

Town of New Paltz Planning Board

Amended Final Minutes

September 25, 2017

6:30 pm – 7:55 pm – Training from Dave Clouser – Site Plan Review

September 25 Meeting Agenda:

Public Hearings

None

Public Comments

Application Reviews

PB 2017-10 32N Day Nursery Site Plan

PB 2013-15 Trans Hudson/ CVS Site Plan

Administrative Discussion

Ag Advisory Committee Volunteer

Present:

Adele Ruger, Lyle Nolan, Amanda Gotto, Amy Cohen, Mike Calimano

Board Member(s) absent: Tom Powers

Also present Stacy Delarede, George Lithco, and Rebecca Minas

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

MEETING MINUTES

None

PUBLIC HEARINGS

None

PUBLIC COMMENTS

None

Application Reviews

PB 2017-10: 32N Day Nursery Site Plan

Andrew Willingham, of Willingham Engineering, Kevin Quinlan, of Kevin Quinlan Architecture LLC and Jeana Fanelli, the Daycare Center owner, approached the PB members to discuss the latest updates to their application 32N Day Nursery Site Plan Review.

Chair Ruger asked Rebecca Minas to go over her (Rebecca's) review memo of the latest submission from the applicant that was given to the PB members on September 25th.

Rebecca Minas reviewed the General Planning Issues she noted as 1 through 4 on the memo, 1. Not a lot of fill, <100 cubic feet, was needed for the grading for the east side of the building, 2. Storm water runoff from the proposed parking area would not impact the southern neighboring property, 3. No gutters or downspouts proposed on the building but noted that there may be potential maintenance issues after storm events, and, 4. Sheet flow proposed for the parking lot is satisfactory due to the **slope of the parking area and** small catchment area draining to the parking lot.

Stacy Delarede noted that gutters are not required by (Town) Code. Kevin Quinlan stated that the covered porch area would be the main entrance into the building, after being asked by George Lithco if the east side was the main entrance.

Rebecca Minas continued to discuss her review memo noting that the SEQRA classification is unlisted but commented that the Northern Long-eared Bat was noted within 4.5 miles of the project site by the Natural Heritage Program.

Discussion followed with George Lithco recommending that **a tree clearing note be added to the site plan stating that tree clearing for the site will only be allowed during the period between November 1 and March 31 to protect potential roosting trees for the Northern Long-Eared Bat (and Indiana Bat); if that could impede the applicant's site work, the applicant could request a waiver from NYS DEC and US Fish and Wildlife Agency to allow tree clearing at other time by showing that the clearing activity would not affect the endangered bat species.** Rebecca Minas continued on the Site Plan Issues to be addressed portion in her memo, noting 1. total acreage confirmed by the applicant is 0.83 acres and therefore no NYSDEC SPDES permit is needed for storm water discharge to a MS4 and no implementation of a SWPPP was needed, 2. Note on plan that when special events occur no parking along Rt. 32North, 3. UC Department Of Health correspondence needed showing satisfaction that a portion of the proposed existing septic reserve area is **upstream and** within 200 feet separation distance from the neighbor's well to the south, as well as construction hours to be noted on the plan in line with the Town's noise ordinance, and location of trees and vegetation to be removed along Rt. 32 as well as confirming the location of the dumpster with protective bollards surrounding it. Rebecca also mentioned the preferred type of bike rack was **snake type as preferred by the Bike-Ped committee**, and the proposed location of the bike rack needed to be relocated **out of the front yard setback**. Rebecca Minas noted that the Building Inspector provided correspondence that the parking lot design is acceptable for emergency vehicles. Discussion followed on the **requirement as per Town Code** of an electric vehicle charging station as well as the types of charging stations available.

Chair Ruger suggested that the Board vote to waive EV conduit and future charging station. Motion 1 by Amy Cohen that the applicant just put in a conduit and in the future, have the option to put in a charging station. Lyle Nolan

amended the original motion to waive the requirement for installation of the charging station, but require the infrastructure that would be necessary for installation in the future. Motion 2 by Mike Calimano. Discussion followed on the code when it was written, the type of charging station had not been installed anywhere in Ulster County. Mike Calimano said they needed to get more information on what type of charging stations applicants would need to put in. Chair Ruger stated the cost has to be considered too. **Amanda Gotto added that there is a NYS rebate that will reimburse a business 50% of the cost of a charging station, and that her own residential charging station was a nominal cost.** The Board members agreed to investigate further, especially the options for commercial charging point, to help inform applicants. Chair Ruger asked for all in favor of Amy's (Cohen) motion and Lyle's (Nolan) amended motion to waive the requirement for installation of a charging station. 4 voted in favor, 1 opposed. Motion carried. Approved.

Rebecca Minas continued with the conditions of final approval, noting evidence of lot merger is needed, results of water quality testing for the existing well from UCDOH as well as UCDOH approval of change of use from existing septic system from a restaurant to day care. She also noted to add holding tank location to the site plans as well as noting that UC Planning Board referral comments have been received and addressed.

