

Town of New Paltz Planning Board

Amended Final Minutes

June 12, 2017

June 12 Meeting Agenda:

Review and Approval of Meeting Minutes
May 22, 2017

Public Hearings
None

Public Comments

Application Reviews
PB 2017-05 Mercier Farm stand
PB 2017-06 Rite Aid Renovation

Administrative Discussion
SEQRA Training-follow up
Ag and Markets
Speed Reduction
ADDED:
Rose Lane TB Referral
Shoprite Plaza 190 Day Extension Request
NYPF August 7 POK Course
DOT/Wildberry Mtg in Kingston
Moratorium Committee Update
Response from Applicants (affidavit)

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

Also Present: Planning Board Attorney George Lithco, Rebecca Minas

Board Member(s) absent: none

Co-Chair Ruger called the meeting to order at 7:02 pm.

REVIEW AND APPROVAL OF MINUTES

Co-Chair Ruger asked for motion to approve the amended minutes for May 22, 2017. Amanda Gotto noted that the wording Rubble strip should be changed to Rumble strip. Update noted on minutes.

Motion 1st by Lagusta Yearwood to accept the as amended minutes.

Motion 2nd by Amanda Gotto

All present in favor, Minutes approved.

PUBLIC HEARINGS

Co-Chair Ruger stated there are no public hearings for today. She added that she wanted to acknowledge that the only application to come back as a response to the Town Moratorium Local Law 6 is Trans Hudson/CVS with their signed affidavit to continue at their own risk. George Lithco agreed to look at the application response from Trans Hudson/CVS which was modified by the applicant representatives.

Public Comments

No public comments.

Application Reviews

PB 2017-05 Mercier Farm Stand

Chris Mercier approached the PB members. Co-Chair Ruger stated that his proposal is to convert an existing storage shed into a farm stand. Chris Mercier agreed and added it is a portable building from another location. Discussion followed on where the farm stand is located; on 210 Rt. 32 South, as well as the makeup of the portable building. Co-Chair Yearwood asked George Lithco to review memos, which included a recent memo from Ag and Markets to Town Supervisor and PB Co-Chairs.

George Lithco stated in response to NYS Ag and Markets, this is Site Plan Procedure we would follow. This is a farm stand which requires site plan review. He stated it has been explained to Ag and Markets originally but also noted that this is an agricultural use, and applicant can request waivers from the site plan. George Lithco noted that Mr. Mercier was told by the Town Building Inspector he could request waivers that would reduce the amount of effort the applicant has to do by the PB granting the waivers. He also commented that the PB could consider referring this to Ulster County PB. The PB could also consider granting conditional site plan approval subject to existing building use for agriculture uses as related to the farm. A building permit has been issued for agriculture use as related to the farm.

Rebecca Minas reviewed her memo, commenting on the dimensions of the building be put on the plan and how the parking spaces will fit on the plan. Discussion followed with applicant agreeing to put the parking spaces on the plan, since dimensions were noted on the plan.

George Lithco mentioned that the use for agricultural uses as related to the farm has two options: Site Plan process has to be used if application does not qualify as a Simplified Site Plan. The alternative is the Simplified Site Plan review if it meets that criteria.

Discussion followed on location of materials, storage, unloading of trucks, farm equipment on site, water and sewer (which applicant stated there is none, only one port-

a-potty on site). George Lithco asked about rain and tracking of mud into the farm stand and applicant stated he doesn't anticipate any problem with mud.

Applicant was asked if he could note the port-a-potty on the plan.

George Lithco noted he spoke with the Building Inspector and he stated her concern was that the site plan shows what proposed on the site, and the general concern is how to enforce the site plan approval if applicant is going to do any additional things on the site, picnics, etc. Applicant said there is no plan right now but maybe down the road.

George Lithco added that the Building Inspector concern is if the Planning Board grants site plan approval her job is to enforce the site plan as it is approved, and if there is additional plan. Applicant stated he would come back to the Planning Board if he is changing from the plan. Co-Chair Ruger stated they just want to make sure applicant sells the stuff applicant grows, not bring in other things.

Dumpster location was discussed, and applicant was asked to note the location of a dumpster on the plan.

Tom Powers asked if utilities, electric is underground. Applicant stated yes. Applicant was asked to note the electric lines on the plan. Amy Cohen asked if the dumpster, parking spots and farm be considered for the back of the building on the plan.

