

# TOWN OF ROCHESTER

50 Scenic Drive • P.O. Box 65 • Accord, NY 12404  
Area Code 845

Town Clerk 626-7384  
Supervisor 626-3043  
Highway Dept 626-7221  
Assessor 626-0920  
Transfer Station 626-5273



Code Enforcement 626-2433  
Planning Board 626-2434  
Zoning Board 626-2434  
Court House 626-2522  
Youth Commission 626-2115

## Members

Nadine Carney, Chairperson— Shane Ricks, Vice Chair.— Rebecca Paddock Stange, Secy.—William De Graw  
Robert Gaydos— Anthony Kawalchuck—Frank Striano, Sr.— Melvyn Tapper—David O'Halloran, Alternate

## Overview of Planning Board Procedures

We were established on October 4th, 1962 by a resolution of the Town Board. Our purpose is to make decisions on applications for land use that are in the best interests of the Town. The Town Board appoints 7 residents to serve on the Board and chooses a Chairman, Vice Chair, and Secretary. Four members constitute a quorum and all matters brought to a vote must have a minimum of 4 ayes to pass.

The Planning Board is not an enforcement agency for the violation of law. If you want to file a complaint, please contact our Code Enforcement Officer.

Our meetings are generally held the 3rd Tuesday of the month at 7:00 PM at the Town Hall. We advertise our meetings both at the Town Hall as well as in the newspaper (Daily Freeman). The public is invited and encouraged to attend to observe our activities.

Persons interested in their property in a manner that is not permitted use may be able to get permission for that change by submitting an application. The Zoning Board of Appeals may grant a variance provided strict conditions are met. The Town Board has the power to make, change or eliminate Town laws.

We have adopted the following set of rules so that our meetings and public hearings can be conducted without interruption and with the highest level of decorum.

No member of the public shall engage in any demonstrations, booing, hand clapping or otherwise interrupt the formality of Planning Board meeting. It is essential that a citizen whose comments may be "unpopular" with the majority of the people in attendance be given an opportunity to express his concern in an atmosphere that is not intimidating. **The Public Hearing is the time to express your input about an application.**

Planning Board stenographic notes and minutes are the official record of our meeting. Although not required, we tape our meeting as an aid to the notes. At the discretion of the Chair or Secretary the tape may be turned off if nothing is taking place that would be of use in transcribing the minutes. An individual may audio and/or video tape our meeting so long as such action is unobtrusive and non disruptive. Video taping equipment must be focused on the Board, not the public. The equipment must be set up before the meeting and cannot be moved about.

Anyone who wants to address the Board regarding their property or property they are interested in purchasing may ask the Secretary to be placed on the agenda. This request must be submitted by the Wednesday before the meeting so they have time to study and review the issues. To allow for time to prepare we will not discuss matters that are not on the agenda.

Planning issues are often complex and the rights of the applicant must be carefully weighed with concerns of the community on order to reach a decision that is in the best interest of the Town of Rochester.

### **The Initial Presentation**

The applicant, and/or his representatives (attorney, engineer, real estate agent, etc.) explains to the Board what he proposes to do. The Code Enforcement Office has, or will certify that the application is complete as it regards our Town Code. The Board asks questions and familiarizes itself with the application. We may decide to have a site visit in order to better understand the property. We have supplied the applicant with a check list when the application was filled out and we review with the applicant the information to be included on the site plan if it is not already there. We strongly advise an applicant to review the Site Plan Procedure (140.47). It is the responsibility of the applicant to understand and comply with the laws and regulations of the Town of Rochester.

When we determine that the application is complete, we then decide whether or not we want to be the “lead agency”. We also determine what kind of impact the application will have under the NY State Environmental Quality Review Act. (SEQRA). Last, we set a time for public hearing and advertise in the Daily Freeman.

We contact the bounding property owners based on the address the Town’s Assessor has in her office. We also contact the various involved agencies when required and send them copies of the site plan. For example:

- Ulster County Planning Board for water and septic requirements
- State, County, or Town Highway Departments for road and curb specifications
- Ulster County Planning Board for County input
- State Department of Environmental Conservation

### **Public Hearing**

This is the time for the public to be recognized by the Chairperson and provide input by way of comments and evidence regarding the pending application. The public’s input, whether positive or negative, is important and is part of our decision making process. Please address your comments to the Board, not to the applicant or anyone else. It is advisable to submit lengthy information in writing to our Secretary. Correspondence and literature sent to the Board is available for all members to read. If you want individual members to receive your correspondence please address it to that person. If you want every member to have a copy, please provide 8 copies.

### **The Decision**

After the Board has received all the input it has required, the public hearing is closed. We then have up to 62 days to render a decision. It is unfair to the applicant as well as the public at large if a member of the public is included in this process. However, the record remains open and persons wishing to give the Board the benefit of additional information can submit same in writing. If the Board votes to approve an application, a list of conditions is generally imposed to mitigate impacts to the extent that we feel is in the best interests of our town.

We hope this overview is helpful. More specific information can be found in the Code of the Town of Rochester Chapter 140 (Zoning). Copies are available at the Town Clerk’s Office and may be purchased for \$10.00.