

Town of New Paltz Planning Board

Amended Final Minutes

July 10, 2017

July 10 Meeting Agenda :

Review and Approval of Meeting Minutes

June 12, 2017

Public Hearings

None

Public Comments

Application Reviews

PB 2017-05 Mercier Farm stand

PB 2017-06 Rite Aid Renovation

PB 2017-07 Rust Accessory Apartment

Administrative Discussion

Moratorium Committee Update

Traffic Consultant for Ferris Woods

PB Training Opportunity

Present:

Adele Ruger, Lyle Nolan, Tom Powers, Amanda Gotto, Lagusta Yearwood, Mike Calimano,

Also Present: Planning Board Attorney George Lithco, B&L Engineer Rebecca Minas

Board Member(s) absent: Amy Cohen

Co-Chair Ruger called the meeting to order at 7:00pm.

REVIEW AND APPROVAL OF MINUTES

Co-Chair Ruger asked for motion to approve the minutes for June 12, 2017.

Motion 1 by Lagusta Yearwood. Motion 2 by Mike Calimano.

Discussion: Amanda Gotto commented that she felt the minutes contained too much verbatim. Lagusta Yearwood stated that if you feel misrepresented of your view, you definitely want to correct that, make it the way you're comfortable with; it is our record.

After discussion, Mike Calimano and Co-Chair Ruger both stated that the June 12 meeting minutes are on hold until next meeting, and the PB should reread the minutes.

PUBLIC HEARINGS

None

PUBLIC COMMENTS

No public comments.

Application Reviews

PB 2017-05 Mercier Farm Stand

Chris Mercier approached the PB members. Co-Chair Yearwood discussed the ENCB memo as well as the DEC email chain, in regard to their response from the DEC. Noel Russ from the ENCB commented that they still had a concern about the amount of water being pumped from the wetlands. Mr. Mercier stated that the water usage was not applicable to this site plan only that subjected to site plan that is open to the public.

Co-Chair Ruger commented on the six things he had added to his latest submission, with overflow parking removed. Co-Chair Ruger stated that if you (Mr. Mercier) should need overflow parking to come back. George Lithco commented that he had discussed overflow parking with the Building Inspector and it was removed from the site plan because it is not anticipated as a regular need for overflow parking. He added it is not considered a site plan issue, but if it becomes a regular occurrence of parking on the grass, then the applicant will have to come back to the Building Inspector and possibly to the Planning Board. He stated that Town Code for parking is required to be provided for the use.

Co-Chair Ruger asked if it has to be noted to comeback if overflow parking is needed.

George Lithco stated that the Building Inspector is not requiring it but if it should prove necessary to have the ability to inform the applicant to provide it and comeback to the Board on how it will be accommodated.

Co-Chair Yearwood asked if they should have a memo in place stating this.

George Lithco stated it needs to be written but not as a condition. He stated they should just summarize the Building Inspector's determination on the site plan of what will be done in the future if it's seen and how regular the use is.

Co-Chair Ruger asked Mike Calimano to report on the Ulster County Planning Board (UCPB) referral response.

Mike Calimano stated he received the email response back from the July 5 meeting of the UCPB. He stated their required modification is the proposal should conform to the guidelines as provided by the Department of Agricultural Markets with site plan review. He also mentioned UCPB recommended that the NYS Department of Agriculture and Markets Guidelines be followed for site plan review requirements which include:

1) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. Show the existing features of the site including land and water areas, water or

sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.

2) Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic. Show the proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, or manure storage/manure composting sites.

3) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.

4) Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.

5) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.

6) Application form and fee (if required).

The Department of Ag and Markets further notes in its guidelines:

“The Department understands, however, that in some cases, a public hearing and/or a more detailed review of the project which may include submission of a survey, architectural or engineering drawings or plans, etc., may be necessary. The degree of regulation that may be considered unreasonably restrictive depends on the nature of the proposed activities, the size and complexity of the proposed agricultural activity and/or the construction of buildings or structures and whether a State agricultural exemption applies.”

Mike Calimano added that it's basically saying if its public use, like a farm stand, it gets site plan review as required from Ag and Markets.

George Lithco added that it would also comply with Ag and Markets Guidelines for direct sales.

Co-Chair Ruger asked for a motion but didn't complete it. She mentioned establishing escrow for applicant's invoices, noting concerns on how fees will be paid. Co-Chair Yearwood considered conditional approval while waiting for ENCB's water issue.

Rebecca Minas reviewed the email from Bob Somers from Ag and Markets which included comments from the DEC in regard to the water withdrawal from the pond for irrigation whether a permit is needed or not which is dependent on if the capacity withdrawn exceeds the thresholds for needing a water withdrawal permit, which she feels it will not. She commented on the 6 items for waivers (L, M, T, AA, BB, CC); AA, BB, and CC should not be waived; 3 are recommended to be waived (L, M, T).

Discussion followed on the driveway which Mr. Mercier said he has a permit from the UC Engineer, as well as planned DPW work on South Putts Corners in general.

Co-Chair Ruger motioned for conditional site plan approval with conditions. Motion 2 by Mike Calimano. Co-Chair Yearwood mentioned she'd like a response from ENCB but doesn't want to hold things up. George Lithco reminded the Board to include waivers in the motion.

