

TOWN BOARD SPECIAL WORKSHOP MEETING WITH THE BOARDS

October 22, 2015

A special workshop meeting which was held with the Town Board, Planning Board, ZBA, Waterfront and Environmental Board on Thursday October 22, 2015 in the Town Hall 284 Broadway Ulster Park, New York at 7:00 PM with the following people in attendance:

Supervisor Kyle Barnett
Councilperson Gloria Van Vliet
Councilperson Wayne Freer
Councilperson Diane L. McCord
Melanie Marino - ZBA
Francis Skerritt - ZBA
Kathleen Kiernan - ZBA Chair
Michael Minor - Planning Board
Mark Anderson - Planning Board
Margaret Yost - Planning Board
Mark Ellison -Environmental Board Chair
Kathie Quick - Waterfront Advisory Board Chair
Joseph Guido - ZBA
Sheila Pratt - Sec. ZBA, Waterfront & Environmental
Dan Michaud - Planning Board
Fred Zimmer - Planning Board
Marion Zimmer - Waterfront Advisory Board
Richard Wenzel - ZBA
Timothy Keefe - Building Inspector
Myles Putman - Consultant

Recording Administrator Holly A. Netter, Town Clerk

Supervisor Kyle Barnett called the meeting to order at 7:05pm

Supervisor Barnett thanked all the volunteers in attendance for sacrificing their time and appreciated them serving their community. Supervisor Barnett said he wanted to make sure those sentiments did not get lost in the translation. Offering or receiving constructive feedback is meant to be constructive and a learning process. We want to improve our communication going forward and how the Boards operate with each other. This was the first meeting of its kind but Supervisor Barnett said he would hope future Boards conduct annual and biannual meetings. Supervisor Barnett felt this meeting was more of an informal conversation. No one is pointing any fingers at anyone. The meeting is meant to be productive and efficient.

This meeting was an informal opportunity to share any observations, comments or ideas that can better facilitate how the Boards operate with each other.

Fred Zimmer, Vice Chair of the Planning Board, said he felt the Town Board should consider appointing an alternate for the Planning Board to ensure the Board has a quorum. The Planning Board counts on the Town Board liaison to bring the information back to the Board.

There was a discussion of how information is communicated between the Boards. If the Planning Board asks for an interpretation of a code there is a memo to the ZBA and the ZBA replies back in writing. Fred said sometimes the Boards have to watch to make sure they do not tread on the other Board. Sometimes there is a grey area. Myles said he tries to define the gray area but he can only offer an opinion.

Fred Zimmer acts as a Liaison between the Planning Board and Building Department. Councilperson Freer asked if there was any formal procedure to ask questions that was followed from one Board to another which would create a paper trail to look back on. Memos are written between ZBA and Planning and responded to in the same manner.

ZBA Secretary or Joe Guido goes to the Building Inspector on behalf of their Board. Joe Guido said he often calls Roxanne the Chairman of the Planning Board but often does not receive a call back. He then goes to see April.

Tim Keefe also attends the Pre-Submission meetings offered by Myles and a Planning member so applicants can receive the proper direction and find out if their project is feasible.

Councilperson Freer suggested a generic referral form that could be used between Boards. This way if someone was not happy with a response or if the request was not followed through. They could then share that information with the Board.

ZBA provides a copy of the agenda to the Planning Board. If the Planning Board has any comments they will forward them to the ZBA.

Supervisor Barnett asked what the confusion was with the Scenic Hudson rezoning request of the PUD. Fred said he was confused with the procedure but felt Myles had the best handle on the process. Myles said without blame he thought the Town Board jumped into a Public Hearing before the Planning Board had started SEQR coordination. Type one action with rezoning and proposed Special Use permit needs one agency taking care of SEQR. If a variance was needed the ZBA would have had to get involved. Everyone's hands would be tied until the LEAD agency concludes the SEQR process with a Negative Declaration.

Supervisor Barnett asked if there were any issues obtaining the communication from the Town Board expressing the desire to have the Planning Board take Lead Agency on the Scenic Hudson Case. Myles

said he did not have a problem with the Town Board expressing their sentiment but it is probably best left for a formalized response when the LEAD agency circulation notice is received. Supervisor Barnett said it was a good learning experience.

