

Town of New Paltz Planning Board
Final Meeting Minutes

April 22, 2019

Attendees: Adele Ruger, Jane Schanberg, Lyle Nolan, Matt DiDonna, Amanda Gotto, Amy Cohen, Stana Weisburd
Also attending: Planning Board Attorney Rick Golden, Planning Board Engineers Rebecca Minas and Andy Willingham
Alternate PB Member: Brendan McLaughlin

Chair Ruger called the meeting to order at 7:01pm

Meeting Minutes

Motion 1 by Jane Schanberg to approve the minutes from April 8, 2019

Motion 2 by Matt DiDonna. 6 present voted in favor, 1 abstain (Stana). Motion passed. Minutes approved.

Motion 1 by Matt DiDonna to approve the minutes from April 15, 2019

Motion 2 by Jane Schanberg. All present in favor. Motion passed. Minutes approved.

Public Comments

Roland Bahret, from 191 Old Kingston Road, showed a video of the vernal pool near the proposed TowRific Auto site plan, and night sounds.

Autumn Florencia Wair from 190 Old Kingston Road, after giving her 3 minutes of comment time to the video, asked that the PB help preserve the nature of the community.

Chair Ruger closed the public comments session.

Application Reviews

Shoprite Plaza Site Plan – PB 19-35

John Joseph appears before the Board to review his latest submission and changes, noting that CareMount sign plan in red or in blue have been submitted to the Board, per their request. After discussion with the Board, and referencing the recent memo from the Building Inspector, dated 4/16/2019, in regard to Master sign plan for the plaza, John Joseph stated he would talk with Stacy (the Building Inspector) the next day about the possibility of updating the Master sign plan. Attorney Golden advised the Board to update the draft resolution to read under Application Summary:

MCB-Eagle New Paltz LLC, its successors and assigns (hereinafter “the Applicant”) is proposing to amend its previous Conditional Site Plan Approval, signed August 1, 2016, extending the façade 20 feet along the side of the building facing South Putt Corners Road and by adding signage and windows to accommodate a new tenant, CareMount Medical.

After discussing the Special Condition noted in the resolution by Attorney Golden, *To the extent still applicable in the opinion of the Town’s Building Inspector, the Applicant shall comply with all conditions set forth in “SCHEDULE A” of the Conditional Site Plan Approval for this project signed by the Chairman on August 1, 2016 and the Site Plan signed by the Chairman on February 25, 2008,* Chair Ruger motioned.

Motion 1 by Amanda Gotto to approve the resolution as modified.

Motion 2 by Lyle Nolan. Discussion: Amanda Gotto asked if amending the color from red to blue would mean changing the Master Sign plan. Stana Weisburd asked if the other tenants should have the sign plan discussed with them. Attorney Golden stated that it wasn’t necessary to discuss with the other tenants.

All present in favor. Motion approved.

John Joseph polled the Board to see who was in favor of changing the Master sign plan. Comments from the Board indicated that it was his choice to change it (per an application to the Board) or they were fine with the sign as it was.

New Paltz Storage Site Plan PB 19-51, Subdivision (Lot Line Revision) PB 19-52

Applicant Andrew Loyer came before the Board to discuss his two applications, the Site Plan and Lot Line Revision. Mr. Loyer referenced his narrative, where he noted he wants to build new Storage Units and has also entered into agreement to purchase 0.4 acres of land from the New Paltz Fire Department. Mr. Loyer noted that wetlands were critical topic for the lot, and noted that the new building will be built outside of all the wetland buffers with the exception of small portion, about 50 feet, in the southwest corner that can’t be avoided by going into the buffer due to setbacks, as per the way the property is laid out. Andy Willingham reviewed his memo to the Board on the two applications, noting what was needed to be added to the plan; adding a table with tabular floor space of existing and proposed buildings, trees 12 inches or larger in diameter be shown on the plan, as well permits required for wetlands from the Town and DEC, as well as adding a landscaping plan, a lighting plan, hours of operation and proposed

