

Town of New Paltz Planning Board
Final Minutes
September 13, 2018

Meeting Minutes

August 13, 2018

Public Comments

Public Hearing

None

Application Reviews

PB 2013-15: Trans Hudson/ CVS Site Plan

PB 18-195: Ultra Seal Site Plan (521 Main Street)

Administrative Discussion

Town Board Referral – Shivertown B2 Rezoning (discuss response to TB for No Cost for PB sizing request and consider recommendation)

NY Planning Federation Conference – Wed. Oct 24 in Hyde Park

Call to order 7:04 pm by Chair Adele Ruger.

Attendees: Lyle Nolan, Tom Powers, Stana Weisburd, Adele Ruger, Matt DiDonna, Amanda Gotto

Absent: Amy Cohen

Also attending: Planning Board Attorney Richard Golden, Planning Board Engineer Rebecca Minas

Meeting Minutes

Motion 1 by Lyle Nolan to approve the minutes from August 13, 2018

Motion 2 by Tom Powers. 5 votes in favor, 1 abstain (Amanda Gotto). Minutes approved.

Public Comments

Eric Perlman of Mountain Rest Road commented that he is concerned about the 5 Guys/ CVS development. He noted his concerns with environmental, cultural, aesthetic and traffic. He feels no need for another chain restaurant or another pharmacy. He mentioned the ENCB review, which he agreed were prudent concerns.

Alan Stout of Shivertown Road noted to the Planning Board that he was present (for the Shivertown B2 Rezoning Administrative discussion).

Chair Ruger changed the agenda around.

Application Reviews

PB 18-195: Ultra Seal Site Plan (521 Main Street)

Michael Borrello approached the Board to discuss his application for a farm stand on Rt. 299 (Ultra-seal and Living Seed Yoga building). Chair Ruger stated that an initial review from PB Engineer Rebecca Minas was received and asked Building Inspector Stacy Delarede to discuss the memo provided by Rebecca Minas.

Stacy Delarede stated that Rebecca did the initial review per 140-52 for the Building Inspector. Michael stated he just received it (the memo) that morning so he hadn't addressed anything yet. Stacy stated they were currently housing manufacturing, storage, offices, classrooms and an art gallery. There is no retail so it's not accessory use. Stacy added Michael is looking for a temporary seasonal farm stand use of agricultural products. Where he would like to erect the tent, he needs to meet the required setbacks. Michael stated he could push it back and it was agreed that he has to mark that on his map. Move it outside the required setback. Look at parking, needs info on when farm market will operate; same time as when other uses are operating? He is using up some of those spaces if he's eliminating parking for his market while they are open. So he has to let the board know when he's operating. It is however, an allowable use in the district.

Chair Ruger will need to have a review. Attorney Golden agreed it is retail service business that is permissible for that use. Attorney Golden stated for SEQRA that this is an unlisted action. Amanda Gotto asked if the applicant was proposing for any buildings or parking to go anywhere it's not paved. Michael stated no and indicated with the map his proposed area. Lyle Nolan pointed out that in 2012 there was an application before the Board one of the conditions was that the parking in front of the building must be removed, and the sign is not compliant, per an application to the Planning Board from 2012. Stacy Delarede **stated** that the site plan is null since it was never ... 2001 is the approved current plan. Lyle Nolan stated that parking in the whole front of the building is in the setbacks

Town of New Paltz Planning Board
Final Minutes
September 13, 2018

and is not allowed, also a note the sign is not in compliance. Stacy stated that the applicant never acted on the site plan of 2015 and it is now null and void, reverting back to the 2001 site plan that he did submit, and it is the approved current site plan. Lyle Nolan asked if it was approved for parking in the setback. Stacy indicated no it is not permitted in setback. Lyle stated he's been watching as he goes by and they are still parking in the front. Michael stated he will tell people not to park there. Lyle Nolan stated he had to convince the Planning Board there is no parking in the front all along the building if he wants site plan approval. Michael Borrello stated he can fix it for no parking in the front especially for the yoga studio. Stacy indicated that they've been given notices of violations, they still are parking there, and it is an ongoing issue. Discussion on how to stop the parking, but Stacy stated that this is where the Board determines that with the site plan review as a condition of the site plan approval. Lyle Nolan stated the sign wasn't in compliance in his notes, Stacy said it was in compliance but she would go back and check.

Chair Ruger commented they had to set escrow.

Matt DiDonna commented in regard to parking, are they parking where there's no spaces, he'd like to try to understand. Lyle Nolan explained the property line runs along the pavement in the setback. , Michael Borrello stated it will be taken down, and a permanent structure may be considered in the future if this successful. Matt DiDonna suggested he put it down (on the site plan) that it is a temporary structure so many months, days, with Stana Weisburd adding putting as much detail as you can. Amanda Gotto stated to put it in writing. Matt DiDonna asked if he should also consider the shed for storage at this time and Stacy commented he should consider what he wants to do now, and if he is considering further development in the future he should come back to the Board when he figures it out.

Chair Ruger noted that this will require attorney review and so escrow will need to be set.

Chair Ruger asked for a motion to set escrow at \$1000.00.

Motion 1 by Amanda Gotto to set escrow at 1000.00 for this project.

Motion 2 by Stana Weisburd. All in favor. Approved.

Stacy indicated before he goes let him know what he needs to do.

Rebecca Minas stated that the letter has some high levels of what he needs to do, but it depends if the PB is going to waive all the requirements of the site plan, so if they'll accept, for example, a drawn square, if not, he'll need to do a new plan. Which is, per Attorney Golden, an engineered drawing if the board requires that. Rebecca stated that it's pretty straight forward but he (Michael) should address what's in the letter.

