

Town of New Paltz Planning Board
Final Minutes
August 27, 2018

Meeting agenda 8/27/2018 PB meeting:

Public Comments

None

Public Hearing

None

Application Reviews

PB 2013-15: Trans Hudson/CVS Site Plan

Administrative Discussion

Town Board Referral – Shiverstown B2 Rezoning

NY Planning Federation Conference – Wed. Oct 24 in Hyde Park (50.00 pre or 65.00 at door, 4 hours required education hours, 9-2:30)

Call to order 7:07 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.

Excused: Planning Board Engineer Rebecca Minas

Public Comments - none

Public Hearing – none

Chair Ruger stated she is switching the agenda for the administrative discussion first.

Town Board Referral – Shiverstown B2 Rezoning

Chair Ruger said that the Town has asked what the cost for us to have this redone. Looking at the map provided by Alan Stout, on the other side of Rt. 32 the properties are in two zones. Alan Stout prepared the maps which show the existing alignment of the zoning, and what Alan proposes as new alignment. Alan Stout commented that it was suggested at the Town Board meeting by Attorney Joe Moriello that it be divided up to get a better understanding of what it would really cost; is there cost solely for the PB? Then it would go to the next step, if there is cost for the PB review; is this rezoning a good idea or a bad idea, and get it back to the TB.

Attorney Golden stated it is no cost to the PB to review and make a recommendation but there is a cost for Engineer or Consultant review this. For purposes of this particular change, he added there is no need for him to review this application for the PB to make a determination. Lyle Nolan added as a Board they can proceed.

One question Lyle Nolan asked if the situation was reversed, property owners want to go into B2 from R1, how would we respond? We would send it back to the Town Board with the PB opinion. He added it occurs in the town now with split zones. Amanda Gotto added that the Town Board memo is asking for three things; How much to review the petition, consider the issues (including the extent of required SEQRA determinations as, if and when the TB entertains the zone change request), and furnish an advisory report to the TB. Chair Ruger asked if they wanted to put in an opinion. Matt DiDonna agrees with Lyle and offered his opinion by stating that people with houses in the R1 and property in B2 and want to make it R1 for future planning purposes, everyone will want to make that change.

Motion 1 by Lyle Nolan send a note to the Town Board to say they should proceed with this and no cost is involved. Motion 2 by Matt DiDonna. Discussion followed.

Attorney Golden said that split zoning happens in a lot of municipalities and when they go forward individuals want their properties rezoned.

Attorney Golden stated that there are two things that the Town Board has asked for: Consider cost or no cost to the PB, and a recommendation to TB whether it's a good idea to rezone these lots for residential only or rezoned in a different fashion. Chair Ruger suggested she's not ready to vote, and suggested that they go out and take a look (at the properties).

Lyle Nolan modified his Motion to send a note that there is zero cost to the PB (to the Town Board). Motion 2 by Adele Ruger. Amanda Gotto added that the PB will come back with our recommendation and not leave it open-ended. Chair Ruger stated not to add this in the same motion. All in favor. Approved.

Chair Ruger stated she feels she'd like to get something from all the residents that they want this rezoning. Lyle Nolan commented to put this on the agenda for the next meeting. Alan Stout stated he has no objections if they (PB) want to walk his property. Attorney Golden asked Alan Stout if any of the PB members individually or collectively walked his property if that were okay, which Alan Stout replied he has no objection.

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Application Reviews

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

Chair Ruger stated there was a meeting last Tuesday (8/21) and the PB members present (Adele included) were Matt, Amy Cohen, PB Attorney Golden, PB Engineer Rebecca Minas with the Owner of Trans Hudson and his wife, their Attorney, their Engineer and their Developer. Chair Ruger referenced the list created from the meeting which Trans Hudson agreed to come back to the PB with (recap memo dated 8/22 from Stacy Delarede). Chair Ruger liked the new building model proposed, similar to Cape Cod style or Hyde Park store. Stana Weisburd asked about tree inventory if it's required, shouldn't ZBA get that? Lyle Nolan said it's not required for an approved site plan, and it has to be stipulated (if one is required). Stana stated she wasn't sure if they had the ability to waive it or the ZBA. Attorney Golden stated that you (PB) has the ability to determine the scope and extent of the tree survey so that's what is being discussed as to how much of a tree survey they would have to do, adding that they don't want to do a complete survey that could be meaningless. Design of the building was discussed next. Chair Ruger stated at the meeting, they were willing to go back with what the PB liked, such as the Hyde Park building. Matt DiDonna stated at that meeting, which he wanted to note, that they are coming to them with a plan, and there are people not particularly fond of their plan but they are willing to make modifications but they can't change everything; because changing everything; changing parking, type, site, size; changing everything would be an entirely new plan according to Trans Hudson, which he felt was a fair statement they made. He added he understands their frustration five years later with the input from the Planning Board asking to change the parking, change the bushes, add sidewalks, better looking building, building not so big, etc. Stana Weisburd stated they have asked for a lot of stuff all through those years and they refused to make changes. Matt DiDonna stated that wasn't during site plan review. Chair Ruger stated that they have asked for a lot of changes and PB was told they can be addressed during site plan review, and that's where the PB is now.

