

Resolution #1 of 2023  
Town of New Paltz

**Establishing the Town Board as the Decision-Making Body Under the Monroe Balancing of Public Interest Test Regarding Ulster County's Proposal to Construct a Government Operations Center at Paradies Lane**

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 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 will act as the decision-making body pursuant to any grant of immunity from the Town Code that may be extended to the County for its construction and operation of a GOC at Paradies Lane and in so doing will consider all of the factors as outlined in the *County of Monroe* case; and, be it further

RESOLVED, that Town Board will conduct a public hearing on the Project on February 16, 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; and

MOVES ITS ADOPTION