
The Ulster County Land Use Referral Process

April 13, 2017

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Presentation Overview

- Part One: The Land Use Referral Process
 - Why actions are subject to referral?
 - A walk through the referral process
 - Administrative Procedures
 - Frequently Asked Questions (FAQ)
- Part Two: Community Design Manual Overview



The Community Design Manual

Ulster County Planning Board

March 2017



Land Use Referral Guide

Ulster County Planning Board

Updated December 2016

Authority for the Referral Process

- Enabling Statutes
 - Article 12 B of NYS General Municipal Law section 239 –l, -m, & - n
 - Ulster County Administrative Code §A7-5
- Available at:
 - <http://www.ulstercountyny.gov/planning>
 - CD-ROM

The Ulster County Land Use Referral Process



1. Determine that the Action is Referable

- **Type of Actions Referable**

- Comprehensive Plan
- Zoning Statute or Map Amendment
- Site Plan Review
- Subdivision
- Area Variances
- Use Variances
- Other Special Authorizations

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2. Exception Agreement, Signed?

Table 1: Referral Submittal Reference Matrix

Actions listed below are exempt from the referral process.

Table Notes:

- If not noted specifically in the matrix, referral is required
- Referrals are only exempt if an agreement has been made between the decision making body and the UCPB.

Type of Referral	Referral Requirements by Proximity	
	Boundaries for determining proximity criteria (within or outside of 500 feet):	
	<ul style="list-style-type: none"> • Village, City, Town boundary • Boundary of county or state park or other recreation area • Right-of-Way of county or state road • Right-of-Way of stream or drainage channel owned by the County or within established channel lines • Boundary of county or state owned land on which public buildings or institutions reside • Boundary of a farm operation located in an Agricultural District per Article 25-AA of Ag and Markets Law 	
	Within 500 feet	Outside 500 feet
Site Plans and Special Permits	<ol style="list-style-type: none"> 1. Re-occupancy or reuse of existing structures as long as the following conditions are met: <ul style="list-style-type: none"> • An increase in parking spaces is not required by local statute • Channelized access to State or County Road exists or is proposed • New site lighting, if proposed, utilizes full cut off luminaires and does not exceed IEA lighting levels. 2. Accessory apartments 3. Signage that meets local zoning requirements 4. Wireless Telecommunication Facilities that are collocations per the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.* 	All SEQRA Type II or Unlisted actions as long as the following conditions are met: <ol style="list-style-type: none"> 1. Not a disturbance of one or more acres of land 2. Not a structure greater than 100 feet in height 3. Not a structure located in the 100-year floodplain 4. Not a mining operation 5. Not a building(s) with gross floor area \geq 4,000 square feet 6. Not an adult Use 7. Not a substantial increase in size of a wireless telecommunication facility or tower per the Nationwide Agreement for the Collocation of Wireless Antennas*
Subdivisions	Subdivisions that meet all of the following conditions: <ol style="list-style-type: none"> 1. Fewer than 5 lots and 2. Access roads and structures are not located within the 100-year floodplain 	Subdivisions that meet all of the following conditions: <ol style="list-style-type: none"> 1. Not a Type I action 2. Do not create greater than 5 acres of disturbance 3. Access roads and structures are not located within the 100-year floodplain
Area Variances	<ul style="list-style-type: none"> • Residential Side and Rear Yard • Residential side and rear yard fence height • Residential minimum lot size if central water and sewer is available • Accessory Apartment variances 	All actions are exempt.
Use Variances	Uses where no physical expansion of structures, utilities, or facilities is necessary and/or does not occur on vacant lot.	All actions are exempt.

