

Town of New Paltz Planning Board

Final Minutes

March 27, 2017

Agenda:

Review and Approval of Meeting Minutes

Public Hearings

Ferris Woods Site Plan
Ferris Wood Subdivision

Application Reviews

PB 2015-04 Brouck/Ferris Site Plan
PB 2014-15 Trans Hudson/CVS Part 3

Planning Board Administrative Discussion

Proposed Moratorium Law Public Hearing April 6

April 13, 2017 7-9:30 pm SUNY Ulster, Spring Planning Seminar

Present: Adele Ruger, Lagusta Yearwood, Lyle Nolan, Tom Powers, Mike Calimano, Amy Cohen, Amanda Gotto

Also Present: Planning Board Attorney George Lithco, Planning Board Engineer Dave Clouser, Rebecca Minas, Barton & Loguidice

Co-Chair Yearwood called the meeting to order at 7:00 pm. She welcomed everyone to the meeting.

REVIEW AND APPROVAL OF MINUTES

Motion 1st by Co-Chair Yearwood to approve the minutes from February 27, 2017.

Motion 2nd by Mike Calimano. Tom Powers abstained. All others in attendance approved. Motion approved.

PUBLIC HEARINGS

Ferris Woods Site Plan
Ferris Wood Subdivision

Co-Chair Yearwood asked for a motion to open the Public Hearings for the Brouck/Ferris Woods Site Plan and Subdivision.

Motion 1st by Mike Calimano to open the Public Hearings for Brouck/Ferris Site Plan and Brouck/Ferris Subdivision.

Motion 2nd by Lyle Nolan. All present in favor. Motion approved.

Amy Cohen asked that speakers keep their comments to 3 minutes due to the full agenda for the night.

No one approached to speak.

Co-Chair Yearwood asked for a motion to close the public hearing for tonight and discuss it later in the evening.

All present in favor. Motion approved.

Public Comments

Co-Chair Yearwood asked if anyone had Public Comments to come up and speak for 3 minutes.

Dan S., Town of New Paltz resident, spoke about the Trans Hudson/CVS proposal and why the Wetlands and Watercourse Protection Law is crucial to the project.

Application Reviews

PB 2015-04 Brouck/Ferris Site Plan

Tom Harvey, Morris Associates and Karol Knapp approached the PB members.

Tom Harvey discussed with the PB changes that they feel are positive for the site. He stated the Wetland report came in with negative impact, and appears no wetland permit is needed. He added that an alternate entrance is on the updated plans through the carwash as the primary entrance instead of the emergency access which were agreeable with the carwash owner. He noted an easement through the car wash property would be needed. The road would be moved further out of the wetland buffer 50 feet but not completely out and would still be in the wetland buffer. The Owner will file an amended site plan to proceed to enlarge the area behind the carwash to provide more queuing for vehicle. He also added the Zoning Enforcement Officer memo that needs to be addressed. Applications to ZBA for interpretations and clarifications are being prepared and submitted as soon as possible. He asked for feedback on plan changes. He also addressed parking concerns on the plan; he feels it meets 1.25 per parking space per unit and 1.25 per bedroom requirements of the Town Code. He noted that Karol Knapp researched the Parking Requirements for all Senior/Over 55 Town Codes in the area towns. He feels the total of 1.5 per unit is along the lines and he feels that it is now necessary to move forward in SEQRA, with input from the PB.

Mike Calimano commented on the amendment to the Site Plan to include the car wash, both are joined together now, and how the changes will be noted.

George Lithco stated the approved amendment is submitted through the agent, and meets the requirements of SEQRA.

Tom Harvey noted that the Traffic impact study and concept study are ready to submit to DOT on the new entrance from 299. He also notes that the new entrance has to meet the requirement of the fire department and will ask them to reduce the width from 24 to 20 feet. He noted that the primary road now has to meet the requirements of the Fire Department for turnaround space.

Mike Calimano asked if the pond was bigger now that the additional paving was being done in the carwash.

Tom Harvey stated the pond remained the same size even with the change in the primary entrance from 299 even with the additional pavement.

