

RESOLUTION

**GRANT OF IMMUNITY FROM THE TOWN CODE TO THE COUNTY FOR ITS
CONSTRUCTION AND OPERATION OF A GOC.**

At a meeting of the Town Board of the Town of New Paltz, Ulster County, New York, held at the Town Courthouse and via videoconference in said Town on the 16th day of February, 2023, at 7:00 o'clock P.M. and March 2nd 7:00 pm prevailing time.

The meeting was called to order by Supervisor Bettez, and upon roll being called, the following roll was taken:

	<u>PRESENT</u>	<u>ABSENT</u>
Supervisor Neil Bettez	__ ✓ __	_____
Council Member Daniel Torres	__ ✓ __	_____
Council Member Alex Baer	__ ✓ __	_____
Council Member Julie Seyfert	__ ✓ __	_____
Council Member Esi Lewis	__ ✓ __	_____

The following resolution was offered by Supervisor Bettez who moved its adoption, seconded by Council Member Baer to wit:

WHEREAS, Ulster County in the process of acquiring lands located on Paradies Lane in the Town of New Paltz (Tax Map Parcels 86.12-5-12.320 and 86.12-5-310) consisting of approximately 57.3 acres (Paradies Lane Site) to construct and operate a Government Operations Center (GOC); and

WHEREAS, the site includes the zoning districts of Hamlet Gateway, Light Industrial District and a Planned Resort Overlay District, whereby essential services are only allowed in the Light Industrial District subject to site plan approval; and

WHEREAS, To ensure a GOC is an allowed use of the site, and to provide for a more certain path for review of the Project, Ulster County has requested a grant of immunity from certain provisions of Chapter 140 of the Town Code as provided for in the New York Court of Appeals 1988 case of Matter of County of Monroe v City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702, (“County of Monroe”) whereby a Balancing of Interests Test can be utilized when an encroaching government seeks relief from provisions of the host government’s land use regulations; and

WHEREAS, the Town Board of the Town of New Paltz has conducted a public hearing on the Project on February 16, 2023 and March 2, 2023 at 7:00pm at the Town of New Paltz Town Board Meeting to ensure intergovernmental participation in the project development process and an opportunity for the public to be heard;

WHEREAS, the Town Board of the Town of New Paltz as the Board responsible for the adoption of the Town Code is the most appropriate body to consider Ulster County’s request for a grant of immunity from the Town Code under the Balancing of Public Interest Test articulated in the County of Monroe case; now, therefore be it

RESOLVED, the Town Board of the Town of New Paltz has considered all of the factors as outlined in the County of Monroe case; including: The nature and scope of the instrumentality seeking immunity; The encroaching government’s legislative grant of authority; The kind of function or land use involved; The effect local land use regulation would have upon the enterprise concerned; Alternative locations for the facility in less restrictive zoning areas; The impact upon legitimate local interests; Alternative methods of providing the proposed improvement; The extent of the public interest to be served by the improvements; and Intergovernmental participation in the project development process and an opportunity to be heard; and, be it further

RESOLVED, the Town Board of the Town of New Paltz grant of immunity from the Town Code to the County for its construction and operation of a GOC at Paradies Lane.

<u>VOTE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Supervisor Neil Bettez	__ ✓ __	_____	_____
Council Member Daniel Torres	__ ✓ __	_____	_____
Council Member Alex Baer	__ ✓ __	_____	_____
Council Member Julie Seyfert	__ ✓ __	_____	_____
Council Member Esi Lewis	_____	_____	__ ✓ __

The resolution was thereupon duly adopted.

<u>VOTE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Supervisor Neil Bettez	_____	_____	_____
Council Member Daniel Torres	_____	_____	_____
Council Member Alex Baer	_____	_____	_____
Council Member Esi Lewis	_____	_____	_____
Council Member Julie Seyfert-Lillis	_____	_____	_____

The resolution was thereupon duly adopted.