

Town of New Paltz Planning Board

Final Meeting Minutes

June 10, 2019

Call to order by Chair Ruger at 7:00pm.

Attendees: Jane Schanberg, Amy Cohen, Adele Ruger, Amanda Gotto, Matt DiDonna, Stana Weisburd, Brendan McLaughlin

Absent: Lyle Nolan

Also Attending: PB Engineer Rebecca Minas, PB Engineer Andy Willingham, PB Attorney Richard Golden

Motion 1 by Jane Schanberg to approve the May 30, 2019 minutes. Motion 2 by Amanda Gotto. 5 members in favor. Stana Weisburd recused herself. Minutes approved.

Public Comments

David Brownstein, resident of the Town of New Paltz, spoke to the Board about the Rose Lane applications, and his concern with the clear cut of trees with no permit on the properties, as he wants to know what's going on, and noted that when the Board is considering his applications, urged the Board to take a look and see what happened, while asking the Board to make sure that the trees are replaced. Mr. Brownstein also stated that he felt putting a tent or house there would not be a good thing, and would like to know what his (the owner's) intentions are for the site now.

Christine Rancom of 19 Brouck Ferris Blvd., spoke against the Ferris Woods project, objecting to the road as the driveway to the development, and shared history of the Hasbrouck family who lived on the road.

Michelle DiDonna of 20 Brouck Ferris Blvd., noted that she lives in a Hasbrouck family house now, and wants to preserve the character of the road, and reiterated to the Board her concerns about the Ferris Woods project.

Resident of Grace Avenue stated that he preferred to buy his home where there was no traffic, and no worry as to who is moving to the area but now feels that will change with the Ferris Woods project.

Chair Ruger closed public comments.

PB 15-14 Ferris Woods Site Plan

Brendan McLaughlin takes Matt DiDonna's seat who has recused himself from this application.

Consultant Peter Setaro from CPL for Ferris Woods, came before the Board, and commented that he didn't **have** too much to update the Board with but in his May 13th submission, he had responded to previous comments from Rebecca Minas's review memo dated April 5th, and the PB meeting comments from the April 8th meeting. Mr. Setaro stated that he'd like to concentrate on the items related to SEQRA since Rebecca's very thorough April letter dealt with a lot of site plan issues that they will address, but felt it's better to concentrate on the SEQRA issues, such as traffic, water supply, sewage disposal, storm water and wetlands impact he feels should be addressed. Chair Ruger asked Rebecca to sum up her letter.

Rebecca Minas reviewed items from her April memo that she felt are related to SEQRA which are relevant to SEQR determination, with her following comments:

E.2.d – location and results for all test pits – should be noted on the plans for verification of groundwater level critical locations across the site.

4 e, i, j, k, l, and n – access road should be noted on the plans, verify that estimates are not too low for pervious and impervious areas, DEC worksheets need to be reviewed and updated as required.

11 – update plans to remove snow storage from SMPs, show where snow storage will occur.

13 – add filtration tests results to plan, and location where proposed.

14 - contradicts older vs. newer submission

16 – suggests a town letter to recirculate what is going on as it's been a few years since the submission to them, Mr. Setaro stated they can't apply until SEQRA is done, which Rebecca agreed. Mr. Setaro stated they may be able to get something from them as they've already talked to them about the Presby system.

18 c, d (demand calculations) & e, f and g (pump testing) - correspondence from the Town Fire Chief needed, proposed water tank insufficient based on the water supply calculations, aquifer testing protocol contradicts the previous submitted for the project, recommend Wetlands Inspector review plans, and issue a permit for the test wells installation within the buffer, define the drawdown tolerances or define in the protocol.

24 a, b and c – include date and author for Appendix B, contact Presby Environmental to review the design calculations, and provide evidence of review/approval. Mr. Setaro stated that he does work with Presby.

25 – applicant advised to hold pre-application meeting to discuss SSD with NYS DEC for SPDES permit.

Rebecca noted the rest of her memo is more specific to the site plan detail. Chair Ruger noted there's a lot here.

Mr. Setaro read from hjs submission memo under the section on water supply, and noted that they anticipate no impacts on wells when they do pump testing. After discussion on the pump testing, Mr. Setaro stated they are proposing 2 wells, and a 3rd well may be needed if flow rate is low for the others if found but anticipates they should be sufficient. Attorney Golden advised the Board that this application was previously classified as a Type I action, which was based on the project proposing 50 or more residential units, and but now that they are proposing less than 50 residential units, but more than 12 residential units, the classification has to be re-visited. Attorney Golden noted that the only relevant classification that would result in keeping the Type I status, if the Board believes it's substantially contiguous which means in close enough proximity to a public park, open space, or recreation area and if it could have a potential impact on the park, open space or recreation area. Attorney Golden noted that the Board was given several examples of how the Board would determine whether a project is substantially contiguous to a resource that could result in a Type I action. Attorney Golden advised the Board that they must now determine if the Rail Trail is substantially contiguous to the Ferris Woods Project, if the Board decides that it is, then the Type I classification shall continue; if not the Board needs to reclassify the project as an Unlisted SEQRA action.