Co-Chair Yearwood asked to go thru the memo dated March 22, 2017 from Friends of Brouck-Ferris Blvd as well as the ENCB memo and their concerns. She noted that in the Friends of Brouck-Ferris Blvd. memo their main concern was traffic. They feel that traffic would be significantly increased more than the

Traffic Study suggested as well as the traffic at the corner of Ohioville Road and Rt 299 would be affected negatively. She suggested a supplemental traffic study be done.

Mike Calimano agreed that the traffic on South Ohioville and Rt 299 would be affected, and asked for a study of the impact further down with the new proposed entrance, show what that impact is.

Tom Harvey stated that showing that impact is no problem but to meet the standards of the DOT they need to know what they are first.

Co-Chair Ruger asked if they had applied yet to the DOT.

Tom Harvey replied they wanted to get thru the PB first before doing that.

Mike Calimano stated he'd like to see the traffic study and impact of Brouck-Ferris onto S. Ohioville, vs. entrance on Rt 299.

Co-Chair Ruger asked the question what is the number of units that kicks off the emergency access road requirement?

Dave Clouser stated the subdivision requirement is more than 20 lots a secondary access road is required that can't be block by a car accident to keep emergency services from getting in and would require a crash gate.

Tom Harvey stated the emergency access would not be used unless necessary, and opened by the emergency department.

Co-Chair Ruger asked if Stacy's (Building Inspector's) response was discussed yet.

Tom Harvey stated they will applying to the ZBA seeking a variance for easement interpretation and the application to the ZBA is expected tomorrow.

Co-Chair Yearwood commented that parking in buffer area, and asked why park in the wetland buffer? The access thru the car wash is solving one problem but it's still problematic, too large a project for the buffer and wetland.

Discussion followed on the proposed access road thru the wetland buffer to get to the site, and the concern of quality of the wetland and buffer. Karol Knapp noted that the Town's Wetland Inspector had no issues, and she does not either, since her primary job is Wetlands.

Mike Calimano still says there are issues raised on the quality of the wetlands and buffer that need to be addressed.

Co-Chair Yearwood stated a more thorough habitat assessment should be done even though Karol Knapp explained that without management, the site would naturally progress into a forest.

Mike Calimano agreed a habitat assessment be required as part of the application rather than a vote as suggested by Co-Chair Yearwood.

Tom Harvey discussed how the owner wants to regulate people in the area for age 55 and older, owners with small dogs 20-25 lbs. max weight with deed restrictions, follow the town's dog ordinance which dictates cleaning up after their dogs, no roaming,

George Lithco clarified that the Wetlands Inspector drafted a memo of his negative determination that he circulated for comment and that the Wetland Inspector's NOD stated that the final NOD would be produced after the well tests are completed and show that there are no impacts to the wetlands through draw-down; and the Planning Board concludes its SEQRA review.

Discussion continued on the fill of the new entrance road and grading.

Co-Chair Ruger asked if the plan is for 55 and older, are there rules for it, especially elevators, and handicapped accessible units and parking.

Amy Cohen commented she was studying 55 and older housing across Dutchess and Ulster, and she said they have community rooms with plasma tvs, fireplaces and asked if this project offers that?

Tom Harvey stated there is no formal building for community rooms, and it does meet the open space requirement.

Amy Cohen asked if laundry would be in the units or in the basement.

Tom Harvey stated he believes there will be storage and laundry in the basements.

Co-Chair Yearwood continued with the ENCB's memo and highlighting their concerns with the snow removal and storage, as well as salt into the wetlands as well as stormwater management.

George Lithco advised Tom to take a look at the DEC draft on Stormwater management.

Co-Chair Yearwood continued to address septic system concerns from the ENCB's memo about the disposal of discarded medical waste through the septic system.

Tom Harvey stated the UC Health Department uses a very efficient system and that it can be written into the deeds to not do that.

Co-Chair Yearwood stated she feels it's still a tight fit for the size of the project and recommends a full EIS. She also mentioned traffic on the emergency access road and how is it monitored that drivers don't drive thru it.

George Lithco stated the Building Inspector can advise and review under fire code yearly.