Michael Minor, Planning Board Member, said he was disturbed about an incident that had happened in the past where the relay of information was mis-communicated which caused him great discomfort. He said he would prefer if anyone had an issue with him in the future he would rather it be dealt with face to face. Dan Michaud said after that instance the Planning Board felt it prudent to have a Liaison with the Building Department and Fred was elected to do so. Margaret Yost said it has helped the Planning Board to have a liaison to the Building Inspector to make sure everyone is on the same page. Dan Michaud said liaisons dedicate a tremendous amount of time volunteering and going to multiple meetings. He is hoping to be able to assist Fred and Mark next year and give them a little relief. There are a lot of links that needed to be maintained in order for the lines of communication to flow efficiently.

Supervisor Barnett said having an alternate is an excellent idea and most Towns also have alternates. A local law will be needed to be passed in order to do this. Code has fallen behind the times and needs to be updated. Amending is expensive. The creating of a new Comprehensive Master Plan will take a few years to complete. Items that are more urgent, such as having an alternate for the Planning Board, may be addressed sooner. Supervisor Barnett said a list of other items in the code that should be addressed can be made and perhaps they can take care of them all at once. Supervisor Barnett said the homework assignment is: review the code and forward any suggestions or comments regarding changes to the code to the Board.

Mark Anderson, newest member of the Planning Board, said one of the first things he started to do was get training on what he was suppose to do. Supervisor Barnett said there is no substitute to making sure everyone on our Boards has the necessary training to perform their duties as a Board member. Training is a priority when dealing with members of the community and applicants who have important business before the Boards and dealing with peoples' rights. It is important there is adequate training available. Mike Minor said they were told by Roxanne Pecora, Planning Board Chair, there was no money for training on several occasions. Supervisor Barnett said no one has brought it to his attention. Dan Michaud said Mike Minor was nice enough to find some free training. Councilperson VanVliet asked where training was available. Mike Minor, Planning member, said the NYS Planning Federation and Association of Towns provides training. Mike said he found free training by NYS online. County Planning Board also offers training. Flyers are distributed in the Zoning and Planning Board mailbox for further distribution to the Board members. Supervisor Barnett invited Mike Minor to find training opportunities available in the near future. Mike will forward the information to Gloria Van Vliet, the Liaison, and she will bring it to the Town Board for review. Four hours of training is mandatory per year. Myles added the ZBA also needs the training.

Kathy Kiernan, ZBA Chair, said the ZBA does not have any problems. She hoped if anyone from the Planning Board had question they would contact her or Joe Guido. Joe Guido said they are more legally bound than the other Boards. Procedures and notices need to go out, Public Hearings need to happen

for all cases once they pass the informational stage. Joe said he feels the Town Board treats the ZBA as a stepchild until there is a problem. Joe feels they should have an attorney on retainer. Supervisor Barnett asked Joe if he was aware that he authorized the use of Peter Graham's services if the ZBA had any questions. Joe said he found that out at the last ZBA meeting but he said the Board had no advance knowledge of that. Supervisor Barnett asked how that was possible when he was told the information had been given that Peter Graham and Myles would be attending the meeting. Kathy Kiernan said she wasn't sure but she only knew a few days prior to the meeting. She also said she had no idea there was going to be a Court Stenographer there. Supervisor Barnett recalled making a suggestion to use the microphones upstairs. He was told there was not going to be a Public Hearing yet the ZBA allowed the public to ask questions. Joe Guido had announced it was not a Public Hearing and they would have to address their questions again at a Public Hearing. Kathy Kiernan said that was not a Public Hearing and the public was only allowed to address their questions to the Board. The people had to direct their questions to the ZBA not to the representative. Kyle asked when the public hearing was going to be. He told them they should have voted on it. A motion should be made, there is a second and a vote for a public hearing. Kathy said the Town Code allows the ZBA to establish their own way of conducting the meeting. A review of past and current procedures followed.