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grading and other construction details. Andy Willingham also noted that the Wetlands Inspector should comment on the site with a review. Lyle Nolan stated that there is a wetlands laws, and as the applicant is already in the buffer zone, and the goal of the law is to not make it bigger. Mr. Loyer noted that the parking lot is in the buffer, and it is not in the wetlands. Lyle Nolan stated the driveway is in the 100 foot buffer. Discussion followed if applicant should pave the driveway or use the compacted gravel. Amanda Gotto asked what was on the other side opposite the driveway. Mr. Loyer stated he was not doing anything there as its right up against the wetlands, further adding that handicapped parking was being added. Amy Cohen noted that ADA compliance for parking requires striping. Attorney Golden commented that the Building Inspector be asked for a memo in regard of the parking requirements for ADA. Mr. Loyer stated he can pave the strip all along the one side of the building. Attorney Golden stated to check with Stacy as prior to the wetlands law, for pre-existing actions before the wetlands law, and can't be changed, expanded or altered as per *139-9B Exemptions for Lawful Pre-Existing Actions and Uses* if a new building is added. Chair Ruger commented that they need a regulated determination of the wetland. Attorney Golden stated that the SEQRA process, that there is more than one involved agency, and the type of action, and then a notice of determination. Andy Willingham noted that the Army Corp of Engineers will need to be notified of the intent for lead agency, and the sprinklers system as noted in the narrative should have that noted on the site plan and if they will be supplied by the Village water district. Chair Ruger noted that they need to determine the type of action, and the intent to be lead agency.

Motion 1 by Lyle Nolan to make this an unlisted action. Motion 2 by Matt DiDonna. All present in favor. Approved.

Motion 1 by Adele Ruger of intent to becoming lead agency. Motion 2 by Amy Cohen. All present in favor. Approved.

Attorney Golden commented that the referral to Ulster County PB wait for Mr. Loyer to revise his site plan with the revisions from Andy Willingham's recommendations and check with the Building Inspector in regard to the wetlands law.

Motion 1 by Adele Ruger that escrow be set at 3000.00 with a replenishment level at 1500.00. Motion 2 by Lyle Nolan. All present in favor. Approved.

PB 13-19 Wildberry Lodge Site Plan

Jane Samuelson, Engineering & Surveying Properties, PC consultant for applicant, spoke to the Board about the previous submission from 2014 that included a waterpark, and their latest submission that includes a hotel, conference center, tennis center and spa/fitness center services along with other outdoor activities. Ms. Samuelson spoke about the three access entrances into the new facility with a Right turn in off 299 onto Paradies Lane that would also only be Right turn out of the site onto 299; a two lane entrance off South Ohioville Road for vehicles traveling west on 299, and further south of the two lane entrance off South Ohioville Road another entrance with two lanes that will be used primarily as a service entrance.

Ms. Samuelson noted that they were still looking at onsite water storage and onsite water as well as an option for water coming from the Town, also noting that the Gateway Zoning process was moving forward, which is addressing zoning in that area. Applicant Steve Turk noted that the outdoor activities included zip lines and outdoor pool and tennis center, adding that it was for those families looking for adventure together, in the open field.

Attorney Golden stated the next step would be the Board's determination whether the revised DEIS submitted is adequate to send out to public and agency reviews and comments.

It was noted that the applicant will be put back on the May 30th Board agenda.

PB 18-215 McDonalds Renovation

Alan Roscoe, consultant for McDonalds from Core States Group, appeared before the Board to continue the discussion of his application. Mr. Roscoe stated the latest submission he added signage items and some housekeeping items, notations, directional signs details, and lights, and noted the review memo from Rebecca that he didn't have a formal response only receiving it earlier that day, but will be willing to address during the discussion. Mr. Roscoe noted he was still working on the architectural and structural changes, and will get back to the Board on that to move on to construction season. Mr. Roscoe referenced the site plan with several additions to it. Rebecca commented on the pull forward spaces out front past drive thru exit, these spaces closest to the street, identified by signage, 2 of 3 will remain as reserved spots, will designate those on the drawing. Rebecca asked for a striped crosswalk in the rear parking area. Rebecca was trying to address previous comments, and wanted to clarify what the