Amy Cohen commented a yearly visit to make sure everything is okay.

Co-Chair Ruger asked if they could go back to her previous question about the elevator, and the 55 and older housing exemption on the HUD website stating after 1991 the requirement for elevators for 55 and older housing. She asked Tom Harvey to look into that further.

Co-Chair Yearwood asked for wells testing. She mentioned Community Character. She asked that they respond to the two memos (Friends of Brouck-Ferris Blvd., and ENCB), respond to the HUD requirement for 55 and older housing, response from ZBA, response to the Bldg. Insp Memo, Site Plan amendment to the car wash, along with the habitat assessment request.

George Lithco asked if they had a DOT time span.

Tom Harvey stated they feel it's a positive change, and within a month contacting DOT.

**Co-Chair Yearwood asked for a motion to continue the public hearing for Brouck/Ferris to May 8.
Motion 1 made by Mike Calimano.
Motion 2nd by Amy Cohen. All in favor. Approved.**

PB 2014-15 Trans Hudson/CVS Part 3

Co-Chair Yearwood commented that they would now look at the status of CVS part 3.

Rebecca Minas, Barton & Loguidice Engineer, stated they would review the moderate to large impacts.

Co-Chair Yearwood stated she has random comments, discussing where we're at, and perhaps next time we can vote, or take a poll where we stand.

Amy Cohen stated instead of taking a poll, it's time to vote, after 4 1/2 years and nearly up to \$100,000.00 in consultant fees.

George Lithco advised to complete the Part 3, and make your determination.

Co-Chair Ruger stated at the last meeting, 18 things with moderate to large impacts, let's hear those issues since they were asked to write something up, need to hear that, and going thru them and voting on all 18 things.

1. Impact on Land

F. Increased Erosion: Lyle Nolan feels it's not a moderate impact, controls are in place during construction.

Discussion: Lagusta Yearwood thinks it's an impact. Mike Calimano states there are controls in place.

Motion 1 made by Adele Ruger that 1F. Increased Erosion does not rise to level of significance.

Motion 2 made by Amy Cohen. All in favor. No significance.

H. Other: Clearing, leveling, grading. Lagusta Yearwood feels it is a large impact.

Mike Calimano stated 2 pads plan is in place, amount of fill, identification of trees that can remain, landscaping of site, Adele Ruger stated it's a lot of fill, Amanda Gotto agreed. Tom Powers stated the site has to have some fill.

Motion 1 made by Lyle Nolan who did not see quality of trees at the site, but the amount could be reduced.

Motion 1 made by Lagusta Yearwood that it is a large significant impact on the trees.

Motion 2 made by Adele Ruger. 3 in favor, 4 not in favor of being a significant impact. Motion insignificant.

Lyle Nolan feels there's a lot of trees around New Paltz and you can't build without removing trees. Lagusta Yearwood commented to not build. Mike Calimano added that removal of trees is not a significant level, a greenway connected to any travel, proper landscaping, and use of fill and keep out invasive species. He added with the lack of commercial space in the town, he feels it meets the requirements.

Tom Powers noted it's not the first time this property has been touched when the thruway was built.

Amy Cohen noted that the town and the PB have spent lot of time, and have been supportive of Mohonk Preserve and spent a lot of our resources acquiring that property. A lot of work on Mohonk, she feels other side of the Wallkill, we have master plan that asks for commercial building. A great piece of property (CVS), but doesn't find it special in any way but doesn't see this as something you can't develop.

Amanda Gotto stated she feels something could go there but without the amount of fill that has to go in, and less clearing.

Amy Cohen added that's something we can explore during site plan.

Mike Calimano asked what are you looking for. The developer comes in, proposes to do something that has economic benefits, has to be economically viable.

Amy Cohen added if concerned about the fill, we've been assured the DEC is going to sign off on the fill, and helping manage that.

3. Impact on Surface Water

H. Soil Erosion: Amanda Gotto feels it's not completely mitigated.

Mike Calimano stated it's a requirement of the 3rd site has to do it. Stormwater has to be mitigated along with quality of the water.

Dave Clouser added it should be a condition of the site plan approval.