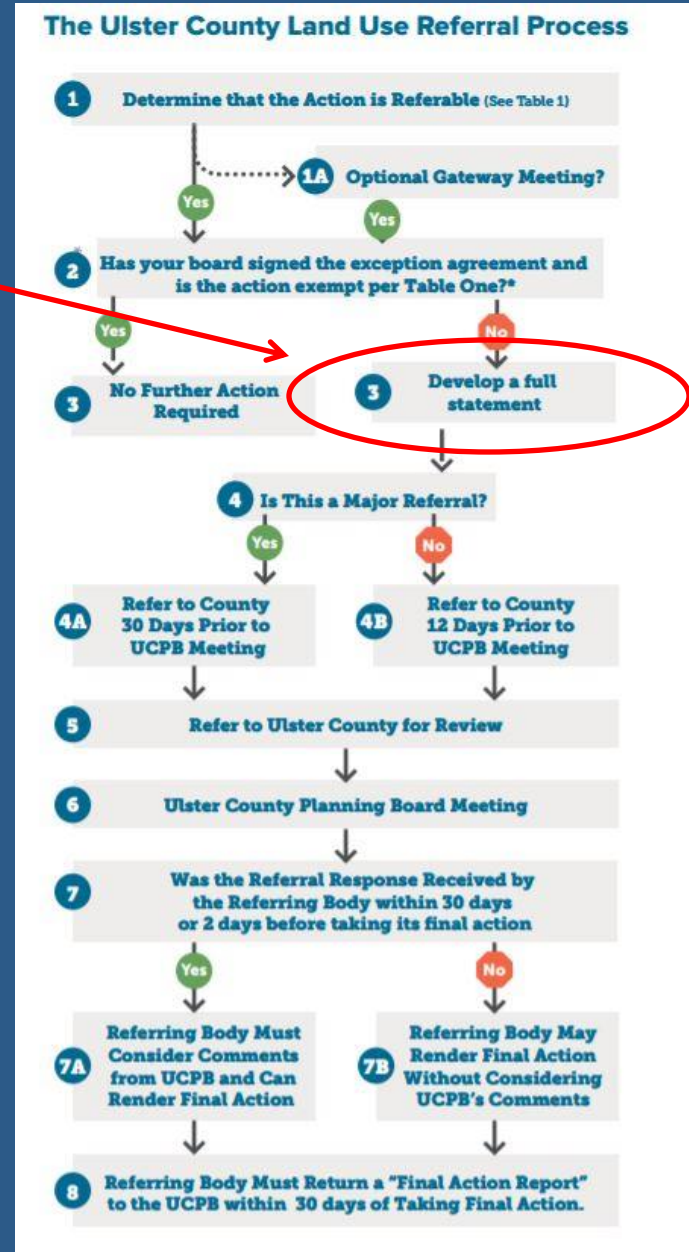
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*The Nationwide Programmatic Agreement for the Collocation of Wireless Antennas can be found at: <http://wireless.fcc.gov/releases/da010691a.pdf>

3. Develop a Full Statement

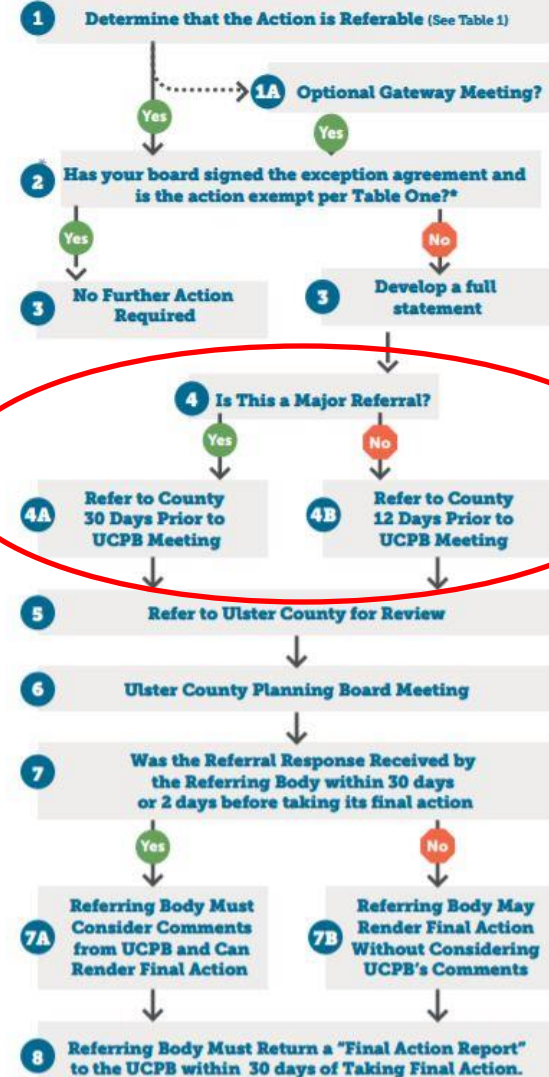
- Guideline for Full Statement Checklist in F.A.Q. (Table 4)
- UCPB entitled to all materials utilized by referring body to make its SEQRA determination
- Completed Referral Form Including Signature of Chairperson*
 - Available Online Questions Call