Attorney Golden added going back to the tree that Lyle code provision, all the tree regulations and exception to the tree regulations and any tree removal approval by the Board is whatever the board does during site plan approval.

Chair Ruger went to the first item (on the list), lowering the site 3 feet from the roadway, 1 foot from what they originally proposed. Attorney Golden explained it is 1 foot from what they originally proposed so it's an additional 1 foot decrease. Discussion on the road height, how drainage, storm water are affected, if going too low. Matt agreed stating that a point made by Amanda that the Engineer was feasible for that site (if it's lowered) and should make a note to ask Rebecca that.

Chair Ruger continued, stating Item 2 was discussed.

Chair Ruger continued, stating Item 3 encouraged Trans Hudson to lose to some parking in the front, and move the building. They would take away some parking and put trees much of that invisible of parking in the front. Discussion followed on parking. Matt DiDonna explained that going from 2 rows down to one row as proposed, make it look like less parking. But 299 side can add a couple of trees. Lyle Nolan stated his point was to save a significant tree. Stana Weisburd stated they should identify what trees are there in the landscape for preserving as many trees as possible and that's what the tree survey can tell them what is there and doable vs. cutting everything. Attorney Golden commented that the board needs to look at the benefit of a tree survey would give them versus a proposed landscape plan which may be putting in trees more visibility affective than existing trees. He added that the board take a hard look at the landscaping plan to see if there is enough landscaping plan to visibly block that first row of parking as they've proposed. Discussion followed on the landscaping plan, using existing trees in the hardscape, and using native plants as per Stana's suggestion, who said the ENCB gave specific plants that would be good plants. Attorney Golden advised the Board that they have that option to reject the selections in the updated landscaping plan they are re-submitting.

Chair Ruger continued, stating Item 4 was discussed.

Chair Ruger continued, stating Item 5 was about the height of the sign and internal/external lighting. Lyle Nolan said we have a sign ordinance in the town so it's no problem. Matt DiDonna internal lighting, wanted external lighting, Stacy was there, and stated they have to be within code, and Matt DiDonna stated it is in their plan. Chair Ruger commented that the buffer from the thruway they were willing two rows of landscaping but not leave what was there. Matt DiDonna stated the area along the thruway now is not great, and they stated they can create a better buffer.

Chair Ruger continued, Item 6 for Water and Sewer. Chair Ruger said they are hoping the Village will give them water and sewer. Matt DiDonna stated they are in conversation with the Village on extending the water and sewer. Lyle Nolan stated the size of the **leach** fields will be small, smaller than home, since the store will not have any water usage. Stana Weisburd added that the restaurant will have water usage. Amanda Gotto stated that if they don't have viable amounts of quality and quantity of water, then without this it is questionable. Chair Ruger stated they have to get a letter from the Board of Health, so we can't approve it until it's done. Tm Powers asked what if the

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quality of the water is not there? Attorney Golden stated that they have given water tests to B&L and that they state it is adequate and is within acceptable guidelines. He also added that the Board should never be approving anything without adequate water and adequate sewer. Chair Ruger asked that Rebecca be asked from what they have provided to them if there enough adequate quantity and quality of water and sewer.

Chair Ruger stated that September 13 is the next meeting (rescheduled from September 10). Find out if they are going to have something for us to see, they won't be put on the agenda. Pictures of buildings will be provided by Amanda to forward to the Board. Discussion followed on how the Board members having different opinions and how it (the building) will fit into New Paltz. Stana added that to wait and see what they come back with. The pictures of the Cape Cod style and Hyde Park building were discussed.

Stana stated that the September 13th mtg. is primary day, and Pat will check with the room reservation.

Chair Ruger stated there are things to address and they won't be put on the agenda until those are addressed. She asked board members to bring back their questions. Amanda Gotto stated that the water has to be addressed as well as Engineer's response to elevation issues as well as the water report. She added a revised landscape plan is needed.

NY Planning Federation seminar in October. Let Pat know if you want to attend.

**Motion 1 by Chair Ruger to adjourn. Motion 2 by Lyle Nolan. Meeting Adjourned at 8:23pm.
Minutes submitted by Patricia Atkins**