

ULSTER COUNTY PLANNING BOARD
Minutes – Monday, February 12, 2018

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

The Executive Committee Did Not Meet

- 1. ROLL CALL – Present:** J. Leverich, F. Zimmer, J. Konior, P. Brooks, K. Lovelett, C. Lanzetta, H. Grant, T. Wilkin, J. Brown, R. Hlavaty, S. Spata, F. Almquist, V. Markowitz, M. Rudikoff, D. Gilmour, V. McLaughlin, J. Bonavita-Goldman, G. Gagliardi, D. Doyle, R. Leibowitz, B. Samuelson **Absent:** L. Geary, D. Whitaker **Excused:** R. Pecora, M. Calimano, A. Gotto, D. Boggess, M. Baden, M. Watkins, J. Winer **Guests:** Barbara & Kevin Naccarato-Turkey Point, Mike Napolitano-Bell Property/Turkey Point, Dyan Machan-Turkey Point, Johan deMeij-Turkey Point, Joe & Jane Ulrich-Turkey Point, Tim Allred-HRVR, Chris Beall-HVRR

Chairman Lovelett welcomed new member from City of Kingston, John Bonavita-Goldman.

2. APPROVAL OF MINUTES

The January minutes were approved. Motion made by Mr. McLaughlin, seconded by Mr. Konior. All were in favor.

3. PUBLIC COMMENT

Chairman Lovelett asked members of the public to sign-in.

Mike Napolitano, of 50 Turkey Point Dr. spoke regarding the project at 67 Turkey Point, also known as the Bell property, which is across the street from his home. He stated the County Planning Board received a profile from his attorneys. Mr. Napolitano made note of a culvert and road put in by a previous owner prior to subdivision and mentioned how the water accumulates on both sides of road during Spring and other wet periods. He stated that Mr. Bell applied for a permit to construct a house and garage, but does not have permits to construct yet. He noted that the site plan is missing important information. Mr. Napolitano stated that there has been clear-cutting without a permit. He noted many items of heavy equipment located on the property. Mr. Napolitano stated he does not want a commercial use next door and the intended use is not in character with and would be detrimental to the beauty of the area. Professionals were hired and a report was submitted to Town board. He noted that the property contains federal wetlands, which information was provided to town. He stated that complaints to the town were not acted upon. He urged the board to reject the proposed plan. A copy of his statement was submitted to UCPB prior to the meeting.

Dyan Machan stated she lives two houses down on the Hudson River, and was also speaking on behalf of Thomas & Bryanne Hamill who live on Turkey Point Dr. She stated they would like the zoning laws respected. She felt what was happening is turning a gorgeous neighborhood into garbage heap. Feels Mr. Bell is being deceitful saying he is building a house.

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

Kevin Naccarato of 27 Turkey Point Dr. stated there are approximately seven houses on the road, adding that it is a private road with no services from Town and they pay high taxes. Mr. Naccarato said he believes his deed mentions no commercial businesses and no parking on the road. He stated that he welcomed Mr. Bell to the neighborhood and had no problem with house, but Bell has a plumbing and excavating business with much heavy construction equipment running. Mr. Naccarato said he and another neighbor maintain the dirt and gravel road, with other neighbors contributing to the cost. He noted that the clear cutting is where the septic system is going and mentioned the clay ground.

Mr. Doyle asked about the potential of a deed restriction. Mr. Naccarato said he would check his paperwork.

Mr. Doyle asked if there was a road maintenance agreement. Mr. Naccarato stated there used to be an agreement between the two old neighbors who maintained the road. Ms. Machan said that the Hammill's might have one. She also noted that the State has property on the first turn on Turkey Point. Mr. Doyle stated that means they have access.

Mr. McLaughlin asked if our referral was just for the house or with garage. Mr. Leibowitz stated it was a site plan for a house with garage.

4. EDUCATION & TRAINING OPPORTUNITIES

Mr. Doyle stated we have scheduled a 2-hour training at SUNY Ulster on April 12th at 7PM. The topic is floodplain development. Presenting will be Brent Gotsch, of the Ashokan working group/Cornell Cooperative and Ulster County Environmental Planner, Aaron Bennett. They have been giving workshops on this topic and will condense 4 to 6 hours of information into 2 hours for this seminar. We will send out a save the date and an announcement flyer when we have more information.

Ms. Lanzetta asked if we were contacted by the EMC on the new SEQR regulation updates. Mr. Doyle answered not yet.

Mr. Wilkin asked about the training for local clerks that was discussed last month. Mr. Doyle said we would like to do that training at town level for their staff. He added that any township with a changeover in staff could contact us for training.