4. Is this a Major Referral?

- Major Referrals are considered to be:
 - Type 1 Actions
 - Comprehensive Plans
 - Zoning Statute or Map Amendments
 - Other Special Authorizations
- If non-major, 12 calendar days prior to UCPB meeting
- If major, 30 calendar days prior to UCPB meeting

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5. Refer to Ulster County for Review

- Once certified complete and signed ready for referral
 - Must be submitted by referring body, not applicant
 - Supplemental material permitted, provided referring body agrees
 - Full Statement requirements must have been met. Staff will review for completeness
- 30-day review period triggered upon date of receipt

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6. Ulster County Planning Board Meeting

- **Meets First Wednesday Every Month**
- **GML 239-I authority to review:**
 - Compatibility of various land uses with one another
 - Traffic generating characteristics of various land uses
 - Impact of proposed land uses on existing or proposed county, state, or other institutional uses
 - Protection of community character
 - Drainage
 - Community Facilities
 - Official municipal and county policies
 - Such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

Table 3: Recommendations of the Ulster County Planning Board

Recommendation	Explanation	Vote Impact on Referring Body
No County Impact	The matter is primarily of local concern and involves no countywide or inter-municipal issues or concerns.	Simple Majority Vote
Advisory Comments (Within 500ft)	County-wide concerns are not raised. Comments are provided for guidance and technical assistance.	Simple Majority Vote
Advisory Comments (Outside 500ft.)	The UCPB can only make advisory comments on these referrals. Comments will reflect the UCPB's concerns and recommendations.	Simple Majority Vote
Approve	The matter is consistent with all the goals and objectives of the UCPB and provides for a clear betterment of the community.	Simple Majority Vote is required to approve this action.. A Majority Plus One is required should the referring board take an action contrary to this action.
Required Modifications	The matter contains some significant aspects that are in conflict with County Planning Board policy, County land use plans, state enabling legislation, or local plans. These aspects can be addressed by imposing certain conditions or by altering the proposal.	Simple Majority Vote is required to approve this recommendation if the modifications are followed. A Majority Plus One is required if the referring board seeks to approve the action without following the modifications.
Disapprove	The matter will have a significant countywide or inter-community impact and is in direct conflict with the goals and policies of the Board, the local comprehensive plan, or sound planning principals.	Simple Majority Vote is required if this recommendation is followed. A Majority Plus One is required should the referring board take an action contrary to this action..

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6. Ulster County Planning Board Meeting (Con't)

- Public Comment Period
 - Portion of agenda where public can address the UCPB.
- Referrals
 - Applicants may address the UCPB and respond to questions
- Above at Chair's Discretion.