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plan would show for a crosswalk. Mr. Roscoe agreed to add the sidewalk and crosswalk to the plan. Pylon sign details will be brought into compliance and will get details on the sign's manufacturer by the next meeting and agreed to lower the wall sign. Mr. Roscoe asked about the suppliers of the EV units, which the Board stated that was McDonald's choice for the supplier. Bike rack out front has 3 inverted U that should answer that. Mr. Roscoe asked for UC PB submission to review signage to address the UC PB's comments to be submitted for review if changes are proposed. Attorney Golden stated that signage details should be submitted for review if changes are submitted, noting when Mr. Roscoe submits his final plans, they should also be submitted to UC PB for additional comment. Mr. Roscoe noted that no other permits for signage were needed after reviewing the signage noted on the plans that were in compliance.

Chair Ruger noted that Kempner group was not allowing the back exit, but what about a walkway from the diner area into McDonalds? Mr. Roscoe noted there is a worn footpath and he would discuss with Kempner about making it a safe walkway. Chair Ruger asked if Kempner wanted to change something in their lot, can McDonald's get something that would agree to that in the future. Mr. Roscoe noted he would check into that.

Jane Schanberg commented on the idea of a Right turn only exit out since the reroute (out the back) can't be done. Mr. Roscoe stated that it forces people to make a right, then a left into another plaza and still crossing lanes if wanting to go East, adding he knows left turns are difficult. Chair Ruger asked Attorney Golden about the County's note about the County do they need super majority for that? Attorney Golden stated that the way it was noted by the County that the cross access should be explored that option, so the condition has been satisfied, so no response is needed.

Amanda Gotto noted that the McDonalds sign has been moved from the front to the drive thru side, which others agreed how did it get moved. Mr. Roscoe talked to the Building Inspector and move the McDonalds sign to the drive thru side. Rebecca Minas commented that she spoke with Stacy, and as long as it's under the size limit it can be put anywhere and meets the code and is allowable on the wall. Amanda Gotto noted it needs to be put on the plan in regard to color and size. Rebecca Minas stated in her memo, the drive thru canopy is exempt. Mr. Roscoe agreed to place that on the plan. Continuing, Rebecca noted the illumination of exterior signs with hours of operation should be noted on the plan. Mr. Roscoe agreed to address the glazing on the windows. Board agreed that UC PB would receive the signage plans once the proposed façade is finalized.

With no further questions, Mr. Roscoe was thanked for his time, and given a tracking sheet.

Miscellaneous

Escrow:

Chair Ruger commented that she was looking into escrow accounts since applicants come before the Board, then consultants review their applications, and some don't come back and the bills need to be paid. Chair Ruger stated they would vote on it once something is setup as a plan or formula dependent on what it is. Amy Cohen suggested calling around to other municipalities; Pat to do that.

299 Gateway Referral from Town Board:

Amanda Gotto stated that at the last meeting, the Board's commented on the law and she has drafted the comments for the Town Board. Goal for tonight is to finalize.

Matt DiDonna stated he feels everyone is agreement on everything stated. Chair Ruger stated there are some comments that only some Board members agreed on. Attorney Golden said to put forth what everyone agreed on, and can put individual comments at the end. Amanda Gotto stated she did not put any names down on comments. Amanda Gotto reviewed the summary she put together (below):

DRAFT Planning Board comments on the proposed 299 Gateway Re-Zoning Code

After careful and diligent review of the proposed Rte. 299 Gateway Re-Zoning draft local law, the Town Planning Board determined that there were some areas that would require changes in order for the proposed new code to be properly administered by the Board during application reviews.

For all proposed zones (MSMU, GB, GH) and the Overlay District, the Planning Board suggests the following edits:

- Illustrations: Remove drawings and pictures from the Code text and put them in an appendix.
- Area and Bulk Regulations: Add the new MSMU, GB, GH, and PRO area and bulk regulations to the existing Density Control Schedule, Zoning 140 Attachment 1
- Architecture: Delete stucco as an allowed building material; add **EFIS** stucco to the list of prohibited materials
- Signs: Add "Neon, scrolling, and computerized signs are prohibited"
- Lighting: Add "Exterior lights shall be on timers that synchronize the operation of lights with hours of operation. Main lights shall either be turned off or turned down outside of business hours."

