



GREENE COUNTY PLANNING BOARD
Minutes of November 20, 2019 Meeting

Attendance was taken at 6:30 PM.

Present:

Elizabeth Hansen, Cairo
Cynthia LaPierre, Jewett
Erik Allan, Ashland
Mitchell Smith, Catskill V.
George Deckers, Durham
Jean Horn, New Baltimore
Carl Giangrande, Hunter V
Richard Golden, Coxsackie V
Andrew Dale, Hunter T
Eva Atwood, Catskill T
Jim Dymond, Prattsville
Lee McGunnigle, Tannersville V

Absent:

Thomas Poelker, Windham
Bruce Haeussler, Coxsackie T
Jennifer Cawein, Lexington
Arnie Cavallaro, Greenville
Anthony Paluch, Athens T
Stephen Bradicich, Athens V

Also in attendance was Richard Schiafo of the Greene County Department of Economic Development, Tourism and Planning.

1. Roll Call

There is a quorum of members – see above.

2. Approval of Minutes

Approval of the minutes of the October 16, 2019 meeting.

Motion: Jim Dymond
Second: Mitchell Smith
Vote: Yes: 12 No: 0 Abstain: 0 Recuse 0

3. Education and Training Opportunities

The NYSDOS Local Government Training Program’s Winter Webinars
First three Wednesdays of December 2019 and the second two Wednesdays of January 2020.

The webinar schedule is on [DOS website](#)

And the remaining on-site trainings for this year, along with the webinars, by date, are [here](#).

State Grant Programs sponsored by Scenic Hudson and Riverkeeper

Dec. 4, 3-5 p.m. Kingston City Hall, 420 Broadway, Kingston
Representatives from state agencies RE: Waterfront Revitalization, Hudson River Estuary Management, Water Quality Improvement Program and Community Impact (Environmental Justice grants) and successful grant recipients.

Introduction to the Hudson Valley Natural Resource Mapper training,
Thursday, December 5th 6-8pm, East Greenbush Public Library.

[Click here to register!](#)

**Greene County
Economic Development,
Tourism & Planning**

411 Main Street, Suite 419
Catskill, New York 12414

Warren Hart
Director



**GREENE
BUSINESS**



The Land Use Law Center Annual Conference: Sustainable Development as a Market Driver
Thursday, December 5, 8:00 am - 6:15 pm, White Plains, NY
<https://law.pace.edu/annual-conference-2019>

Hudson River Estuary Program Webinars

SEQR Basics for CACs - January 22, 2020
Stormwater Management - February 26, 2020
Wetlands and Streams - March 2020
Webinar recordings and slides will be available after the events [here](#)

The New York Planning Federation Annual Conference, [2020 Annual Conference](#)
April 19 – 21, 2020, Sagamore Resort, Bolton Landing, NY

4. Business Items

Ellen Rettus Planning Achievement Awards

5 Nominations

1. **Cairo Chamber of Commerce**, Community Revitalization and Community Improvement, Nominated by William B. Lawrence
2. **Cultivate Catskill**, Community Revitalization and Community Improvement, Nominated by Greene County Legislators, District 1: Michael Bulich, Jack Keller, Matthew Luvera, Linda Overbaugh
3. **Mountain Top Arboretum** Education Center, Community Design and Improvement, Nominated by Teri Weiss, Karl Heck
4. **Natural Resources Inventory for Greene County**, Environmental Preservation, Recreation and Open Space Nominated by Rich Schiafo
5. **West Kill Brewing**, Economic Development, Nominated by Karl Heck

Motion to approve all five nominations for awards:

Motion: Jim Dymond
Second: Richard Golden
Vote: Yes: 12 No: 0 Abstain: 0 Recuse 0

NRI presentation by Greene Land Trust

Greene Land Trust would like to make 15 minute presentation to County Planning Board on new NRI and distribute copies of NRI to each municipality.
Being award night is next meeting, December 18 this is better to put on January agenda (weather permitting).
Rich will confirm with GLT.

5. Planning Department Reports

A. Environmental Notice Bulletin & Grant Opportunities

ENB Region 4

Facility: NYS Coxsackie Correctional Facility US Rte 9W @ Co Rte 9 - Se Corner, West Coxsackie, NY 12192

Application ID: 4-1928-00021/00025

Permit(s) Applied for:

Article 11 Endangered/Threatened Species (Incidental Take)

Article 24 Freshwater Wetlands

Section 401 - Clean Water Act Water Quality Certification

Project is Located: Coxsackie, Greene County

Project Description: The proposed project involves the construction of a 45,000 square foot New York State Department of Corrections

firing range and training facility with associated infrastructure to include; access roads, parking, on-site wastewater treatment system (less than 1,000 gpd discharge), and stormwater controls.