ULSTER COUNTY PLANNING BOARD

Agenda - March 1, 2017

The Ulster County Planning Board Meeting

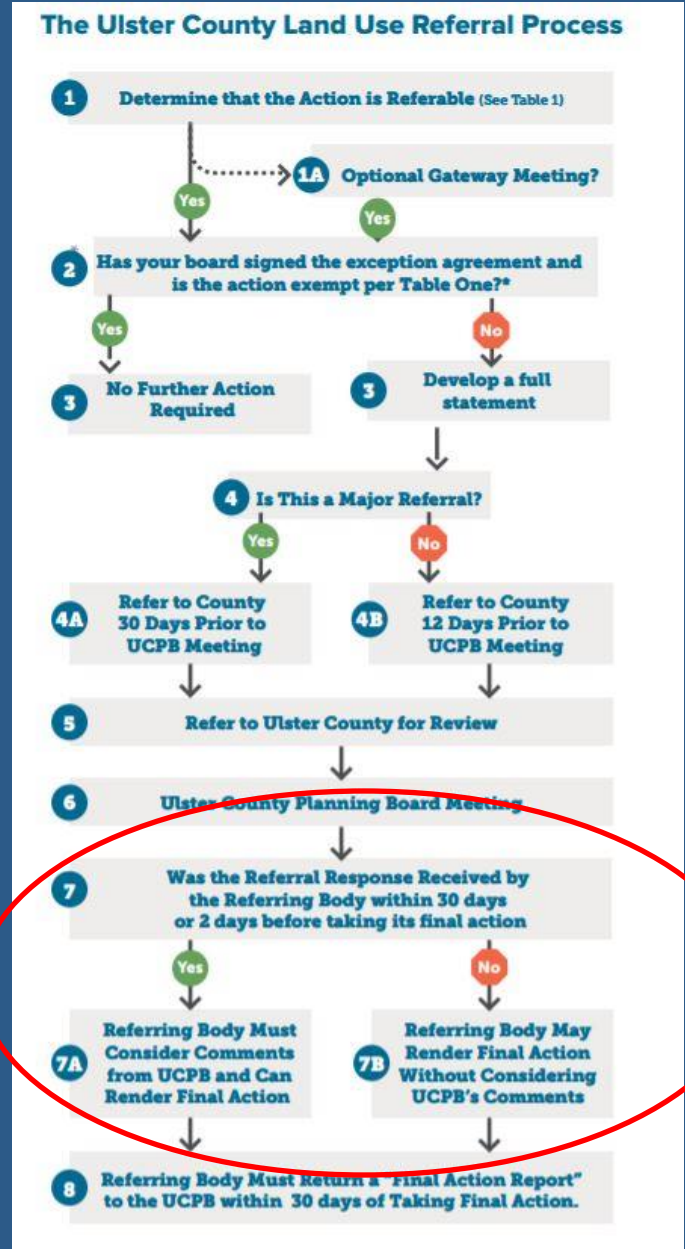
7:30 p.m. – Surrogate Courtroom, 3rd Floor
County Office Building

The Executive Committee Will NOT Meet

1. ROLL CALL
2. APPROVAL OF MINUTES
3. PUBLIC COMMENT
4. EDUCATION & TRAINING OPPORTUNITIES
5. COMMUNITY REPORTS
6. PLANNING BOARD REPORTS
 - a. Chairperson Report
 - b. Committee Reports
7. PLANNING DEPARTMENT REPORTS
 - a. Financial Report
 - b. Environmental Notice Bulletin & Grant Opportunities– *See Separate Agenda*
 - c. Communications – *See Reverse of Page*
 - d. Director/Staff Reports
8. SPECIAL TOPICS DISCUSSION
9. ZONING REFERRALS – *See Separate Zoning Agenda*
10. ADJOURNMENT

7. Was the referral response received by the referring body within 30 days or 2 days before taking its final action?

- UCPB Response Time Minimum 30 days from receipt or:
 - A UCPB response received 2 days or more prior to the referring board taking its final action is considered to have met 30 day requirement under GML.
- Local action should be taken no sooner than 30 days after submittal if no response has been received from the UCPB.
 - Actions taken in advance of 30 days have been deemed by the courts to be null and void.



8. Final Action Report

- Required to be sent:
 - 30 days after final action taken.
 - Any contrary action must not only include form, but be accompanied by a statement that details the reasons for the contrary decision.