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- Building Height: Are mechanical units allowed on the roof? If so, state that the maximum building heights include mechanical units on the roof.

Planned Resort Overlay District specifically:

Intent: Clarify whether this Overlay may be applied to any parcel in Town that meets the area regulations or if it is restricted to the Gateway area. If restricted to the Gateway area, change designation to Gateway Planned Resort Overlay District (GPRO). **Mike Zierler joined the Board's discussion. This is something to be discussed with Stacy on the Intent above. Attorney Golden stated the code will identify to what this overlay zone applies to. Amanda Gotto to rewrite it.**

- Area and Bulk Regulations: The Planning Board has serious concerns that the proposed area and bulk regulations for this district are out of scale with the rest of the Gateway area and with the Town in general and do not support the stated legislative intent of maintaining New Paltz's unique small-town character. Therefore, the maximum primary building height should be 3 stories, not to exceed **40** feet; maximum height of recreational feature/tower/aesthetic elements should not exceed the height of the principal building; maximum height of signature features within the recreational facility should not exceed the height of the principal building. Water storage tank height should not exceed the height of the principal building. **Amy Cohen cautioned the Board on this since they are not engineers and do not know how high that water tower may be. Mike Zierler stated the water tower may be affected by the maximum height of the building. Lyle Nolan pointed out that SUNY uses a fire pump to assure adequate water pressure, not water tower height.**
- Permitted Uses: In reviewing the proposed draft local code, the Planning Board has taken the approach that this code must be able to be applied to any possible application, not just those that are currently before the Board. Therefore the Planning Board requests that the following proposed permitted uses and uses accessory to a Planned Resort be deleted - Transportation-Oriented uses; campground; **add accessory use: veterinarian's office, hospital, kennel. Campground were discussed as an alternative to a hotel not an accessory use.**
- Mandatory Elements: The Planning Board expressly requests that elements not be pre-mandated but be proposed by the applicant and reviewed for approval by the Planning Board. Very specifically the Planning Board requests the following changes: maximum number of hotel rooms 150; seasonal and year-round indoor and outdoor recreational, outdoor, and nature-oriented uses - delete all such-as examples and add upon Planning Board review and approval; restaurants, cafes, and similar dining facilities -add upon Planning Board approval; delete concierge services as this is a standard service provided within a hotel lobby. **Amy Cohen felt more than 150 hotel rooms could be allowed and may need them, comparing to Mohonk, noting the proposed law states they can have up to 250. Some Board members felt higher number of rooms were appropriate.**
- Permissive additional components: Is the word "permissive" a typo, meant to be "permitted". If not, please define "permissive". All of the items listed under this heading should be subject to Planning Board review and approval. **Mike Zierler to look back to see if it was changed to permissive.**
- Permitted accessory/support uses: All of the items listed under this heading should be subject to Planning Board review and approval.
- Design Standards: Should be the same as the other Gateway zones "New Buildings should replicate the massing of structures within the Village of New Paltz. Using compatible roof forms and shapes is another way to incorporate features from buildings within the Village of New Paltz." **Remove?**
- As with the other Gateway zones, provide regulations on maximum building footprint, maximum number of parking spaces and requirement for reducing spaces, maximum impervious surface.
- Parking: Stacked or underground parking preferred. **Some members preferred neither.**
- Design Standards: LEED silver level-compliant buildings and use of alternative energy (solar, geothermal, wind) and/or 100% green ESCO preferred. **Nothing required, general comments in code. Delete this.**

MSMU specifically:

- Some Planning Board members expressed concerns about **(change to Most from Some)**
 - Possibility of negative health effects for residential uses on parcels adjacent to in NYS Thruway (references available). **Support literature previously provided (Amy Cohen).**
 - Impact on potential projects if 2 floors are required rather than incentivized. **Mike Zierler commented incentivized vs. requirement were a series of discussion. Need for clarification for allowable uses on 2nd and 3rd floors, add more allowable services like dance studio, art gallery. Amy Cohen noted that she**

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has sent numerous articles about health and does not support housing by thruways. Impacts on potential projects. Mike Zierler stated the purpose for this section is to create something more attractive gateway into the community going west, so coming up with designs and uses for everyone not just people living in town. Maximum building size of 7500 or 10,000?