Co-Chair Ruger amended her motion for conditional site plan approval for Mercier Farm Stand application with the following conditions: 1. Payment of all fees, 2. Revised Site Plan, 3. Submit final site plan for review by Building Inspector, 4. Continuing condition of approval is that the farm market must operate in a manner consistent with NYS Ag and Markets guidance for direct sales, and with (3) waivers. Motion 2 by Mike Calimano. All present in favor. Motion approved.

Co-Chair Ruger asked when Mr. Mercier was opening. Mr. Mercier replied August 1. Co-Chair Ruger expressed concern on all fees must be paid but the bills won't be in before he opens. George Lithco stated the consultants will give their final invoices in before that.

PB 2017-07 Rust Accessory Apartment:

Mr. Jonathan Rust approached the PB members. Co-Chair Yearwood referred to Stacy's (Building Inspector) review memo, asking about the concerns highlighted in the memo. Mr. Rust commented he was aware of questions on lighting.

Mr. Rust said the lighting is UV approved, and he passed the light photo around. The window is in the efficiency apartment where there are two windows, no bedroom. The parking in the driveway has a width of 14 feet, 2 bays, garage to side is 25 feet, enough room for parking.

Mike Calimano stated that the property line to neighbors should be within 25 feet of that side. No parking within 20 feet of boundary line. He also suggested putting 1 space on blacktop for apartment parking, and 2 spaces in the garage so that a car can get out okay.

George Lithco commented to mark on his plan parking space for the building inspector's benefit.

Rebecca Minas commented on the lighting using <100 wattage bulbs. **Mike Calimano recommended referring to lumens, which more accurately represent the brightness of the bulb (instead of watts, which represents power consumption).**

Co-Chair Ruger asked for a motion to classify the Rust Accessory Apartment as a Type II SEQRA action.

Motion 1 by Mike Calimano.

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

Co-Chair Ruger motioned to grant approval for accessory apartment, subject to continuing compliance with the requirements of Section 140-17 and noted parking spaces on the plan and property (Co-Chair Yearwood).

Motion 2 by Mike Calimano. All present in favor. Motion approved.

PB 2017-06 Rite Aid Façade Renovation:

Mike Calimano reported that the UCPB referral response had no comments.

Administrative Discussion:

Mike Calimano also mentioned that he received a response from UCPB addressed to the Town Supervisor on the PB review memo about Ag and Markets Zoning Law Amendments. Mike read the response from the UCPB which states:

While the County Planning Board is generally in favor of granting local Planning Boards and applicants additional flexibility in order to expedite uses through the review process, it is recommended that for uses that draw customers/traffic beyond the scope of deliveries and sending products to market, such as, but not limited to, farm stands, agri-tourism operations, wedding and catering facilities, etc. should not be waived and instead should be required to undergo site plan review per the guidelines provided by the NYS Dept. of Agriculture and Markets.

Discussion followed on the handling of future applications for simplest possible review.

Moratorium Committee Update

Amanda Gotto reported that the public workshop comments and minutes were pending posting to the website. She mentioned various groups will meet in a roundtable and in August timeframe individual meetings with applicants with active applications will be done. She stated the meetings are open, and next one is August 22nd.

Co-Chair Yearwood stated she would get some dates for the training session offered by the Village. George Lithco mentioned he and Dave Clouser have some information on Storm water and wetlands, and Site Plan training to share with the Planning Board. Co-Chair Yearwood asked for some dates so she can coordinate with the Village.

Mike Calimano mentioned a training opportunity held in Marlboro on Ulster County Design Guidelines in the September/October timeframe but no dates scheduled yet. He also mentioned that the Town of Rochester is building a solar installation at their transfer station.

Traffic Consultant for Ferris Woods

George Lithco commented that the Ferris Woods Attorney contacted him in regard to what issues the Town has and how can they be addressed. He mentioned for this project to go forward the PB will need to look at traffic for this application. Ferris Woods has put their application on hold while they go to the ZBA, where Ferris Woods is seeking a variance and appeals.

Co-Chair Yearwood suggested as a traffic consultant to go with a different company.

Mike Calimano suggested getting examples of work. Lyle Nolan suggested hours of field time. George Lithco suggested someone with expertise, qualifications, with experience and training, and references. Pat to provide a list of traffic consultants used in the past for the PB.

Rebecca Minas commented that B&L has capability to do traffic consulting.

Board members agreed the next step is to canvas for consultants.

Habitat Assessment Guidelines - Amanda Gotto commented still awaiting ENCB feedback on the comments from the PB. Mike Calimano commented to put on the agenda when the ENCB can get back to the PB. Noel Russ from the ENCB stated he would make sure the PB comments are addressed at their next meeting.

Co-Chair Ruger stated she would be out for the 7/24 meeting.

Amanda Gotto reported that 299 speed reduction was on the 7/6 Town Board agenda but she didn't attend. George Lithco commented there was no quorum at that meeting. She also mentioned a Solar Projects meeting on 7/11/2017 and on 7/17/2017 micro grid meeting.

Co-Chair Ruger motioned to adjourn the meeting.

Motion 2 by Mike Calimano. All those present in favor. Meeting Adjourned at 8:23 pm.

Minutes submitted by Patricia Atkins