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Administrative Procedures

Gateway Meetings

Pre-Referral Meeting - Applicants

- With Staff
 - Coordinate with other involved agencies
 - Highly recommended for major projects in the early stages of development

Submittals

- Submittals

- Referral Form – Fill out in entirety
- Paper submittals and electronic submittals allowed.
 - Beta Testing Online Submission System via Office 365.
 - Paper Plans – full size print copies still required in addition to electronic versions
- Full Statement Requirements
- Recommended Materials Checklist available online
- UCPB entitled to all materials utilized by referring body to make its SEQRA determination
- Questions Call

Ulster County Planning Board
General Municipal Law 239 M-N Referral Submittal Form Print Form

Please Fill Out All Sections - Type or Print Only

Municipality:
Referring Board:
Referring Official:
Phone Number:
Local File #:
Applicant Name:
Project Name:

Type of Referral
(Check All Those That Apply)

239-M: Site Plan Review
 Special Permit
 Area Variance
 Use Variance
 Amend Zoning Statute
 Amend Zoning Map
 Comprehensive Plan
 Other Special Authorizations

239-N: Subdivision

SEQRA Determination

Type I Action
 Type II Action
 Unlisted Action

GML/Ulster County Charter Referral Criteria:
(Choose One)

Within 500 feet of a: County Road or State Road, City, Village, Or Town Boundary, County or State Park or Other Recreation Area, Stream or Drainage Channel Owned or Established Channel Line by County, County or State Owned Land with public building or institution Located on it, or Boundary of Parcel with a farm operation

Greater than 500 feet of: Any of the Above Listed Conditions

Parcel(s) Information

Section	Lot	Block
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Number of Lots:

Project Acreage:

Zoning District(s) of Project:

Parcel Utilities

Central Water
 Private Water
 Central Sewer
 Individual Septic

Location of Project: (Address or Nearest Intersection)

Project Description: (Please Be As Specific as Possible)

Referring Official - Signature - Certification of Application's Completeness:

UCPB Staff Use Only

Received Stamp:

Referral #:

Agenda Date:

Major Project?

Return Form to:
Referral Officer
Ulster County Planning Board
P.O. Box 1800
Kingston, NY 12402

Mail or Hand Delivery Only Please!

Questions? - Call
845-340-3340

Additional Resources

<http://www.ulstercountyny.gov/planning>
“Land Use Referrals”

- FAQ
- Forms
- State and Local Laws
- State and Local Policies – Other Agencies

The screenshot shows a Mozilla Firefox browser window displaying the website <http://www.co.ulster.ny.us/planning/reffaq.html>. The page header features the Ulster County logo and the tagline "Ulster County makes it happen...". The date "December 5, 2008" is displayed in the top right corner. A search bar is located in the top right corner with the text "Search site:" and a "GO" button. The main content area is titled "Land Use Referral Guide FAQ" and includes a section titled "Items In This Section:" with a list of links: [General Referral Questions](#), [Referral Exception Questions](#), [Full Statement Requirement Questions](#), [UCPB Meeting Questions](#), [UCPB Recommendations and Local Final Action Reports Questions](#), [UCPB Staff Questions](#), [UCPB Administrative Questions](#), and [Back to Table of Contents](#). Below this list, a message states: "If your question is not addressed below, please do not hesitate to [contact us](#)." The page also features a left-hand navigation menu with links to "About", "Announcements", "Publications", "Demographics", "Economic Development", "Housing", "Land Use Referrals", "Mapping", "Open Space Plan", "Stormwater", "Technical Assistance", "Transportation (UCTC)", and "UCPB Home".

FAQ Examples

- **Why are certain items not required to be referred and others not?**

The UCPB believes that the referral process should be a meaningful review that allows for inclusion of “county-wide” issues in local decisions. A review of our responses to referrals revealed that certain classes of actions nearly always resulted in a recommendation of “no county-impact”. For those referring bodies that signed the exception agreement, these types of referrals have been exempted from UCPB review.

- ***Does a member of the public have the opportunity to address the UCPB?***

Yes during the public comment period of the UCPB’s monthly meeting with a time limit set at the discretion of the UCPB chair.

Contact Information

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- 845-340-3337
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- **Dennis Doyle**

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- ddoy@co.ulster.ny.us
- All materials available at:
<http://www.ulstercountyny.gov/planning>