The project will have the following impacts:

- Approximately 0.012 acres of permanent and 0.192 acres of temporary impacts within the wetland proper of New York State Freshwater Wetland HN-117; Approximately 0.79 acres of permanent and 0.77 acres of temporary impacts within the regulated adjacent area of New York State Freshwater Wetland HN-117; and
- Will result in the taking of 9.0 acres of currently occupied habitat for the New York State listed endangered Short-eared Owl, and New York State listed threatened Northern Harrier. Impacts to these species will be off-set through Department approved mitigation plans.

Opportunity for Public Comment: Comments on this project must be submitted in writing to the Contact Person no later than *Dec 11, 2019*.

Contact:

Patrick Connally
NYSDEC Region 4 Headquarters
1130 N Westcott Rd Schenectady, NY 12306
(518)357-2069
R4DEP@dec.ny.gov

B. Staff Reports

- Ag District No. 124 Municipal Survey
A survey has been sent out to each municipal to gather information for the Ag District Report required as part of the eight year review. Please check with clerk or planning board to see if your municipality has completed the survey
- AFPB Meeting December 19, 2019 Agroforestry Center Acra, 3:00pm
- Web site Update
Greene County Planning page is being updated to provide additional information and resources for Planning
- Solar inventory and survey
County is inventorying local solar ordinances and projects. (Map posted for reference). County will be reaching out to each municipality to verify information.
- 2020 Census
County has been working to get the word out about the importance for residents to complete and return Census forms for the upcoming 2020 census. County Planning Board members will be receiving more information about this and asked to please help get the word out in their municipalities.

6. Planning and Zoning Referrals

19-49 Athens Proposed Re-Zoning Law

Description: proposal to rezone 375 acres from Agriculture and Rural Residential to Mixed-Use Commercial. Light Industry (Proposed Local Law 2 of 2019)

Location/Address: 12 parcels- amended to 11

Parcel ID: 11 parcels

Type of Referral: Zoning Map Change

Reason for Referral: Zoning Map Change– borders Town of Coxsackie

Acreage: 375±

Zoning: Agriculture and Rural Residential

Agricultural District: No

Considerable discussion regarding county and municipal impacts, the history of the zoning, the timeframe it took for Town to get to the current zoning, and consistency with current zoning.

Public concern expressed about consistency with current zoning definition and spot zoning.

Recommendation is local decision with comment, but Board may consider disapproving and sending this referral back due to inconsistencies with Comprehensive Plan and current zoning code definitions and intermunicipal impacts.

Motion: Local Decision with Comments

Motion:	Joan Horn
Second:	Lee McGunnigle
Vote:	Yes: <u>11</u> No: <u>1</u> Richard Golden
	Abstain: <u>0</u> Recuse <u>0</u>

The County Planning Board has determined that this proposal should be a local decision however it is recommended that the Town reevaluate the consistency of this proposal with the Town's Comprehensive Plan, consider intermunicipal impacts and reconsider the extent and breadth of this rezoning.

The Town local code defines 'Mixed Use Commercial District' as a district *established to provide for commercial development in concentrated nodes along Route 9-W. Land use controls for this district are designed to ensure that commercial growth is of a scale and character consistent with the Town and Village of Athens Comprehensive Plan and to minimize traffic hazards.*

Some of the parcels proposed for rezoning are not concentrated along 9W. Is a large utility-scale solar project "*of a scale and character consistent with the Town and Village of Athens Comprehensive Plan.*" Does Flint Mine Solar meet the definition of a 'Mixed-Use Commercial District' ?

The County Planning Board has also determined that this proposal has significant inter-municipal impacts. The rezoning is incompatible with the bordering zoning in Coxsackie and is inconsistent with zoning that allows for the development of Flint Mine Solar in both Towns. While it has been determined that this is a local decision, it really is an inter-municipal decision and the County Planning Board strongly urges the Town to work with its neighboring municipality, the Town of Coxsackie, to address the inter-municipal issues that arise from this rezoning and Flint Mine Solar LLC.

Consistency with Comprehensive Plan

The proposed rezoning law claims that the zoning change is consistent with the 2007 Town and Village Comprehensive Plan. That is debatable. There are no specific elements of the 2007 Comprehensive Plan to indicate that this map amendment, which allows for utility-scale solar project, is consistent with the 2007 Plan. There are a number of ways that this rezoning can be construed to not be consistent with the 2007 Town and Village Comprehensive Plan.

