

ULSTER COUNTY PLANNING BOARD

Minutes – Wednesday, November 1, 2023

**The Ulster County Planning Board Meeting
7:00 p.m. Legislative Chambers, 6th Floor
County Office Building**

The Executive Committee Did Not Meet

Chairman Boggess called the meeting to order and Mr. Leibowitz read the roll call.

- 1. ROLL CALL - Present:** R. Pecora, G. Gidaly, M. Cohen, S. McCarthy, H. Hansen, C. Lanzetta, A. Ruger, D. Boggess, T. Wilkin, M. Baden, J. Brown, J. Ferraro, V. Welton, M. Watkins, F. Almquist, V. Markowitz, M. Rudikoff, W. Murray, V. McLaughlin, L. Molyneaux, D. Doyle, R. Leibowitz **Excused:** D. Onderdonk

- 2. APPROVAL OF MINUTES**

The October minutes were approved. Motion made by Mr. McLaughlin, seconded by Mr. Gidaly. All were in favor.

- 3. EDUCATION & TRAINING OPPORTUNITIES**

Mr. Baden wanted to thank the people who put on the Watershed Training adding that we should investigate doing more seminars with Dutchess County.

- 4. COMMUNITY REPORTS**

Mr. Baden stated the Granary Project/Economic Enterprise Overlay District in Accord that was before the Town Board was adopted this month, the project is now going to the Planning Board for Site Plan review.

Mr. McLaughlin stated he had his first meeting at the State and he has been added to a statewide housing task force.

- 5. PLANNING BOARD REPORTS**

- a. Chairperson Report

- Nominating Committee Discussion

Chairman Boggess noted that last month he appointed a Nominating Committee and he wanted to amend that to include himself, Tom Wilkin and Mark Watkins.

Mr. Wilkin stated the Committee's proposed officers for 2024 are Mike Baden for Chairman, Scott McCarthy for Vice Chairman and Cindy Lanzetta for Secretary.

Motion to approve the 2024 slate of officers as proposed was made by Mr. McLaughlin and seconded by Mr. Gidaly. There were no other nominations or discussions. All were in favor.

- b. Committee Reports

Mr. Baden informed the Board that when original Charter was adopted, in the event of a vacancy of the Planning Director's position, the Board was responsible to provide three nominees within 90 days to the County Executive who would select one of them. Mr. Baden stated that the current Charter Revision Commission had meetings two times a month for over a year. He noted that he and Chairman Boggess attended a couple meetings, and our Board sent them a letter.

Mr. Baden noted the Charter Commission added language that our Board submit "at least" three nominees and made other minor changes. He stated they also added that the Director could make a determination and submit referral comments to not hold up a project if the Board didn't have a quorum or couldn't make a decision. Mr. Baden stated the Charter Commission's report went to Legislature on September 14th. He found out the Laws & Rules Committee held two meetings in October proposing changes to the Charter. Mr. Baden noted the Legislature's November 14th meeting has a resolution to schedule a public hearing on this Local Law on December 6th. The resolution, which came from the Chair of the Legislature and Laws & Rules Committee, is proposing to remove the Planning Board's involvement in choosing a new Director of Planning and leave that up to the County Executive. The local law is a 62-page document. The Chair and several others are leaving the Legislature at end of the year. Mr. Baden stated he questions why the rush and why this law is moving counter to the Commission's recommendations. Mr. Baden stated you can speak at the public comment period of the November 14th meeting requesting to postpone public hearing until the new Legislature is in place. He added that letters to the Clerk of the Legislature would also be helpful.

Mr. Baden added that the Executive Committee sent a letter to the Charter Commission, and then made a motion to send the letter to the Legislature Clerk.

Mr. McLaughlin stated he wanted to amend the motion to also send the letter to the Laws & Rules Committee who are meeting next week. Mr. Baden agreed, send to the Clerk to send to all Legislators and to the Laws & Rules Committee. Mr. Watkins stated the Planning Board should send to each individual Legislator. Mr. Baden stated we will send 23 letters to the Clerk to distribute to each Legislator.

Mr. Baden stated the meeting is on November 14th at 7:00PM. The public is allowed to talk about anything on the agenda that night and he plans to comment on the scheduling of the public hearing.

Mr. McLaughlin seconded Mr. Baden's motion as amended to send the letter to the Clerk of the Legislature for distribution to all Legislators and also send to the Laws & Rules Committee.