Rebecca Minas asked about the proposed signage and lighting, and asked it be noted on the plan.

George Lithco asked what kind of lighting. Applicant replied LED lighting has been decided. George Lithco noted that the UC review will ask for lighting and how it will it function. Mike Calimano added that UC will look for that along with the light illustration and operation of day light hours.

Applicant stated he would be open Mondays thru Fridays 10-6, and Weekends 10-7, depending on customers they will stay open or close with plans to stay in operation all the way to December.

Lyle Nolan stated this isn't a plan, adding that it is one step away from back of a napkin, that it's a mockery of a plan. Discussion followed with Lyle Nolan stating this isn't a plan and there was nothing to discuss. **Lyle Nolan continued stating this** isn't a plan – a portable building, pre-fab building, there's nothing and its skipping through a reasonable level of Site Plan review. George Lithco stated that Ag and Markets recognizes a reasonable level of Site Plan review, and there are deviations from the norm for this kind of use, and exemptions to standard requirements of Site Plan. He stated if there is more information needed to make a determination, and as long as it's a reasonable request, Ag and Markets has no issue with it.

Amy Cohen commented there is a list of things to see on the site plan, and applicant should amend his site plan to add them.

George Lithco noted that if the farm stand is open to the public, it has to comply with Building Code standards, and you have to have a building permit. Applicant stated that when the public goes in, he knows a building permit is needed.

Tom Powers added that in addition to the electric lines noted on the plan, asking about fuel stations (which applicant stated they use 5 gallon cans), also he'd like to know if Stacy (Building Inspector) has done a final inspection of the building. Applicant stated Mark looked at the rough construction, and the insulation was inspected. George Lithco asked that the building permit is still open and stated Certificate of Occupancy will be issued when everything is done and inspected.

George Lithco suggested that the applicant come back June 26 with his updates, and the PB will send it for July 5 UC PB meeting to consider.

Applicant stated that Ag and Markets has been waiting for New Paltz to establish an expedited site plan for farms, and since there is none, it leaves farms like him wondering what the PB will ask for. George Lithco clarified it is a simplified site plan for farms. Applicant stated that according to Ag and Market some things should not apply. PB members agreed and asked for him to state why they don't apply. George Lithco added that if it isn't relevant to the plan then you ask for a waiver.

Discussion followed if a vote for conditional approval. George Lithco noted that the PB has asked applicant for additional information. UC PB may have recommendations or comments. You can approve it subject to UCPB response or you can send it up and wait to approve after UCPB response. Mike Calimano added that if the things you want to see are put on the site plan, do you have any objections after that? He added the applicant can update the site plan and there would be no need to come back unless there is an advisory or recommendation from the UC PB.

Co-Chair Yearwood expressed her concern for the water pumped from the wetlands. Applicant stated there is irrigation setup on the site from a watering hole.

Co-Chair Ruger asked for a motion to grant waivers of the site plan requirements as requested by the applicant. Rebecca Minas added there is exceptions of waivers AA, BB, CC. Amy Cohen read the actions on the tracking sheet. Rebecca Minas commented there are 3 not applicable (L, M and T) and need not be waived. George Lithco stated two of them require limited waivers.

Co-Chair Ruger asked for a motion to waive the site plan review as recommended by the Engineer. Motion 1 made by Mike Calimano, Motion 2 by Lagusta Yearwood. Discussion: Amy Cohen said to put all the stuff on the map and come back. 5 in favor, 2 opposed. Motion passed.

Co-Chair Ruger asked for a motion to classify as a Type II SEQRA action. Motion 1 made by Mike Calimano, Motion 2 by Lagusta Yearwood. Discussion: None, All in favor. Motion passed.

Co-Chair Ruger asked for a motion to refer the revised application with map to Ulster County Planning Board after one of the chairs and engineer review. Motion 1 made by Mike Calimano, Motion 2 by Lagusta Yearwood. All in favor. Motion passed.

Co-Chair Ruger asked for a motion for conditional site plan approval. Mike Calimano asked that the conditions be read. Amy Cohen read the conditions on the tracking sheet - Plan for outdoor lighting, electric mapped, employee parking, parking spots marked including overflow, dumpster location, where farm equipment will be kept, picnic tables could be noted on plan. Rebecca Minas added signage, cooler, port-a-potty location.

Motion 1 made by Mike Calimano. Motion 2 by Lagusta Yearwood for conditional site plan approval with conditions as discussed this night. 3 in favor, 4 opposed. Motion does not carry.