Subsequent to the 2007 Town and Village Comprehensive Plan, in 2011 updated the Town updated its zoning and in 2016 the Town Board of the Town of Athens adopted the current zoning map. The eleven (11) parcels in question that are proposed for rezoning were zoned as Agriculture and Rural Residential. An Agriculture District is established to include lands and soils with medium and high agricultural viability and to encourage a development pattern that keeps agricultural land in productive use, or ensure that it is available for future agricultural use consistent with the Town and Village of Athens

Comprehensive Plan. Further purposes are to discourage land uses that are not compatible with agricultural uses, to preserve open space values of farmlands, to promote active agricultural land uses, to maintain the Town's farmland, to promote agriculture as a component of the local economy and to maintain a critical mass of farmland so as to prevent further fragmentation of the Town's existing farms. A Rural Residential District is established to allow for low-density residential development consistent with a rural setting and on lands having poor soils, rugged terrain and with access to only local roads. These parcel were formally zoned Highway Commercial.

The 2016 zoning map was done so in accordance with the 2007 Comprehensive Plan. The Town needs to clearly document what has changed from the 2016 Zoning Map to substantiate a re-zoning from Agriculture and Rural Residential to Mixed-Use Commercial and Light-Industry. This rezoning proposal needs better substantiation to show consistency with the planning and zoning that has occurred over the past several year in the Town of Athens and in light of the fact that the Town and Village are in the early stages of updating the 2007 Comprehensive Plan, having just been awarded Hudson River Valley Greenway funding to do so.

Please note that the zoning information listed on the Greene County section of [Systems Development Group New York State](#) is local information provided to Greene County by the local assessor. The County does not change zoning information that is provided by a municipality. Therefore any parcels listed at the web link referenced above that are identified as being zoned 'Highway Commercial' (HC), are identified as such based on zoning information that was provided to the County by the municipality.

Comprehensive and Long-term Planning

It is clear that the rezoning is being done to accommodate the proposed Flint Mine Solar project. This zoning change will result in potentially allowing the development of a large-scale solar energy system as defined Section 180-52 (D) of the Towns codes, which states that large-scale solar energy systems are permitted within MUC, LI-1 and LI-2, subject to site plan review..." From a land-use planning perspective, this is not a good approach. It is the antithesis of good land-use-planning.

This proposal has the potential to be challenged as 'spot zoning'. While a local decision, the County Planning Board implores the Town to ensure that any rezoning be consistent with the Comprehensive Plan and the current code as developed by the Town over the past several years.

What if the Flint Mine Solar project does not get approved and built or does not move forward for other unforeseen reasons. The Town should determine what the rezoning might mean for this stretch of the Route 9W Corridor and parcels being rezoning irrespective of the Flint Mine Solar project. Is it the intent of the Town of Athens to have all of these parcels zoned as Mixed-Use Commercial?

Intermunicipal Impacts

The parcels that are in the Town of Coxsackie that abut the parcels in the Town of Athens that are proposed for rezoning are zoned for 'Residential Agricultural'. The Town of Coxsackie code does not permit large-scale or utility-scale solar systems in this district. Utility-scale solar is only allowed in the Town of Coxsackie by 'Special Use Permit' in the 'Commercial' and 'Industrial' districts (Local Law 1 of 2019 Section (6(B)(1))).

Currently the zoning in the Town of Coxsackie and the Town of Athens are compatible and make good planning sense from an inter-municipal perspective. The Town of Athens rezoning proposal makes these uses incompatible and creates a poor land-use and potential development scenario. The incompatibility of the rezoning needs to be reconciled by the Town to justify this rezoning.

Additionally to be consistent with the 2007 Town and Village Comprehensive Plan:

The Town and Village zoning codes should, where feasible, recognize, accommodate and reinforce adjacent municipal zoning designations. (p. 61)

There are other elements of potential inconsistency with 2007 Town and Village Comprehensive Plan.

To ensure that the rezoning is consistent with the Comprehensive Plan, the Town should also:

- Ensure the rezoning *preserves scenic views of the rural environment, the Hudson River, views of the Catskill and Berkshire Mountains, open spaces and other important physical features in Athens. (p. 17)*
- Determine how the rezoning will impact *important visual corridors to the Hudson River as part of the scenic resources inventory and ensure that new development/redevelopment does not further restrict existing views from the business district, important public gathering places, and public road corridors. (p. 22)*
- *Ensure the zoning laws do not allow building encroachment or blocking of these main visual corridors. (p. 22)*
- *Ensure that new development is sensitive to identified community scenic values through a planning review process that clearly identifies and describes the significance of these resources as well as codes and ordinances that empower local officials to ensure their protection during review and approval processes. (p. 25)*
- *Preserve and enhance historic residential and commercial structures and the small town character of Athens. (p. 42)*
- *Ensure that the Town Planning Board understands the requirements of the Flint Mine National Historic District and that development proposals protect the assets of this historic district. (p. 52-53)*
- Research, understand and determine how the rezoning will affect the affordability of housing. The 2007 Town and Village Comprehensive Plan indicated that residents would like to see future development of more moderately priced single-family housing units, town homes and condominiums to encourage homeownership opportunities. (p.53-56)

- **19-50 Town of New Baltimore –New Baltimore Family Dentistry 12498 Rt 9W
RE: Area Variance, US Rt 9W ROW**

Motion: Local Decision with Comment

Ensure all state stormwater requirements are met.

