

**ULSTER COUNTY PLANNING BOARD**  
**(PENDING APPROVAL)**  
**Agenda –February 3, 2010**

The Ulster County Planning Board Meeting  
7:30 p.m. – Surrogate Courtroom, 3<sup>rd</sup> Floor  
County Office Building

**The Executive Committee Met**

Mr. Wilkin called the meeting to order at 7:30 pm and Mr. Leibowitz read the roll call.

- 1. ROLL CALL - Present:** R. Pecora, N. Lemmon, P. Hakim, J. Konior, D. Martorana, T. Hokanson, T. Wilkin, S. Hudson, F. Greitzer, R. Praetorius, M. Watkins. R. Budziak, A. Yuran, R. Elwell, S. Finkle, D. Doyle, R. Leibowitz  
**Absent:** T. Natale, L. Biggin, R. Oakes, K. Holmquist, G. Matichuk, T. Briggs. **Excused:** S. Frederick  
**Guests:** Michael Badin-Town of Rochester Planning Board, David Dippel

**2. PREVIOUS MINUTES**

The January minutes were approved. Motion by Ms. Pecora, seconded by Ms. Elwell.

**3. FINANCIAL REPORT**

Mr. Doyle informed the board that the Revenue portion has been corrected to reflect \$2.75 received for FOIL requests.

**4. PUBLIC COMMENT – There was no public comment**

**5. COMMUNITY REPORT**

Ms. Pecora informed the Board that the Town of Esopus is onto their third solar project, which will power the water plant. Ms. Hokanson informed the Board that the Town of New Paltz is working on their Comprehensive Plan and will announce the draft ready for public viewing by the end of the week. The Public Meeting will be held in March. Ms. Hokanson stated they are looking into expanding the Loop Bus schedule for Saturdays.

Mr. Martorana addressed the Board and read the following into the minutes: "I am here to represent the Town of Lloyd and the Town's Comprehensive Plan and Zoning Ordinance, but the statutes and laws pertain to me as well. At the January 2010 Ulster County Planning Board Monthly meeting, item #2010012 on the Agenda, was a rezoning application referred by the Town of Lloyd Town Board. Overzealously, during the discussion of that item, according to General municipal law 239-C subset 2C, I spoke when I wasn't supposed to. At this time, I would like to apologize to you, my fellow County Planning Board members, to the staff of the Ulster County planning Board, and the Town of Lloyd Town Board, Town of Lloyd Planning Board, as well as the citizens of the Town of Lloyd. This was a most unfortunate occurrence and I again apologize."

Ms. Lemmon stated that she wrote a grant application for NRCS and stated she felt it would not be successful, in part because it is believed that there isn't an active Farmland Protection Program on the County level. Ms. Lemmon asked for a report about the status of the Farmland Protection Board. Mr. Doyle responded that the County does have an active Farmland Protection Program. We have adopted an Open Space Plan that includes a Farmland Protection portion. The County does not use their own funds, but working with Scenic Hudson and OSC, the County has worked to acquire lands in the Rondout Valley and Esopus Valley. The County's Capital Program includes \$50K worth of funding recommended for Open Space Protection. Mr. Doyle stated there is a 1989 study with respect to the Farmland Protection Plan. We have a Legislative resolution authorizing an application for the study but we do not have funding. Cornell Cooperative has had their funding cut and the County does not have matching funds either. Three Towns are doing Farmland Protection Plans at the local level. State Ag & Markets has decided to fund local plans and non-profits instead of County Plans.

Mr. Wilkin informed the Board that last week there was a blurb in the Middletown newspaper about a business meeting being held at the Plattekill Library. He stated that UCDC and March Gallagher and 10 people were in attendance. He said the Library initiated the meeting as an outreach and there were refreshments, but he believed it could have been better publicized.

Mr. Praetorius informed the Board that the Town of Saugerties did not renew his term. Jeremy Kane was in attendance and Mr. Praetorius stated he will be a good replacement. Mr. Praetorius added that he has been on the County Planning Board for 21 years and 7 months. Mr. Doyle thanked Rich Praetorius for his many years of service.