Amy Cohen stated to make the site plan updates and we'll get you on the agenda. Applicant asked what timeframe for approval. Co-Chair Yearwood stated next meeting. Applicant stated he was told by Ag and Market it wouldn't take more than 30 days from start to finish. Mike Calimano stated next county meeting is July 5. If you had come in early June, you would have missed the county deadline. Applicant stated he wants to open August 1. He stated he would brainstorm for the future, in case something changes in the future based on his discussion tonight. George Lithco suggested that anything else talk to Building inspector to see if you need a permit. Applicant was thanked for attending.

Co-Chair Ruger stated there are changes to add if they are really short. A few things to be added, not too long, Shoprite extension and Rose Lane. Under Administration, Amy will give an update on her Wildberry meeting in Kingston she attended, and NY Planning Federation.

PB 2017-06 Rite Aid Renovation:

Co-Chair Ruger next called the Rite Aid Renovation Site Plan forward. Brandon Petrella from Mauri Architects, PC and Owner Rob Mehlich approached the members.

Brandon Petrella stated the proposal is a façade renovation. The proposal is to give them a masonry base, and build out the columns and paint. NO changes to site itself and existing tenants will remain as is. Amanda Gotto asked if the signage will change. He stated yes the sign will change.

Discussion followed on the roof, roofline, pillars, stone, and colors. Co-Chair Yearwood asked if it could be more in character, not bland. Brandon Petrella agreed they could look at stone for the pillars, perhaps change the colors.

George Lithco mentioned the sign plan, and will verify with the Building Inspector to see if the master sign plan standards are met.

Amy Cohen stated she is impressed they're doing the effort, but anything in our B2 district could change once we get the moratorium committee results.

George Lithco agreed that applicant takes some risk in the B2 district, but on the other hand you can't do nothing. Disclose to the applicant and proceed as the rules are today.

Amy Cohen stated she is worried the applicant will spend a lot of time and money.

George Lithco recommended if the PB thinks it's appropriate, refer to UCPB if it's not going to change at some respect.

Co-Chair Ruger stated to comeback with the changes, cultured stone, and paint colors. Frank said he'd confer with the owners, look at the colors, adding the stone.

Tom Powers asked if Rite Aid has approved the signage.

George Lithco stated that it has to go to UCPB since it's located on a county road.

Mike Calimano stated if the only thing is the color, UC will not comment on stone on columns or color.

George Lithco advised send it up to UCPB revised plan, only a color change with no site modification.

**Motion 1 made by Mike Calimano to refer to Ulster County Planning Board.
Motion 2 by Tom Powers. 5 in favor, 2 opposed. Motion approved.**

George Lithco stated he will check with the Building Inspector on the Master Plan (Signage).

Mike Calimano commented that on June 19 UCPB to get revised plan 10 days before their meeting on July 5. June 26 comeback to the PB.

Co-Chair Ruger thanked them for attending.

Administrative Discussion

Shoprite Plaza Extension 190 Day Request

Co-Chair Ruger discussed the Shoprite Plaza request for extension of the Site Plan approval granted August 1, 2016 by the Planning Board.

George Lithco noted Stacy's (Building Inspector's) concerns to make sure the site work gets done with paving. The extension request will extend into November and the contractors will be within the time to complete the paving.

Amanda Gotto asked if this is within the moratorium.

George Lithco commented that it is within the moratorium but the Building Permit was issued before the moratorium to allow the work. He stated that Stacy (Building Inspector) reviewed the Moratorium Law and the extension is not covered by the moratorium for the building permit and if it applies to the PB conditions of approval. He noted that the applicant is asking for more time to complete side work as a condition of approval and to comply with the conditions.

Co-Chair Ruger asked if they would need to sign the waiver. George Lithco stated it is not a moratorium issue, therefore No. The applicant is asking for an extension to meet PB conditional approval for more time to complete site work.

Co-Chair Ruger asked for a motion. Motion 1 from Lyle Nolan for a 120 day extension. Motion 2 by Adele Ruger. 6 in favor, 1 opposed. Motion approved.

Co-Chair Yearwood has left the meeting.

Rose Lane – TB Referral

Due to time, Co-Chair Ruger asked George Lithco to discuss Rose Lane.