GH specifically:

- Several Planning Board members questioned why drive-thrus are prohibited in this zone. **Several members felt they should be allowed in hamlet, maybe as a special use permit as suggested by Adele Ruger.**
- Need for clarification: Maximum Building Height 2.5 stories, not to exceed 30 feet, except that 3 stories, not to exceed 35 feet, is permitted when 10% of the multiple dwelling units in the project are Affordable Housing units as defined by and meeting the requirements of Chapter 132 of the Town Code. Does this mean if the mixed-use is comprised of commercial and residential there must be at least 10 dwelling units for this to apply ($10 \times 0.1 = 1$ AH unit)? Can a mixed-use comprised of all commercial and offices be 3 stories? **10 units or more in the Village.**

General

Some Planning Board members also had concern whether there is adequate water and sewer capability in the Gateway area to support the projected level of development, and whether stormwater management might be difficult on the minimum lot sizes. Amy Cohen wants to see a paragraph where it's said where there is adequate water and sewer at the beginning, but unhappy with the legislative intent that seems its wishy washy, and felt this is an issue and should be first in the law. This paragraph doesn't sit well with her, and thinks this should all be in the beginning. Amanda Gotto asked that Amy write it up so it can be added, the Board can review, and add it to the summary. Amy stated she didn't think everyone will agree with her, and feels financial analysis should be added, feels uncomfortable that some applicants before them for years, we don't know if they'll be grandfathered in or not, would like to see that discussed in there. Mike Zierler noted that this is something the Town Board would have to address with input from the PB. Amy Cohen and Adele Ruger both noted that water and sewer is a concern since the rezoning changes in the Village numerous times.

And the Planning Board asks for clarification or correction of the following:

Section 3. Section 140-4 of the Zoning Law is amended to include the following new definitions

Substantial Alteration: An alteration to a building which involves an area equal to or greater than 30% of the building's footprint. If a structure is nonconforming, the percentage of alteration is cumulative of all alterations made since the structure became nonconforming. *Does this mean all alterations only to the building footprint since the structure became nonconforming?*

Section 5. Section 140-4 of the Zoning Law is amended to delete the existing definitions of "Yard, Front" "Yard, Rear" and "Yard, Side" and "District, More Restricted or Less Restricted" and replace them with the following new definitions:
District, More Restricted or Less Restricted:

In the following list, each district shall be deemed to be more restricted than the districts which precede it: I-1, A, R-1, R-V, B-2, MSMU, GB and GH, RPO, F *Should be GPRO*

Section 10. The Density Control Schedule in Section 140-11 of the Zoning Law is amended by deleting footnotes 6 and 7 and replacing them with the following new footnotes 6, 7 and 8 to read as follows:

FN 6. In any B-2 Zone, the minimum setback requirements for front yards shall be 35 feet, except in those portions of the B-2 Zone lying west *Should this read east not west?* of the municipal boundary line of the Incorporated Village of New Paltz, wherein the minimum setback requirements for front yards shall be 65 feet. **Mike Zierler stated it shouldn't be there anything west of the Wallkill shouldn't be there.**

After concluding the discussion on the summary, everyone thanked Amanda for her work she did.

Attorney Golden commented that they can vote tonight to approve it subject to the changes made tonight.

Motion 1 by Adele Ruger to accept the memo with the changes made tonight.

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

Motion 1 by Adele Ruger to adjourn. Motion 2 by Jane Schanberg. All present in favor.

Meeting Adjourned at 10:20pm. Minutes submitted by Patricia Atkins