Kyle wants to make sure the Board has the support they need. Often situations that are before the ZBA are too important not to take advantage of being able to call Myles or Peter Graham for an opinion. Going forward we would like to re-cover the cost as much as we can from the applicant whenever it is appropriate. An example of Prospect Street was given. The ZBA needs to discuss with Peter and Myles what needs to be done to set up an escrow for a specific amount and Public Hearing. Actions need a motion, a second and put to a vote. Kyle encouraged the Planning and ZBA members to reach out to Myles or Peter Graham. However, if there is an applicant with a complicated situation and they felt that legal advice could be a couple hours of work, the Board should contact their Liaison. It would then be the Liaison's responsibility to bring the request to the Town Board for approval and follow up with the requesting Board. If a member needs or wants training, they are to let the Liaison know and they will see that they get the training needed. Kyle asked why they did not entertain the recommendation of having Peter Graham go into Executive Session. Kathy said they were going to go into Executive Session after all of the normal business was taken care of and by that time Peter Graham had already left. Kyle also suggested that if there is a professional consultant or attorney present at a meeting, those cases should be done first since they are paid on an hourly basis.

Joe said 5 minutes before the meeting was not enough preparation to grasp what Peter Graham wanted the ZBA to do at the meeting. Kyle said that was fair and said in the future it would be more productive to have Peter call Kathy or a designee to discuss matters prior to the meeting.

Kyle suggested the Board Members with questions should go to the chair instead of 5 people asking the attorney the same or similar questions. The chair can make the call to council or have council present at the meeting. This is why it is so important to have escrows set up because each question that is not a general ZBA or planning question can be charged back to the applicant.

Fred Zimmer said the entire Planning Board makes the decision to seek legal advice. They bring questions to the meetings and many times one of the members knows the answer and can avoid the legal charge. They make a motion to seek legal counsel.

The Boards were encouraged to attend each other's meetings. This will allow the members to familiarize themselves with the applicant and know what kinds of questions to ask when they appear in front of their Board. As said before, if there is a question of whether it is appropriate to use a consultant, the Board should go to their liaison; the liaison will come back to the Town Board and say they need to seek advice. Mike Minor said the Planning Board has learned to be specific when advice and review of a case is needed, so the consultant reviews the items in question not the entire project. This saves money and is more cost efficient. Joe Guido will contact Myles to get the proper format that needs to be followed for the next meeting. Myles will provide Joe with everything that is needed.

Myles said the NYS Planning Federation holds an annual conference and one workshop day is dedicated to a mock ZBA hearing. It helps with understanding the process. There is a 4 hour requirement for all members but if someone sees training that they feel would be helpful Supervisor Barnett stressed again to contact the liaison and if it was feasible the Board would approve the funds for training. Town Clerk, Holly Netter, will provide a copy of the Zoning section of the code for all ZBA members so they are able to have it in front of them at their meeting. The most recent copy of the General Code is in a binder in the zoning office and is also available on the website at www.esopus.com under the building department.

Joe Guido asked what happens once the ZBA grants a variance; where does it go. When the ZBA grants a variance the paperwork goes to the Building Department. If someone comes back in for a building permit on that lot the variance is on record. The original findings and conclusions need to be given to the Town Clerk to sign and seal with the grant letter. Planning Board, Building and Assessor receives a copy of the findings and conclusions and grant letter. Owner gets a grant letter with copy of findings and conclusions attached. Copies of the minutes are also kept in the files so there is a record for people to follow over time.

Kathy Quick said she appreciated having a liaison from the Planning Board and they were missed. In the absence of a liaison, Kathy has been able to reach out to Roxanne Pecora, Planning Board Chair, for assistance when needed, but requested to have a liaison when someone is available to take on that role. A suggestion was made to have the alternate also be the liaison as well. Kathy said she needs someone but not all the time. Kathy explained she tries to be respectful of people's time and only holds meetings when Waterfront has business that needs their attention. She gives her Board Members a schedule of meeting dates in the beginning of the year and if there is no business the meetings are cancelled.

Mark Ellison, Environmental Board Chair, said he appreciates the liaison. The Environmental Board is struggling to get people to volunteer for this Board and attend the meetings. He made the suggestion to have all Boards get copied on the various Boards' minutes. Each Board secretary will forward their minutes to the Town Clerk and she will forward them to the chairs of the various Boards as well as the members of the Town Board.

Supervisor Barnett said he felt it was a productive meeting and worth the effort. Supervisor Barnett said he suggests meetings like this be held in the future so they are able to share ideas and open the lines of communication. He thanked all of the members for volunteering and serving their community.

A motion to adjourn was made by Councilperson Wayne Freer at 8:18 pm and was seconded by Councilperson McCord. All members were in favor. Motion carried.

Respectfully submitted,

Holly A. Netter
Town Clerk