5. COMMUNITY REPORTS

Mr. Spata stated that they have seen an application for a rope course in Shandaken that will be sent to the County for review, but still needs NYSDOT and County Health Department sign offs. Mr. Spata added they are still waiting on an application from Rail Explorers, but he added that they are receiving more support because Rail Explorers preserves the rails. Mr. Doyle said it was his understanding they are waiting on Brooks & Brooks for a site plan. Mr. Spata noted that last Tuesday was Catskill Park Day – NYS is looking at a \$4 million budget shortfall, but we are looking for the same money for Catskill Park places that brings tourists to town.

Mr. Brown stated the Tillson school project is moving forward. They are renovating the school to be 32 apartments. Zoning was previously reviewed by UCPB.

6. PLANNING BOARD REPORTS

- a. Chairperson Report
 - Discussion on earlier board meeting start time

Chairman Lovelett stated a survey was sent to the Board online to vote on start times. 7PM was earliest agreed upon start time by most members. Executive Committee meetings will begin at 6PM when noted on the agenda.

Motion to move start time up to 7PM was made by Mr. McLaughlin, seconded by Mr. Markowitz. Opposed by Mr. Konior. The remainder were in favor.

- Discussion on July board meeting date
Chairman Lovelett stated a survey was sent to the Board online to vote on the July meeting date. Mr. Leibowitz stated that Monday July 9th was agreed upon by most members.

Motion to approve the July 9th meeting date was made by Mr. McLaughlin, seconded by Markowitz. All were in favor.

- b. Committee Reports
No Report

7. PLANNING DEPARTMENT REPORTS

a. Financial Report

Mr. Doyle stated that as host agency for the Transportation Council we have a Unified Planning Work Program that runs on the State fiscal year, we have a budget of approximately \$1 million to be acted upon by the Policy Committee at the end of February, then it must be approved by the State and Federal government before moving forward. There are a number of studies and staff time included in that budget.

Mr. Doyle stated we also have a number of rail trail projects moving through the construction phase with contracts going through the approval process. Mr. Brooks asked why the Lloyd trail extension has been postponed for 2 years. Mr. Doyle clarified that is a Town project, not our project. He added the consultant is having design issues with respect to the review process and there are comments from NYSDOT that need to be addressed. Ulster County and UCTC have tried to work with the Town and continue to have conversations on the process.

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

- c. Communications
No Comment

d. Director/Staff Reports

- 2018 Ag District Inclusions

Mr. Samuelson stated that applications for lands to be included into the Agricultural Districts will be accepted from March 1st to March 30th. He noted that this year's application is less cluttered than in previous years. There will be a question on deed restrictions and restrictive covenants. Mr. Samuelson noted that it is not always the landowner we are dealing with, so we are asking for a primary contact for the application process. He explained that the application is for the NYS Certified Ag District Program, which allows the property owner

more leeway when dealing with their town. Mr. Doyle informed the Board that NYS Law requires the County Legislature to adopt a 30-day inclusionary period for application for land to be added to agricultural districts. The Planning Department acts on behalf of the Legislature by receiving and analyzing applications. Planning staff transmits information to the Legislative Chair, who transmits the data to the Ag & Farmland Protection Board (AFPB.) The Planning Department also acts as support for AFPB, who have 30 days to hold hearings and meetings to decide which lands are to be included. Mr. Doyle explained that AFPB makes the first determination. The 2nd recommendation is by a vote of the County Legislature whether to include properties or not. Those recommendations are sent to the State Ag Commissioner in Albany, who makes the final determination.

Mr. Doyle stated that Ulster County has an 8 year inclusionary process, meaning 8 years later property could be removed from a district. A member asked if property could be forced out. Mr. Doyle answered that the Farmland Protection Board can make recommendations for properties to be removed. He added that lands have been removed because we could not find the owner or are municipally owned using the County Fairgrounds in New Paltz as an example.

Mr. Doyle informed the Board that being in an Ag District and receiving tax reductions are two different things. He added that generally there is a requirement of at least \$10,000 worth of income per year as a farm to be eligible for an agricultural exemption. Mr. Doyle noted the responsibility of exemption rests with the local assessor. Ms. Lanzetta added that an Ag District Inventory Statement is required for any development adjacent to an Ag District. Mr. Wilkin noted that Ag and Markets will cover farms that are not in an Agricultural Dist.

8. SPECIAL TOPICS DISCUSSION

No Comments

9. ZONING REFERRALS – *See Separate Zoning Minutes*

Town of Saugerties (#2018015) and Town of Rosendale (#2018009 & #2018010) referrals were reviewed out of order. Mr. Doyle noted that Tim Allred has a short presentation for the Hudson River Valley Resorts. Ms. Lanzetta left the meeting after those referrals were reviewed.

10. ADJOURNMENT

The meeting adjourned at 9:40PM