Mr. Doyle asked Stanley Hudson to say a few words. Mr. Hudson stated he wanted to thank everyone he was associated with for the past 14 years and he informed the Board that he has not been reappointed either.

Mr. Greitzer stated that the Town of Rosendale has passed a Master Plan and now has a Zoning and Review Committee.

## 6. COMMUNICATIONS

No Member Comment.

## 7. OLD BUSINESS

### a. Review of TND Planning Guide

Mr. Doyle stated that we handed out a copy of the TND guide and did not get back any comments. We have made some minor changes to the document including placeholder links on page 8. If endorsed by the Board, the Guide will be placed on the website for availability. Mr. Doyle noted that Ms. Frederick, our new member from the Village of Saugerties who was excused, sent a note in support of the guide.

### **Motion to support the TND Planning Guide made by Mr. Martorana, seconded by Ms. Hokanson.**

Discussion: Mr. Finkle asked, for clarification if this was to be an advisory guide. Mr. Doyle confirmed that was correct.

**All were in favor.**

### b. Capital Program - Request to County Executive (f)

Mr. Doyle stated a copy of the letter sent to the County Executive was included in the packet. We have received an apology from that office for their staff not being able to attend our meeting this evening. A representative from the County Executive's office will attend a board meeting when they can arrange it in their schedule. A copy of the adopted Capital Program was included in the packet. Mr. Doyle added that this document is currently in the process of being amended.

### c. Board Member Recusal Guidelines

Mr. Doyle expressed his appreciation to Mr. Martorana for his words at the beginning of the meeting. Mr. Doyle stated the guidelines are difficult and case law is limited for the County level. The statute has been revised several times. A copy is included in the agenda packet. Mr. Doyle read the statute and stated that it is clear that if a proposal, application or vote is or has been in front of your local board then you must recuse yourself. Recuse means not only refraining from the vote but also includes remaining quiet during the discussion. Mr. Doyle stated that in the past when we reached out to the Department of State for more information and they indicated that board members are also not allowed to speak to fellow board members or staff outside of the meeting. Neither the Chairman nor any other board member can stop a member from speaking at a board meeting if they choose not to recuse themselves. That is the member's choice. Mr. Doyle stated that all board members serve as officers of the county and therefore are subject to the County's Ethics Code. Members can bring issues of concern to the Ethics Committee. Mr. Greitzer

asked what the rule was if something from an adjacent town is referred to their own town. Mr. Doyle stated he did not have an answer for that. He did add that his recommendation was that if something comes before your local board for a discussion then you should recuse yourself at our meeting. Mr. Finkle asked if he was allowed to speak on anything submitted from the Kingston Planning or Zoning Boards since he was not a member of either board (though he is an employee of the City). Mr. Doyle indicated that he believes Mr. Finkle is allowed to participate in the discussion and vote. Mr. Doyle added that he is not aware of case law on having deliberations with staff. Staff believes it is important to know certain things about projects coming before the Board. We have recently had a project sent in by a board's secretary that the local board did not know had been sent. Meetings or discussions with consultants are helpful to let us know where in the process a project is. Recusal would not apply to another member of the local board (who doesn't serve on the County Planning Board) contacting staff for discussions. Members who feel strongly about a local project should have the consultant, applicant or another member of the board come to our meeting. Mr. Doyle added that when staff has pre-referral meetings with applicants and Board members attend, they are there as members of the local board. Board members noted their frustration instances where projects from their local boards were being reviewed by the UCPB and changes had occurred after submittal but they were not allowed to make comments. Mr. Doyle stated that our board should be receiving up-to-date materials. Mr. Doyle stated that there is case law stating failure to submit a Full Statement to a County Planning Board equals nullity.