Discussion followed that included needing specific dimensions of the tent, tables, from property line to table.

Chair Ruger stated he is requesting a waiver for professional drawings.

Matt DiDonna motioned to allow the applicant to use 2001 approved site plan to show where temporary tent and tables will be for his farm stand to scale.

Motion 2 by Lyle Nolan. All in favor. Approved.

Amanda Gotto asked Michael in the letter he just received that day if he understood what he needed to do since he has to do all before he comes back. Michael indicated he understood.

Rebecca Minas asked if the Board wanted him to show how he will stop the parking in the front.

Attorney Golden comments that this is temporary use that involves issues of parking, that you can put a note when it is going to be open-days, months, hours, etc..

Lyle Nolan commented you mentioned Christmas trees sales? Michael Borrello stated it was just a thought, and he is hoping to have plenty of fruit and sell all the way thru to the season. He was instructed to put that on the plan.

Stacy Delarede added for retails sales, such as Christmas trees, mark on the plan where the use is for the entire area needed should be marked on the plan, such as the plan for Rite Aid parking years ago. Attorney Golden stated they can take the SEQRA steps and assume lead agency.

Chair Ruger motioned that this is an unlisted action and assume Lead Agency.

Motion 2 by Lyle Nolan. All in favor. Approved.

Town Board Referral – Shivertown B2 Rezoning

Chair Ruger stated that in her discussions with Stacy and Neil on the Shivertown B2 rezoning, there was nothing to vote on other than the cost, which was determined at the last (PB) meeting as no cost. Chair Ruger commented to Alan Stout that he needs to go to the TB and if they like this, they will tell you how much it will cost since its comes from them. Alan Stout stated he was under the assumption that the Planning Board was going to give a recommendation for rezoning to the Town Board. Chair Ruger asked Pat to send the Town Board a memo with no cost comments from the Planning Board.

Town of New Paltz Planning Board
Final Minutes
September 13, 2018

Application Reviews

PB 2013-15: Trans Hudson/CVS Site Plan - Workshop discussion for Trans Hudson

Chair Ruger stated that there is misinformation out there and what we are reviewing is the original CVS and 5 Guys proposal to the site. That is the only application we (the PB) have. Pictures were sent around of building designs and Chair Ruger suggested they forward the pictures to Trans Hudson and Justin to look them over as examples of what we could have. Discussion followed on the meeting with Trans Hudson and PB on the Hyde Park example was different than the Cape Cod model that was shown at that meeting. Pat was instructed to send those pictures to Trans Hudson. Chair Ruger mentioned the water review.

Rebecca Minas stated at the last meeting under the impression the data had been provided, that is not the case. The only information is the paragraph concludes that monitoring they had done lead and other compounds could be treated. Nothing to review for water qualify. Chair Ruger asked if they know what they need to provide the PB with. Rebecca stated that what she believes the Board has done in the past have enough evidence to know that the application is approvable by the Board of Health (BOH) and Board asks them to drill in their proposed wells but not sure why they aren't doing it. **The quantity Rebecca is not overly concerned they (Trans Hudson) think they (BOH) will approve anything less than 5 gallons/minute but presumes that they will have it.** The wells are on the plan per Rebecca when asked by Amanda Gotto where the wells will be. Rebecca showed the PB where the wells will be using the map. Rebecca stated that the BOH won't give approval until Trans Hudson drills the wells and tests. Attorney Golden stated that it could be a condition on the resolution that they get BOH approval, adding that they have Rebecca make a conditional determination subject to what the DOH requires. **Tom Powers questioned that the 5 gallons/minute will it be sufficient enough for the proposed sprinkling system for 13,000 square footage was noted by the Board.**

Rebecca continued on the wastewater section, stating a DEC permit is needed for groundwater discharges, and wanted evidence from the DEC for any evidence they've corresponded with the DEC.

After discussion it was recommended by Attorney Golden that it is appropriate to send the memo from Rebecca to the applicant and added it is appropriate for the Board to ask the applicant to provide water and sewer information.

ENCB Chair Ingrid Haeckel stated she wanted to summarize the ENCB's comments from the August 2 submission. She will provide a formal response to the last submission from the applicant.

- Feasible options of design to put parking in the rear.
- Opportunity to preserve the vegetated buffer along the Thruway
- Tree survey along the 100 foot area along the Thruway buffer is warranted.
- Determine some buffer and determine how wide it will be.
- Deep slope by the 5 Guys pad is a concern. 50% slope with evergreen trees vegetation plan is not enough, closer to North Putt and if they could move it away, and will reduce the amount of fill.
- Maintenance for the storm water storm tech infiltration chambers to be understood, site plan to look swales, avoid storm water basin.
- Verify lighting plan meets dark skies standards for new projects this size in the town.
- Put a sidewalk along north Putt for pedestrian connections to Henry Dubois.

Chair Ruger asked Ingrid to summarize this all and send to Pat.

Chair Ruger said the PB is waiting for a lot of info from **Trans Hudson**.

Amanda Gotto added that the PB members should go back to the Part 3 EAF narratives, and look at it and reassess. Amanda Gotto will send to Pat what she herself has noted. Pat commented that the final EAF is in the Dropbox link Rebecca commented on the integrated pest management plan, and her comments to their proposed plan. Pat stated she did forward the comments to them (Trans Hudson).

NY Planning Federation seminar in October 24th. Tom Powers indicated he would like to attend as well as Adele, Amanda (and Pat).

**Motion 1 by Chair Ruger to adjourn. Motion 2 by Matt DiDonna. Meeting Adjourned at 8:08pm.
Minutes submitted by Patricia Atkins**