Discussion:

Mr. Rudikoff asked for Mr. Doyle's opinion. Mr. Doyle stated that back in 2007/2008 the Board made a compelling argument to the original Charter Commission regarding the powers and duties of the Planning Director. He continued that the Director understood that their power came back from the Board. The Planning Director is in a unique position, and under the Charter, can opine on anything related to the County's Land Use, Economic Development or Environment. The Director is also responsible to the Legislature and can be directed by the Legislature to do certain things. It was noted that a degree of independence is important to speaking truth to power. Mr. Doyle stated these arguments convinced the Charter Commission to create a hybrid where the board is responsible to submit names, but not choose the Director. Mr. McLaughlin stated he thought the report put out by Charter Commission was really good and this local law is an end run around the Charter Commission and is a disservice to the Board. Mr. Rudikoff gave an example of this happening in another community and added it waters down the Director's voice. Mr. Baden stated this Local Law came from the Laws & Rules Committee and was forwarded from three individuals on that committee, two of whom will be leaving at the end of the year. He noted if you listen to the October 11th meeting of the committee (at 1:30 into the conversation) there is a general disdain towards our

Board. We should remind the Legislators that they appoint members to the Planning Board.

Mr. Wilkin noted that a few members were here before Mr. Doyle became Director; before the Charter the former Director, Herb Heckler, would say to keep the politics out of planning.

Ms. Pecora said former County Attorney, Bea Havranek, was one who understood and stood up for our request to the Charter Commission. Mr. Baden said he was going to reach out to Jerry Benjamin who was on the original Charter Commission, and he encouraged the Board to talk to their Legislators.

The Chairman stated we have a motion and second to send the letter. All were in favor.

6. PLANNING DEPARTMENT REPORTS

a. Financial Report

Mr. Doyle stated we've had our budget review from the Executive's staff and are now with the Legislative committees. He noted they had many questions on the Capital Program, but we are fine.

The Chairman informed the Board that we will not be meeting in this room in December, and depending on where we meet, we may not have our party until January.

b. Environmental Notice Bulletin & Grant Opportunities– *No Member Comment*

c. Communications – See Reverse of Page

d. Director/Staff Reports - No Reports

7. SPECIAL TOPICS DISCUSSION

• Capital Program Discussion

Mr. Doyle stated at the budget meeting with staff from the Legislature and their budget review consultants, there were significant questions regarding the Capital Program.

Mr. Doyle proposed to use last year's comments, noting that the Capital Program is showing a total of \$300+ million for 6 years. The County was unable to implement last year's \$94 million program, noting that he checked on expenditures to date with the Finance Department and it is less than \$20 million. Mr. Doyle stated that this year we want to reinforce the comments relative to the ability to implement and continue our comments on safety issues and the County Park in New Paltz. Mr. Doyle stated we have always talked about the capital program vs capital budget noting that bonding costs fluctuate. We have priorities with this amount of money, we need to pick priorities and do them.

Mr. McLaughlin asked about his recommendations for an amendment log, a comprehensive space study, and to expand on ARPA funding for wastewater projects. Mr. Doyle informed the Board that an amendment log would give the ability to locate amendments to projects. The space study is currently under the scrutiny of the Legislature. As for using ARPA for wastewater, he explained that the County received \$34 million which has been assigned to different projects that may not all move forward. The County is looking at what is allocated, obligated and

spending. The allocated funding has been completed except for \$100,000. The obligation is miserable, \$15-20 million has to be under contract by end of 2024 and needs to be spent by 2026. He added we need to pay more attention to this.

Mr. Doyle stated he would prepare a draft for consideration in December. If we meet before the budget meeting we will send to the entire Board, if not, he would ask the Board to give power to the Executive Committee to adopt the recommendations and submit them to the County Executive and Legislature. Mr. Baden stated the Legislature's budget meeting is on December 6th. Mr. Doyle asked the Board to authorize the Executive Committee to review the draft comments to the Legislature and make the call to send them out.

Mr. Gidaly made the motion to give the Executive Committee the power to adopt and send the recommendations on the Capital Program. Seconded by Mr. McLaughlin.

Discussion:

Mr. McLaughlin asked if the space review would be included in the comments. Mr. Doyle stated the Legislature is intensely interested in the space study and it isn't necessarily a capital project so it doesn't need to be added, but the amendment log and ARPA funding will be in comments.

The Chairman called for a vote. All were in favor.

8. PUBLIC COMMENT

None

9. ZONING REFERRALS – *See Separate Zoning Minutes*

10. ADJOURNMENT

The meeting adjourned at 9:02PM. All were in favor.

Ulster County Planning Board Minutes



11/1/2023

Gardiner

Referral Number: **2023165** Received: 10/17/2023
Name: **Local Law #3 of 2023** Type of Referral: **Zoning Statute Amendment**
Description: Cannabis Zoning Law
Project Location: Town-wide
Recommendation: **No County Impact** Abstentions:
Motion: Pecora
Second: Watkins Recusals: NO: McLaughlin
Vote: Yes No

Kingston City

Referral Number: **2023167** Received: 10/17/2023
Name: **256 Washington Avenue** Type of Referral: **Site Plan Review**
Description: Renovation of existing to create 47 residential units. Also has 10 existing and occupied boarding units.
Project Location: 246 Washington Avenue
Recommendation: **Advisory Comments** Abstentions:
Motion: McCarthy
Second: Welton Recusals: Molyneux
Vote: Yes No