Motion: Lee McGunnigle

Second: Cynthia LaPierre

Vote: Yes: 12 No: 0 Abstain: 0 Recuse 0

- **19-51 Town of Windham - Construction of New 3 Unit Townhouse Complex
RE: Site Plan Review, County Rt 12 ROW**

Are unit worker housing or for tourists/visitors?

Motion: Local Decision with Comment

The submitted referral should better depict ingress and egress to a County Rd. The project will require Greene County Highway Work Permit.

With property containing a watercourse and important riparian buffer area to that watercourse, that is feeder to Batavia Kill, a trout stream a SWPPP should be prepared as required by DEP “Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources (Rules and Regulations).

Motion: Mitchell Smith
Second: Carl Giangrande
Vote: Yes: 12 No: 0 Abstain: 0 Recuse 0

• **19-52 Town of Jewett - Zoning Amendments to regulate Short term rentals**
RE: Local law amending zoning, Proposed Local Law No. 2 of 2019

Representative from Jewett Planning Board Paul LaPierre outlined concerns for public health and safety as impetus for proposed law. Property registration to make sure properties being used for short term rentals is safe. Jewett is about 50 percent permanent residence and 50 percent second homes. A \$100 registration fee adopted under a separate Town Board resolution.

Staff Recommends the Town look at other short-term rental ordinances filed with the NYS Department of State. These ordinances have called for a short-term rental permit not just registration.

These ordinances have spelled out the process for obtaining a permit, including the application review process, permit application details, and permit length. Additionally these ordinances have spelled out enforcement, permit revocation, and process to appeal a revoked permit.

Other New York State short-term rental ordinances have also put in place permit fees.

Motion: Local Decision with Comments

Motion: Richard Golden
Second: Lee McGunnigle
Vote: Yes: 11 No: 0 Abstain: 0 Recuse 1 Carl Giangrande

19-53 Town of Catskill - Hello Panda Festival Lantern Exhibit
RE: Site Plan Approval, Rt 32 ROW

Motion: Disapproval

Motion: Jim Dymond
Second: Elizabeth Hansen
Vote: Yes: 12 No: 0 Abstain: 0 Recuse 0

This site is dilapidated, in significant disrepair, unattractive and constitutes a nuisance that present dangerous condition to users of the site.

The Greene County Planning Board disapproves this Site Plan Application based upon the following:

- The proposed site contains numerous dilapidated structures;
- Most if not all of the buildings and improvements on or contiguous to the proposed site are condemned, unsecured, dangerous and may constitute an attractive nuisance;
- Parcels adjacent to the proposed site are littered with debris, glass, tiles, shingles, wood, etc;

As the Town is aware it will require a majority vote by the Town to override this recommendation of a disapproval. If the Town decides to approve the Site Plan Application, the County strongly recommends that the Town ensure the safety and security of the site and this event.

In furtherance of providing for the safety of the public, it is strongly recommended that the town restrict ingress and egress to all neighboring parcels of land which contain dilapidated structures and/or improvements relative to the approximately 180+/- acre site

The Town should also ensure:

- there are highly trained technicians that are setting up and securing this event and it meets all applicable electric and fire safety codes.
- the parking areas are in good condition and safe for visitors.
- the site is safe for visitors that will be walking throughout the site.
- the applicant adheres to the Site Plan application limitation of no more than 100 people per day.
- proper site inspection to make sure there is a first aid station and medical personnel are on site as referred to in the application.
- that four portable bathrooms, eight security officers and four traffic control people are sufficient, and should also be provided assurance that the event will be appropriately staffed by qualified personnel.
- insurance documents are obtained and held on file prior to the event occurring.
- there are no food vendors at the event other than food trucks.

The current Site Plan does not provide a clear start and end date. The application simply says from November to March. The event should have clear start and end dates.

Ingress and Egress Plan

The ingress and egress plan provided has traffic flowing on the incorrect sides of the drive - entering on left, existing on right.

Public Comment

Town of Athens resident Ed Bloomer expressed concerns about the Town of Athens rezoning proposal underscoring many of the same issues identified in the comments above. Mr. Bloomer recommended that the referral be sent back to the Town to be reconsidered and be reworked to make consistent with current zoning definitions.

Motion to Adjourn

Motion: Mitchell Smith

Second: Lee McGunnigle

Vote: **Yes: 12** **No: 0** **Abstain: 0** **Recuse 0**

The meeting was adjourned at 8:15 PM

Respectfully Submitted
Richard Schiafo, Secretary