George Lithco gave a quick review for Rose Lane referral from the Town Board. Rose Lane is a public road that a portion of the lane is Town Highway, and a portion of it is Non-Town Highway. The problem is the Building Inspector can't issue building permits because it is not on the approved sub-division maps for the Town for 3 properties at the end of Rose Lane which are not developed. Since it's now an issue raised by the Building Inspector, it can be added and shown on an approved subdivision plan or added as a private road and not maintained by the Town. A private road does allow for a permit to be issued if it has adequate emergency highway access which the Building Inspector, Town Highway Superintendent and Fire Department have all said the access is adequate. He noted that this can be discussed at the next PB Meeting.

Rose Lane discussion tabled until next PB meeting.

NY Planning Federation Conference

Co-Chair Ruger noted that the NYS Planning Federation conference is being held August 7 at Locust Grove in Poughkeepsie, all day session. Amanda Gotto expressed interest. There are funds for attending but have to get TB approval for attending. Submit your name to Pat if you're interested as soon as possible.

Ag and Markets

George Lithco stated that the Board received his letter and the letter from Ag and Markets in regard to the Site Plan process for Mr. Mercier. The letter says we are within the aim of what Ag and Markets would consider reasonable. It also outlines the Town's action to follow up and work on zoning amendments to make zoning law more friendly. What we are trying to do is develop a simpler way for Site Plans for agricultural uses to move forward without all of the site plan requirements that can be waived. Now that these are being seen, we don't really need all of the site plan stuff. Need to focus on it to move forward. Discussion followed on not allowing amusement parks, etc.

SEQRA Training

Co-Chair Ruger stated that the Village offered to do training, but no dates have come forward. George Lithco stated he and Dave Clouser and he noted he'd like to do some Site Plans and how it works, and with focus on things on the Site Plans. He suggested some dates after summer, September/October before PB meeting for an hour, couple sessions. He added Stormwater Law, SEQRA, Wetlands procedure to discussion as well. Amanda Gotto suggested the Habitat Assessment.

Speed Reduction

George Lithco stated that meeting won't be until August. Dennis Doyle at UCPB will look at it. Mike Calimano commented that Dennis did mention traffic issues and new studies to be done, and included 299 in his comments. Discussion followed with Amy Cohen stating that enough has happened with accidents here in the community, it's a big problem and not responding to our TB and PB. She motioned to draft a letter to the **County** and bring it to the next PB meeting to discuss. George Lithco reminded them they have an enforcement power for the current speed limit. Amy Cohen feels the community has spoken out and stop talking about it and do something about it. Co-Chair Ruger commented that the TB is trying; they've written letters to Dennis Doyle, they are working on it, just not fast enough. Amy Cohen added because it's a State Road and if it was a Town Road we could get our police department involved. She agreed to draft the letter, bring it to the PB meeting, **prior to sending it to Dennis Doyle, County and the DOT.**

UC Project Coordination Meeting

Amy Cohen stated she attended on May 9 meeting in Kingston as part of the UC Project Coordination Meeting with Steve Turk and team from Wildberry Lodge, the UC PB, UC Health Department, DOT, and Building Inspector (Stacy) to discuss Steve Turk's new Wildberry Lodge Plan. She added he's creating an indoor/outdoor educational destination rather than a waterpark. **They discussed Water and Sewer. Amy Cohen stated Steve Turk was under the impression that he would be able to hook up to village sewer system as he had a prior agreement with the village. Ulster Country Board of**

Health said No. They said that one municipality cannot hook up to another's sewer and that the Mayor does not have the authority to grant this usage. There was a short discussion re: sewer 6 usage, that at this time, sewer 6 has no capacity for any new user. Amy added that Neil Bettez told Steve Turk that he should use his own water and build his own sewer system. Steve Turk is hoping the Rail Trail will come thru past his resort. He's bringing a lot of great stuff into the community. He's adding buses to take customers to various locations. He's looking at solar, southern exposure for his project. She expressed concern for the project because of the moratorium law in effect. She added she'd like to hear from the Moratorium Committee. Rebecca Minas mentioned pursuing a grant for the Sewer 6 concerns.

Amanda Gotto added that the next monthly ENCB agenda will have Rite Aid Project Fabrication and the Habitat Assessment.

**Co-Chair Ruger motioned to adjourn the meeting.
Motion 1 by Mike Calimano, Motion 2 made by Amy Cohen.
All those present in favor. Meeting Adjourned at 9:40 pm.**

Minutes submitted by Patricia Atkins