George Lithco added to document what is the plan.

Lagusta Yearwood feels it is an impact with the stormwater after post development.

Discussion on stormwater controls plan.

Adele Ruger stated to motion that 3H Soil Erosion does rise to the level of significance.

Motion 1 made by Adele Ruger

Motion 2 made by Lagusta Yearwood.

Discussion: Lyle Nolan feels it is completely mitigated by the SWPP

1 in favor, 6 opposed. Motion insignificant.

I. May affect water quality: Mike Calimano feels it is a condition of the site plan and is mitigated.

Motion 1 made by Adele Ruger that 3.I. Affect water quality does rise to the level of significance.

Motion 2 made by Mike Calimano for discussion purposes only. 0 in favor, 6 opposed, 1 abstained. Motion insignificant.

7. Impacts on Plants and Animals

G. Substantially interfere with nesting/breeding, foraging or over-wintering for predominant

Species that occupy/use the space: Lagusta Yearwood feels they won't exist. Mike Calimano stated the requirements of the SEQRA determination on species where they are located on the site.

Lagusta Yearwood stated not species, impact on all plants and animals and feels it's a significant impact. Tom Powers feels it's not a significant impact.

Amy Cohen motioned to vote on it.

Motion 1 made by Amy Cohen that 7 G substantially interferes with nesting/breeding, foraging or over-wintering for predominant species that occupy/use the space does rise to the level of significance.

Motion 2 made by Lagusta Yearwood. 2 in favor, 5 opposed. Motion insignificant.

9. Impact on Aesthetic Resources

A. Visible from scenic byway/aesthetic resources:

Motion 1 made by Adele Ruger that 9A. Visible from Scenic byway/aesthetic resources does rise to the level of significance.

Motion 2 made by Mike Calimano for discussion purposes.

Discussion: Mike Calimano stated scenic byway is Rt 299. Based on surrounding area, where it's located, it's not a significant impact. Amy Cohen added newer projects look better than older projects, using Hampton Inn as example. Adele Ruger feels it is significant.

3 in favor, 4 opposed. Motion insignificant.

C. Visible from publically accessible vantage points:

Motion 1 made by Adele Ruger that 9C Visible from publically accessible vantage points does rise to the level of significance.

Mike Calimano noted that the same reasons are used for A,C,D

Motion 1 made by Adele Ruger to combine D to C and amend previous motion as one. Motion 2 by Lyle Nolan. All in favor. A,C,D rise to level of significance. 3 in favor, 4 opposed. Motion insignificant.

G. Other –

Discussion: Amanda Gotto feels that the removal of tress and vegetation has a significant impact.

Motion 1 made by Adele Ruger that the proposed architectural building style and site development density and removal of vegetation will be in contrast to the present underdevelopment wooded site rise to the level of significance.

Adele Ruger feels more research should be done after agreeing with Amanda Gotto.

Motion 2 by Mike Calimano for discussion purposes. 3 in favor, 4 opposed. Motion insignificant.

13a. Impact on Transportation

A. Projected traffic increase may exceed capacity of existing road network:

Discussion: Adele Ruger stated the write up from the DOT meeting from Creighton Manning.

Motion 1 made by Adele Ruger that projected traffic increase may exceed capacity of existing road network does rise to the level of significance.

Motion 2 by Mike Calimano for discussion purposes

Lyle Nolan noted that the traffic consultant study results are counter intuitive but his own experience anything we do can make it worse. Mike Calimano stated that there will be the ability to coordinate the traffic signals; right now there no coordination of lights at Ohioville, Thruway or Putts Corners. Fixing that problem by timing the lights together. He also noted that emergency access, DOT, County and First responders have the ability to control the lights. He noted that a bike path from Putts Corners to Henry DuBois will be improved with things that are being asked for. Tom Powers added that from the January 4 meeting with DOT, what the applicant is doing is equal

to what DOT can do if not better. He added that no matter what happens 299 and Putts Corners will be impacted, and he feels it's mitigated as best as they can.

Motion 1 made by Adele Ruger that projected traffic increase may exceed capacity of existing road network rise to the level of significance.