Chair Ruger asked Rebecca Minas to read the questions of the Part 2 Full Environmental Assessment Form to identify any potential impacts.

Rebecca Minas read each question from the Part 2 for each question with the following responses noted:

1. No
2. No
3. No
4. No
5. No
6. No
7. No
8. No
9. No
- 10.No
- 11.No
- 12.No
- 13.No
- 14.No
- 15.No
- 16.No
- 17.No
- 18.No

George Lithco noted that it appeared that the Board could now make its SEQRA determination of significance. Motion 1 by Mike Calimano to determine, based upon considering the EAF, the SEQRA criteria of significance, the factors discussed above, and the representations that were made by the applicant, that the action would not result in any significant adverse effects, and therefore an EIS would not be required. Motion 2 by Lyle Nolan. All present in favor. Approved.

George Lithco noted that the waiver requests should be addressed. Rebecca Minas noted the 3 waiver requests: 140-52B (2)(d), 140-52B (2)(k) from the checklist, and 140-34H (1), parking area shall be paved.

Motion 1 to waive 140-52B (2)(d), 140-52B (2)(k), and 140-34H (1) made by Adele Ruger. Motion 2 by Amy Cohen. All present in favor. Approved.

Discussion followed with George Lithco offered a summary of proposed conditions that had been discussed by the Board. Rebecca Minas noted the condition she added regarding the bike rack install and location along with those noted in her memo. Mike Calimano read the conditions he had noted.

Stacy Delarede suggested that at the bike rack relocation be made subject to approval by the Town Engineer and Building Inspector and that the site plan be signed after all the fees and conditions are met.

Chair Ruger asked for a motion to grant conditional approval. Motion 1 by Mike Calimano (who read the noted conditions of approval and are attached at end of these minutes).

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

PB 2013-15: Trans Hudson/CVS Site Plan

Justin Dates from Maser Consulting approached the PB members.

Mike Calimano asked Justin Dates if he could share his meeting with the 299 Gateway Committee after meeting with them as an applicant. Justin Dates noted that the committee explained their process and direction of what's being looked at for zoning.

Justin Dates stated he'd like to start by going through their key responses to the Negative Declaration for the Final Part 3 Evaluation of the Importance of Impacts document, dated 4/27/2017.

He addressed them as follows:

Determination of Significance of Impact on Land – in regard to the fill of the site, the new plan raises the site elevation within 2 feet of the 299 grade, and approximately 27,000 cubic yards of fill will be needed. He added that the fill is needed because the site is down in a hole and would not be sustainable since it's below grade. The

applicant doesn't see the site as successful without the fill. Chair Ruger asked if it could be lowered. Discussion followed. Chair Ruger commented a few years ago they asked for lowering the level but Justin Dates stated they considered that but it would not be feasible for tenants on the site. Mike Calimano suggested for a consideration about a project in Marbletown off 209, the septic is underneath the parking lot, a tight area, consider fill to raise visibility of the building, and could be a benefit for both and raise comfort level for them, more green space could validate the amount of fill coming in. Just a consideration for them to think about. Rebecca Minas noted on her review memo dated September 25, 2017 that a 1 foot reduction with no impact on current site design, would reduce the truck loads of fill to 778 loads, and 3 foot reduction would reduce the truck loads down to 490. She feels the tenant's preference is to have the site elevated. Justin Dates stated anything lower than 2 foot could potentially not work. Chair Ruger agreed that Mike Calimano's idea to consider and for them to look into. Amy Cohen added the trucks would come down the NYS Thruway and tie up the streets (during construction). Justin Dates stated they would have a construction plan. Chair Ruger stated she feels 3 feet reduction won't make a difference. Justin Dates continued on with the second part response in regard to a tree survey waiver still remains. Identification of trees to be preserved will occur. George Lithco advised that he was not sure that the board could take a vote in regard to granting the tree survey waiver because of the moratorium. Amy Cohen added that half dead trees remove them, add flowers and retain the beautiful old trees. Justin Dates addressed the next reply in regard to the fill monitoring which included certification of the fill source. Amy Cohen commented that the fill be approved by the DEC. George Lithco replied the fill source be a source permitted by the DEC, consistent with the SEQRA determination, and asked if the applicant would object if it were part of conditions. Next discussed was the Town's Storm Water Law, which had been adopted after the applicant's original SWPPP had been prepared. There was discussion on proposed parking spaces and a rain garden that had been mentioned in the SWPPP but not noted on plan. Mike Calimano asked that they take a look at the consistency between the building renderings and the landscape plan, as well as any deed restrictions.

