department of State on the draft report, which has been provided to the consultant.

8. SPECIAL TOPICS DISCUSSION

No Discussion

9. ZONING REFERRALS – *See Separate Zoning Minutes*

Chairman Lovelett stated we would take public comment for the Port Ewen Corp Project in the Town of Esopus before the referral comments were addressed. He asked that all guests sign-in and anyone who would like to speak should state their name and would be given two minutes.

A woman, who did not identify herself, read a letter written to Town of Esopus during the Zoning Board meeting, from residents and homeowners of Sleightsburgh. She also had a letter from a neighbor. Both letters were submitted.

The Board asked to have the referral reviewed before hearing more comments in order to better understand the project. Mr. Leibowitz gave an overview of the project and Mr. Doyle spoke about proposed use and the use of the existing structure.

Chairman Lovelett stated we will have a policy discussion during Special Topics at the next meeting to discuss how to handle comments in the future, update and possibly change the Public Comment section.

Motion made by Mr. Watkins & seconded by Mr. Konior to discuss policy on public comment at the next meeting. All were in favor.

Joseph Guido spoke about continuation of a non-conforming use, the decommission date authorized by the State and the difficulty of creating a timeline of when the use stopped. He noted that the board has a file with documents including the deed and what the owner would like to do with the property. Mr. Guido noted that he is on the Town of Esopus ZBA and is a resident.

Carol Carson Tomisetti stated she is a resident of Sleightsburgh, and spoke about the Port Ewen Corp. property. She felt granting a non-conforming use would be a perpetual use grant. She stated she would rather see this handled as a special permit. She also had a letter to give to the board.

Mr. Watkins asked if Mr. Leibowitz had seen the deed because Mr. Guido mentioned restrictions. Chairman Lovelett asked if we received a deed. Mr. Leibowitz said we had not. Mr. Guido gave Mr. Leibowitz a copy of the deed. Mr. Doyle spoke about the non-conforming use statute in the Town of Esopus.

Mr. Doyle reminded the Board that the County's Capital Program review is coming. The County Executive will file hi budget and Capital Program in October and we will comment after that. Ms. Pecora wished to express input on the County Courthouse and its air conditioning and uncomfortable chairs.

10. ADJOURNMENT

The meeting adjourned 9:07PM. All were in favor.

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9/5/2018

Esopus

Referral Number **2018144** Received: 8/27/2018
Name: **Port Ewen Corp** Type of Referral: **Other Special Authorization**
Description: Applying to change from a nonconforming use to another nonconforming use.
Project Location: 15 North Broadway Sleightsburgh
Recommendation: **Required Modifications** Abstentions:
Motion: Brooks
Second: Gagliardi Recusals: Pecora
Vote: Yes No

Gardiner

Referral Number **2018131** Received: 8/20/2018
Name: **Chapter 187: Planning Board** Type of Referral: **Other Special Authorization**
Description: Establish chapter 187, entitled "The Planning Board" - Power, duties, composition.
Project Location:
Recommendation: **Advisory Comments** Abstentions:
Motion: Calimano
Second: Konior Recusals: NO: Pecora
Vote: Yes No

Lloyd

Referral Number **2018132** Received: 8/6/2018
Name: **Local Law F of 2018** Type of Referral: **Zoning Statute Amendment**
Description: Repeal of 100-42 J.(1-6) - Removal of Standards for use of a secondary structure as an accessory apartment
Project Location: Townwide
Recommendation: **Advisory Comments** Abstentions:
Motion: Wilkin
Second: Konior Recusals: Brooks
Vote: Yes No

Lloyd

Referral Number **2018133** Received: 8/21/2018
Name: **MCBS DG** Type of Referral: **Area Variance**
Description: Side-yard variance for parking in GM zoning district.
Project Location: 3584-3594 Route 9W
Recommendation: **Required Modifications** Abstentions:
Motion: McLaughlin
Second: Watkins Recusals: Brooks
Vote: Yes No

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New Paltz Village

Referral Number **2018137** Received: 8/16/2018
Name: **36 S. Manheim Blvd** Type of Referral: **Area Variance**
Description: One-foot variance from required 25' front-yard setback for porch on single-family home
Project Location: 36 S. Manheim Blvd
Recommendation: **No County Impact** Abstentions:
Motion: McLaughlin
Second: Boggess
Vote: Yes No Recusals: Murray

New Paltz Village

Referral Number **2018138** Received: 8/16/2018
Name: **6 Grove Street** Type of Referral: **Area Variance**
Description: Lot coverage variance - new garage installation. (36% to 44%) for single-family home
Project Location: 6 Grove Street
Recommendation: **No County Impact** Abstentions:
Motion: McLaughlin
Second: Calimano
Vote: Yes No Recusals: Murray