Motion 2 by Mike Calimano for discussion purposes. 3 in favor, 4 opposed. Motion insignificant.

E. Proposed action may alter the present pattern of movement of people or goods:

Discussion: Lagusta Yearwood noted her concern for the slip lane, right turn lane being affected when fill comes in. Mike Calimano stated the slip lane will become a right turning lane and that they will know fully what, when the trucks are coming in with fill.

Motion 1 made by Adele Ruger that proposed action may alter the present pattern of movement of people or goods rise to the level of significance.

Motion 2 by Lagusta Yearwood. 0 in favor, 7 opposed. Motion insignificant.

17. Inconsistent with Community Plan

Adele Ruger motioned to combine E and G together, Motion 2 by Lagusta Yearwood. All in favor. Approved.

Adele Ruger motioned that E. the proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure, and G. the proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action) rise to the level of significance.

Motion 2 by Lagusta Yearwood.

Discussion: Dave Clouser noted that Town sewer and water the Village will have to agree to get water and sewer to them. Mike Calimano stated that it's basically DOH approval for water and sewer on the site, not part of the existing infrastructure. If it becomes available, the Village will have to agree. George Lithco commented on sidewalk easements. Amy Cohen commented that she'd like to see water and sewer brought over there and the developer helps the town out. Dave Clouser commented the design is there, it's just not finished. George Lithco commented it could be noted as a condition of approval.

1 in favor, 6 opposed. Motion insignificant.

18. Consistency with Community Character

B. The proposed action may create a demand for additional community services (e.g. schools, police and fire.

Amy Cohen noted that in comparison to Wilmorite, for a retail development like this, fire and police won't go as often, the impacts are low.

Motion 1 made by Adele Ruger that proposed action may create a demand for additional community service (e.g. schools, police and fire) rises to the level of significance.

Motion 2 by Mike Calimano for discussion purposes.

Discussion: Adele Ruger stated that where ever you come from there will be an impact. Amy Cohen disagrees that it's asking for personnel to be there, and Adele Ruger agreed then with Amy.

0 in favor, 7 opposed. Motion insignificant.

D. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources:

Motion 1 made by Adele Ruger that proposed action may interfere with the use or enjoyment of officially recognized or designated public resources rises to the level of significance.

Motion 2 by Mike Calimano for discussion purposes.

Discussion: Amy Cohen noted that we've discussed this earlier.

0 in favor, 7 opposed. Motion insignificant.

E. The proposed action is inconsistent with the predominant architectural scale and character:

Motion 1 made by Adele Ruger that proposed action is inconsistent with the predominant architectural scale and character rises to the level of significance.

Motion 2 by Lagusta Yearwood.

Discussion: Adele Ruger feels that they did not do their job (CVS) did not improve after being asked, they are not listening, feels like they are being stonewalled. They could have done a lot better, could have made the town and PB happier, but don't want it to look like their typical buildings.

Amy Cohen added that in all fairness, they've given 3 different renditions of the façade. Adele Ruger disagreed, and stated where's the stone façade. Amy Cohen agreed with Adele Ruger and has yet to see stone façade and is looking forward to more stone. Lagusta Yearwood commented feels that this should be under G below. Amanda Gotto feels it could be better.

3 in favor, 4 opposed. Motion insignificant.

F. The proposed action is inconsistent with character of existing natural landscape:

Motion 1 made by Adele Ruger that proposed action is inconsistent with character of existing natural landscape rises to the level of significance.

Motion 2 by Lagusta Yearwood.

Discussion: Mike Calimano stated location, first thing you see entering town but Amy Cohen commented no the first thing you see is a closed sign with graffiti on its building. Lagusta Yearwood stated it's already bad. Mike Calimano stated it's an improvement to bring other areas up.

3 in favor, 4 opposed. Motion insignificant.

G1. Other – Proposed architectural style is dissimilar to the style requested for a property at the Main Street “gateway” to the Town west of the Thruway:

Motion 1 made by Lagusta Yearwood that Other – Proposed architectural style is dissimilar to the style requested for a property at the Main Street “gateway” to the Town west of the Thruway rises to the level of significance.