Determination of Significance of Impact on Aesthetics

Justin Dates stated that there would be dormer accents, decorative louvers, stone veneer accents, and shutters. Neal Borden, Trans-Hudson Management Corp., Owner/applicant, joined Justin Dates at this point of discussion. Neal Borden stated that they are trying to satisfy the Planning Board. Rebecca Minas stated from her review memo that the building elevations should be updated to include materials/color legend and confirmation of the screened location of HVAC units on the roof that is shown on the renderings. George Lithco commented they may want to consider solar.

Determination of Significance of Impact on Transportation

Justin Dates discussed the potential improvements, the proposed Empire State Trail, proposed sidewalks and crosswalks, bicycle parking adjacent to each proposed facility. He added signage will be placed coming off 299 for directing bicyclists. Amy Cohen asked if they were still considered covered bus stops? Amy also asked about bike racks by CVS for a good bicycle rest stop, perhaps consider benches, a bike map.

Neal Borden asked the board if there was no moratorium in place, would they approve the project? **The Board agreed that it was unable to give a response to this question.**

Mike Calimano commented that they are moving on areas talked about. Issues have been raised **and there is still much to discuss**. Amy Cohen added they have come a long way.

Aq Advisory Committee Volunteer

Chair Ruger stated that Stacy Delarede is looking for PB member to volunteer. Stacy Delarede gave a brief description of the committee. Chair Ruger asked that PB members consider volunteering.

Motion 1 by Chair Ruger to adjourn. Motion 2 by Amanda Gotto. All those present in favor. Meeting Adjourned at 10:55pm. Minutes submitted by Patricia Atkins

CONDITIONS :

Prior to signature of the site plan, the following conditions shall be met:

1. Submission of the final site plan, signed by the licensed professional who prepared it, in proper form for signature by the Planning Board Chairperson and complying in all respects with Chapter 140 of the Town Code, including all applicable requirements of Section 140—52 of the Town Code, except as waived by resolution of the Planning Board, and conforming to the recommendations set forth in Town engineer's review memos of September 8, 2017 and September 25, 2017; and all conditions of approval that require revision or modification of the site plan prior to signature.

Prior to signature, the Board's engineer shall review the plan, and determine whether it complies with the conditions of approval and should be signed by the Chairperson;

2. The applicant shall submit the following documents to the Town attorney, fully executed by the applicant and the record owner in such form as is acceptable to the Town attorney, and necessary for recording the document with the Ulster County Clerk, with any recording documents required to do so;

- a. the agreement required by Section 140-34 H.(2) for future paving if necessary;
- b. a declaration of sidewalk easement;

3. The applicant shall pay any outstanding application, review, and other fees applicable to review and approval of the site plan. Any remaining balance in the application escrow account will be returned 30 days after signature of the site plan and its filing in the Building Department;

4. The applicant shall submit to the Planning Board secretary all required approvals from other regulatory agencies, including, but not limited, to Ulster County Health Department of the proposed water wells and sanitary septic facilities and DOT work permit for any improvements in the Route 32 right of way;

5. The applicant shall provide a letter from UCDOH stating that:

a. Water quality test results for the existing well have been submitted to, and reviewed by, UCDOH and found acceptable;

b. The change of use for the existing septic system from restaurant to day care is approved by UCDOH.

c. The proposed water supply system is adequate for day care use and that adequate treatment will be provided.

d. The Department is aware of the location of the well on the adjoining residential property to the south and the Board's concern that the well is within the minimum 200

feet separation distance that is required between the proposed septic reserve area and the well; that the location of the septic reserve area and the residential well to the south has been considered; and the proposed reserve area is acceptable to UCDOH;

6. The applicant or owner shall submit a deed or other evidence to the Board's attorney showing that the tax parcels comprising the land shown on the site plan have been duly merged into single ownership;

7. The final site plan shall be revised to show:

a. additional septic infrastructure (e.g. holding tank), as recommended by the Town engineer;

b. a tree clearing note to the plan stating that tree clearing required in connection with the site plan improvements will only be allowed during the period between November 1 and March 31 unless the applicant obtains approval from NYS DEC and US Fish and Wildlife Agency to do so, in order to protect potential roosting trees of the Indiana bat or the Northern Long-Eared bat.

c. the limits of clearing of vegetation along the ditch line south of the driveway;

d. a note requiring that the limits of disturbance and clearing shown on the site plan be identified by flags or fencing prior to the start of construction, to the satisfaction of the Building Inspector.

e. a note that the applicant will not allow parking along its frontage on Route 32 North related to the proposed day care use.

f. the location of the required bike racks in the north-west corner of the parking lot, and a detail showing the type of bike rack to be installed, which shall be consistent with the Bike/Ped Committee recommendations regarding bike racks.

g. the location of protective bollards to be installed around the dumpster.

h. the Town's standard landscaping and wetlands notes.

i. one parking space shall be provided EV conduit and related apparatus necessary to allow the future installation of an EV charging station for use by employees and visitors, including the necessary electric circuit in the building.

END