## 8. NEW BUSINESS

### a. Board Members – Status of Appointments

Mr. Doyle informed the board that appointments are processing for Michael Badin for Rochester and Jeremy Kane for Saugerties and reminded Mr. Watkins that we need his Oath of Office. We are waiting for paperwork from Town of Ulster for Mr. Budziak. Reappointment processing for Mrs. Yuran for Woodstock with a new alternate, a new appointment processing for Valerie Dwyer for Kingston. Ms. Pecora's reappointment with alternate is processing as well.

### b. 2010 Seminar Suggestions

Mr. Doyle passed around a list of suggested seminars.

- ◆ Proactive Approvals – Use of development waivers and pre-approvals in the land use process. We have developed a guideline and would like to put together a seminar for March that looks at fast-tracking approval processes. Development Waivers – Allow local board to look at Site Plan and decide if it is minor in nature, meets the statute and waive further review.
- ◆ Pre-Referral Conferences - We want to serve as a gateway and work together to solve issues. We would like to bring together key departments (DPW, Health, DOT, etc.) to run through development issues. We would also like to have discussions with Chambers of Commerce, the local businesses community, town boards and others.
- ◆ Zoning and Funding for Main Streets – We would do this as a series with communities that have Main Streets. We'd hope to be able to use the UCDC people with regard to the funding issue.
- ◆ ZBA Back to the Basics
- ◆ Planning Board Back to the Basics
- ◆ Randall Arendt, AICP – Commercial Corridors or Cluster Subdivisions – Mr. Arendt is a well known planner that speaks nationally and would like to speak in this area. We would need a sponsor for the \$3500-\$4000 charge.

### **Mr. Doyle suggested we begin with the Proactive Approvals seminar. Motion to approve made by Mr. Praetorius, seconded by Ms. Elwell.**

Discussion: Mr. Hakim suggested coordinating with Paul Rakov of UCDC as they are planning spring trainings as well. Mr. Doyle said he would contact UCDC as we rely on them for business contacts. All were in favor.

### c. Letter Concerning Pre-referral Meetings

Mr. Doyle stated he had not completely reviewed the letter, but Mr. Leibowitz wrote it with Ms. Gallagher's participation. The letter will be sent out to the communities when it is finished.

d. Census 2010 Information (f)

Mr. Doyle stated a listing of the Census timeline was in the packet. He added that it is very important that the Census gets done. The Census Bureau will be setting up booths in the lobby of the County Office Building and at SUNY New Paltz. Mr. Doyle added that City Hall would also be a good location. Posters will be going up on the County buses and around the building. The State population information should be out approximately February or March 2011.

e. Annual Report – 2009

A draft will be provided prior to the March meeting.

f. Environmental Notice Bulletin

Mr. Doyle urged members to have their communities consider applying for CDBG funds.

Ms. Hokanson stated she has concerns with the removal of the dam in the Town of New Paltz (Mountainview Nursing Home & Rehab Center, 1 Jansen Rd, New Paltz). There are many residents downstream and she has asked Town Engineer to reach out to the DEC for more information on the hydraulic analysis. Ms. Hokanson would like a date and information on how much water will be let go in order to be prepared.

Paul Hakim addressed the Board and stated he read an article in the Kingston Times regarding the 17-page recommendation letter sent out to City of Kingston and Ulster. Mr. Hakim stated that he agreed with the content of the letter, but did not recall or agree with so many "Required Modifications." Mr. Doyle stated we will provide a copy of the review recommendations at the next meeting. Mr. Hakim stated that typically staff presentations include bullet points showing the recommendations. He did not recall bullet points in Ms. Schwart's presentation specifically showing which were Required Modifications and which were Advisory Comments. Ms. Hokanson suggested making a copy of the slides from the PowerPoint for comparison. Mr. Doyle stated he would present them both to the Board next month.

g. Zoning Referrals – *See Separate Zoning Minutes*

**9. ADJOURNMENT**

The meeting adjourned at 9:30. Motion by Mr. Richard Praetorius, seconded by Mr. Stanley Hudson.