Motion 2 by Adele Ruger. 3 in favor, 4 opposed, Motion insignificant.

G2. Other – Fiscal impact as the proposed Action has potential to diminish municipal property tax revenues due to closing of existing anchor store because of inadequate local consumer demand:

Discussion: Adele Ruger commented she believes in competition, but would hate to see Rite Aid go out of business. It would destroy the shopping center it’s in, leaving a big hole in town. Another fiscal impact is CVS willingness to pay their fair share of property tax but CVS is aggressive to pay as little property tax as possible. She said the stores can’t be resold they fight the property tax and there are stories done on CVS in the state of NY and we’re allowing a company like this to come in, terrible reputation in paying taxes.

Mike Calimano stated that was all taken in consideration with Town Assessor who investigated it, who checked the surrounding are, what methodology was used, Rite Aid has used it as comparable.

Adele Ruger commented that property taxes should be investigated and other municipalities are happy that property tax that CVS is paying is their fair share.

George Lithco reference the assessor’s memo that stated the amount of tax that could be paid but really won’t know until they are here.

Lyle Nolan stated it depends on Town Board to levy the tax

Amy Cohen stated 85,000 square foot of retail, and how’s that going to affect downtown?

Motion 1 made by Lagusta Yearwood that Other – Fiscal impact as the proposed Action has potential to diminish municipal property tax revenues due to closing of existing anchor store because of inadequate local consumer demand rises to the level of significance.

Motion 2 by Adele Ruger.

3 in favor, 3 opposed. 1 abstain.

George Lithco stated not approved due to a tie.

Motion 1 by Amy Cohen to vote on Part 3 tonight

Motion 2 by Mike Calimano for discussion purpose.

Amy Cohen stated we’ve gone through everything, and it’s been 4 ½ years. Good opportunity to vote.

George Lithco and Tom Powers leave for executive session.

Co-Chair Yearwood announced the April 6 Public Hearing at 7 pm on the Moratorium Law.

Discussion on April 13 meeting and April 13 Planning Seminar at Ulster Community College.

George Lithco and Tom Powers return from executive session.

Motion 1 by Lagusta Yearwood to cancel the April 13 meeting

Motion 2nd by Amy Cohen. All in favor. Approved.

Justin Gates from Trans Hudson/CVS asks if he can approach the PB members. Co-Chair Ruger states when they are finished.

Amy Cohen asks to continue on the moratorium discussion, adding that troubling here how the Village moratorium is different than the proposed Town moratorium if a project site plan that project would be excused whereas the Town moratorium doesn't. She's having trouble work within the law, how it works in the village, we have had 4 ½ years, how can one advise one way?

George Lithco commented not a matter of law but a matter of principle.
Amy Cohen commented on how it affects applicants and the inconsistency.

George Lithco recommended they reconsider the motion from before (18. G other).

Motion 1 made by Lagusta Yearwood that Other – Fiscal impact as the proposed Action has potential to diminish municipal property tax revenues due to closing of existing anchor store because of inadequate local consumer demand rises to the level of significance.

Motion 2 by Adele Ruger. 3 in favor, 4 opposed. Motion Insignificant.

Mike Calimano commented that Trans Hudson project and they will write up the conclusion on the Part 3 and the resolution.

Co-Chair Ruger stated we are not voting tonight.

Justin Gates stated that Trans Hudson Management now owns the property and asked about the motion to vote by Ms. Cohen.

Mike Calimano stated we'll write up the Part 3 conclusion level of significance, we'll write up the resolution, and we'll vote on it at the April 24 meeting, take 5 minutes to vote after we read it beforehand

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Justin Gates stated that for a developer's agreement, could the PB put together draft doc pull all together the issues to address so they have it to review (CVS).

Mike Calimano stated they will write a draft preliminary document, and on April 24 vote on the conclusion.

Amy Cohen stated you have some ideas of some things to work on (CVS).

Motion 1 to adjourn by Lagusta Yearwood.

Motion 2 by Amy Cohen.

Meeting adjourned at 10:50 pm
Minutes submitted by Pat Atkins