Lloyd

Referral Number: **2023172** Received: 10/23/2023
Name: **104 North Road** Type of Referral: **Special Permit**
Description: 2-family home
Project Location: 104 North Road
Recommendation: **No County Impact** Abstentions:
Motion: Watkins
Second: Welton Recusals: McCarthy
Vote: Yes No

Lloyd

Referral Number: **2023173** Received: 10/23/2023
Name: **104 North Road** Type of Referral: **Site Plan Review**
Description: 2-family home
Project Location: 104 North Road
Recommendation: **No County Impact** Abstentions:
Motion: Watkins
Second: Welton Recusals: McCarthy
Vote: Yes No

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Lloyd

Referral Number **2023174** Received: 10/26/2023
Name: **Klemm Ground Mounted Solar** Type of Referral: **Special Permit**
Description: Ground mounted solar for single family/small-scale use.
Project Location: 12 Falcon Drive
Recommendation: **No County Impact** Abstentions:
Motion: Watkins
Second: Welton
Vote: Yes No Recusals: McCarthy

Lloyd

Referral Number **2023175** Received: 10/26/2023
Name: **Klemm Ground Mounted Solar** Type of Referral: **Site Plan Review**
Description: Ground mounted solar for single family/small-scale use.
Project Location: 12 Falcon Drive
Recommendation: **No County Impact** Abstentions:
Motion: Watkins
Second: Welton
Vote: Yes No Recusals: McCarthy

Olive

Referral Number **2023164** Received: 10/16/2023
Name: **Zoning Map Update** Type of Referral: **Zoning Map Amendment**
Description: Updated/GIS Map including corrections to existing 1975 Map
Project Location: Townwide
Recommendation: **Advisory Comments** Abstentions:
Motion: McCarthy
Second: Welton
Vote: Yes No Recusals: Boggess

Plattekill

Referral Number **2023176** Received: 10/26/2023
Name: **TEG Federal Credit Union** Type of Referral: **Site Plan Review**
Description: 2,200 square foot bank branch with drive-thru.
Project Location: 1981 Route 32
Recommendation: **No County Impact** Abstentions:
Motion: McLaughlin
Second: McCarthy
Vote: Yes No Recusals:

Rochester

Referral Number **2023170** Received: 10/18/2023
Name: **Hudson Valley Seed Library, LLC** Type of Referral: **Site Plan Review**
Description: Agritourism uses at existing agricultural business
Project Location: 4938 Route 209
Recommendation: **Required Modifications** Abstentions:
Motion: Pecora
Second: Baden
Vote: Yes No Recusals:

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Rochester

Referral Number **2023171** Received: 10/20/2023
Name: **Local Law C of 2023** Type of Referral: **Zoning Statute Amendment**
Description: Zoning Chapter Amendments
Project Location: Town-wide
Recommendation: **Advisory Comments** Abstentions:
Motion: Watkins
Second: McCarthy Recusals: Baden
Vote: Yes No

Saugerties Town

Referral Number **2023166** Received: 10/17/2023
Name: **Signs Law** Type of Referral: **Zoning Statute Amendment**
Description: Amendment to existing zoning statute for signs.
Project Location: Town-wide
Recommendation: **No County Impact** Abstentions:
Motion: McLaughlin
Second: Welton Recusals:
Vote: Yes No

Ulster

Referral Number **2023161** Received: 10/5/2023
Name: **lpark 87** Type of Referral: **Zoning Statute Amendment**
Description: Amend Redevelopment Overlay District to allow residential uses on the first floor and allow building height restrictions
Project Location: Floating District
Recommendation: **Required Modifications** Abstentions:
Motion: Pecora
Second: Watkins Recusals: Almquist
Vote: Yes No

Ulster

Referral Number **2023162** Received: 10/5/2023
Name: **lpark 87** Type of Referral: **Zoning Map Amendment**
Description: Establish Redevelopment Overlay District
Project Location: Boices Lane and Enterprise Drive
Recommendation: **Required Modifications** Abstentions:
Motion: Watkins
Second: Markowitz Recusals: Almquist
Vote: Yes No

Wawarsing

Referral Number **2023168** Received: 10/12/2023
Name: **Wawarsing East Solar and Wawarsing West Sol** Type of Referral: **Area Variance**
Description: Two 5.0 MW large-scale solar facilities - Area Variances
Project Location: 6750 Route 209 and 15 Old Queens Highway
Recommendation: **Required Modifications** Abstentions:
Motion: McLaughlin
Second: Pecora Recusals: Markowitz
Vote: Yes No

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Wawarsing

Referral Number **2023169** Received: 10/12/2023
Name: **Wawarsing East Solar and Wawarsing West Sol** Type of Referral: **Use Variance**
Description: Two 5.0 MW large-scale solar facilities - Use Variance
Project Location: 6750 Route 209 and 15 Old Queens Highway
Recommendation: **Required Modifications** Abstentions:
Motion: McLaughlin
Second: McCarthy Recusals: Markowitz
Vote: Yes No