New Paltz Village

Referral Number **2018139** Received: 8/16/2018
Name: **9 Tricor Avenue** Type of Referral: **Area Variance**
Description: Parking variance - 2 instead of 3 which is required for an additional dwelling unit
Project Location: 9 Tricor Avenue
Recommendation: **No County Impact** Abstentions:
Motion: Pecora
Second: Calimano
Vote: Yes No Recusals: Murray

New Paltz Village

Referral Number **2018140** Received: 8/16/2018
Name: **9 Tricor Avenue** Type of Referral: **Site Plan Review**
Description: Convert garage to studio apartment rental.
Project Location: 9 Tricor Avenue
Recommendation: **No County Impact** Abstentions:
Motion: Pecora
Second: Calimano
Vote: Yes No Recusals: Murray

New Paltz Village

Referral Number **2018141** Received: 8/9/2018
Name: **68 Main Street** Type of Referral: **Site Plan Review**
Description: Site plan amendment - remove dumpster and enclosure, modify parking lot layout, install retaining wall.
Project Location: 68 Main Street
Recommendation: **No County Impact** Abstentions:
Motion: Pecora
Second: McLaughlin
Vote: Yes No Recusals: Murray

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Plattekill

Referral Number **2018129** Received: 7/25/2018
Name: **Hurd's Farm** Type of Referral: **Special Permit**
Description: Add outdoor recreation areas to existing farm and agritourism operation.
Project Location: 2185 Route 32
Recommendation: **Required Modifications**
Motion: Calimano Abstentions: NO: Brown
Second: Konior NO: Brooks
Vote: Yes No Recusals: Wilkin
Gagliardi

Plattekill

Referral Number **2018130** Received: 7/25/2018
Name: **Hurd's Farm** Type of Referral: **Site Plan Review**
Description: Add outdoor recreation areas to existing farm and agritourism operation.
Project Location: 2185 Route 32
Recommendation: **Required Modifications**
Motion: Calimano Abstentions: NO: Brown
Second: Konior NO: Brooks
Vote: Yes No Recusals: Wilkin
Gagliardi

Saugerties Town

Referral Number **2018145** Received: 8/24/2018
Name: **ELP Saugerties Solar, LLC** Type of Referral: **Special Permit**
Description: 2.1 MW photovoltaic facility at Town of Saugerties transfer station property/capped landfill
Project Location: 1765 Route 212
Recommendation: **No County Impact**
Motion: Calimano Abstentions:
Second: Konior Recusals: McLaughlin
Vote: Yes No Hlavaty

Saugerties Town

Referral Number **2018146** Received: 8/24/2018
Name: **ELP Saugerties Solar, LLC** Type of Referral: **Site Plan Review**
Description: 2.1 MW photovoltaic facility at Town of Saugerties transfer station property/capped landfill
Project Location: 1765 Route 212
Recommendation: **No County Impact**
Motion: Calimano Abstentions:
Second: Konior Recusals: McLaughlin
Vote: Yes No Hlavaty

Saugerties Town

Referral Number **2018150** Received: 8/30/2018
Name: **Blue Stone Solar Energy, LLC** Type of Referral: **Special Permit**
Description: 19.9 megawatt solar energy facility
Project Location: Churchland Lane
Recommendation: **No County Impact**
Motion: Pecora Abstentions:
Second: Konior Recusals: Hlavaty
Vote: Yes No

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Saugerties Town

Referral Number **2018151** Received: 8/30/2018
Name: **Blue Stone Solar Energy, LLC** Type of Referral: **Site Plan Review**
Description: 19.9 megawatt solar energy facility
Project Location: Churchland Lane
Recommendation: **No County Impact** Abstentions:
Motion: Pecora
Second: Konior Recusals: Hlavaty
Vote: Yes No

Ulster

Referral Number **2018136** Received: 8/24/2018
Name: **Stewart's Shops** Type of Referral: **Area Variance**
Description: 13' front-yard variance. 12 spaces instead of 15 required
Project Location: 339 Lucas Avenue
Recommendation: **No County Impact** Abstentions:
Motion: Brooks
Second: Konior Recusals: Almquist
Vote: Yes No

Woodstock

Referral Number **2018135** Received: 8/21/2018
Name: **Comprehensive Plan 2018** Type of Referral: **Comprehensive Plan**
Description: Update to the Town's Comprehensive Plan
Project Location: Townwide
Recommendation: **Advisory Comments** Abstentions:
Motion: Watkins
Second: Konior Recusals:
Vote: Yes No

Woodstock

Referral Number **2018147** Received: 8/23/2018
Name: **Johnson Fence** Type of Referral: **Area Variance**
Description: 6' high fence in front yard
Project Location: 52-54 Ohayo Mountain Road
Recommendation: **No County Impact** Abstentions:
Motion: McLaughlin
Second: Konior Recusals:
Vote: Yes No