Amy Cohen stated so this would be considered a Type I action since it's close to the new 299 bike path, and she's not trying to be negative but she feels it's opening a big can of worms, with Wildberry going in, Andrew Loyer on Henry Dubois, Stewarts, the new firehouse on the same trail, hotel near Hasbrouck Park, **Zero Place mixed use residential/retail which not only abuts the "new" bike trail but, is also adjacent to iconic Wallkill Valley Rail Trail & the oldest street in America "Historic Huguenot St"**, all are examples of those developers going through this as this applicant is judging near the Rail Trail, and noted they should use the same standard towards each of these projects, as the bike trail goes through our entire town, and trying not to be negative, but it sounds like all properties by the bike trail are a Type I, as all our projects are next to a park. Attorney Golden addressed Amy's comments by **advising the Board on the SEQRA regulations for residential units, as** required by the code, noting that the whether it's an unlisted action or a Type I action and the Board must look at the environmental impact. Only difference is the Type I requires an Environmental Impact Statement.

Jane Schanberg asked if it's possible to have a site visit, which Chair Ruger agreed was a good idea. Pat to send email out to see if the owner agrees to a walk thru for new members.

Attorney Golden stated he spoke with the applicant's attorney, and Mr. Setaro agreed that they would provide the Board with more information to help with their determination. Mr. Setaro added that the **distance from the** Rail Trail is approximately to the gabled end of their building is 500 feet, and the actual property is about 150 feet away from the rail trail, but actual structures are about 500 feet away.

Attorney Golden added that the 2nd decision that the Board has to make is the SEQRA determination of significance, further explaining how the Board would make a decision on either a Negative Declaration or Positive Declaration.

Mr. Setaro agreed to address minor items, provide additional information and schedule the site visit.

Chair Ruger stated they will plan a site visit, which Mr. Setaro agreed to.

PB 19-110, 111, 113, 114, 175/177 Rose Lane (Heppolette) Clearing and Grading, Steep Slopes

Property Owner John Heppolette and his consultant, Colin Houston, approached the Board. Mr. Houston introduced himself and his client, Mr. Heppolette. Mr. Houston stated that they have Mike Kowicki to put together a planting schedule to mitigate the problem.

Chair Ruger stated that she'd like to hear what this is for, and wanted to talk about the properties as it's confusing.

Mr. Heppolette stated the one property is an LLC, and the other is their personal property. Mr. Houston explained the application forms were not specific for what they needed for the Clearing and Grading and Steep Slopes, and it was difficult to fit in the information on the site plan for two pieces of property.

Amy Cohen stated she wanted to clarify by asking them if they were not aware of the laws in the town for cutting trees. Mr. Heppolette stated he owns several properties, and this one is away from his house, flat, steeper, then flat below, that were previously disturbed (flat properties), and he stated he wanted a site to put a trailer there temporarily, a tent, and asked a contractor to open it up to light as it was very dark, explaining he was away for a while, and came back to the site where the trees were gone, finding it hard to believe. Mr. Heppolette stated that he takes full responsibility for not supervising, added he was not aware of the Town's law. Mr. Houston reviewed the maps provided with the Board. After questions from the Board as to what the rule was for cutting trees on your own property (Matt

DiDonna asked this), Andy Willingham explained that the reason they are before the Board is that they need two permits; for clearing and grading if more than 10,000 sq. feet is cleared they need a permit.

Amy Cohen asked if they are aware that we don't allow trailers. Amanda Gotto added for only farm workers housing. Mr. Heppolette stated he wasn't aware of that, and now had no intention of doing that. Jane Schanberg asked if they had called the Town at all to ask about it, which Mr. Heppolette stated he did not. Andy Willingham continued with his comments, explaining that a steep slopes permit is needed for removing vegetation or grade (per the Town Code) from a slope equal to or greater than 15% but less than 25% and covering a minimum horizontal area of 3/10 acre or 13,068 square feet, or a slope greater than 25% and covering a minimum horizontal area of 2/10 acre or 8,712 square feet, adding that both permits go before the Planning Board for approval. Andy Willingham noted that they would also need to prepare a report that addresses the restoration of the land/habitat, erosion control measures, and demonstrate how it meets both the Clearing and Grading law and the Steep Slopes law. Andy also added that they need to add existing structures to the plan as well. After discussion on referring to the ENCB, and once the updates as requested are submitted, a public hearing would be scheduled for the steep slopes permit. Mr. Houston stated they would get a narrative from Mike Nowicki.

Amy Cohen commented that she sees this is an enforcement issue, and doesn't see this as an issue for the Board, and doesn't think it is the Board's, asking why are they here, adding that this is more for the Town Board and won't be remedied by this Board, but how they know how to punish if it happens? Attorney Golden responded that the application is for a permit that the Board has to act upon, and to look at it as nothing has been done so far and go from there. After discussion that Mr. Houston stated that they would get a narrative from Mike Nowicki that may make the Board more comfortable, Chair Ruger stated we have our own consultant and they will take a look. After Mr. Houston's commented on why they had to make the applications to the Board, Amy Cohen stated it is a Town Board issue, and for the Building department on how to enforce (the law) and punish (offenders). After discussion, Matt DiDonna stated he would like to take a look (at the property).

Chair Ruger commented that they will take a look and wait for their narrative. All agreed it would help.

Matt DiDonna thanked Mr. Heppolette for being honest and sincere, which is really important, which the Board agreed with.

Attorney Golden commented that this needs to be referred to ENCB, which is done, per Pat, and classify as an unlisted action, and then the Board should refer to UC Planning Board as 239 referral which can be done now or wait.

Andy suggested let Nowicki do his part, and go through the code and how each is addressed, then submit updates.

Attorney Golden explained what the 239 referral process was when asked by Mr. Houston.

After discussion, the Board agreed to wait to refer to UC PB once the revised plans and narrative are submitted.

Chair Ruger asked for a motion to list this an unlisted action.

Motion 1 by Jane Schanberg to list this action as an unlisted action. Motion 2 by Amanda Gotto. All present in favor. Approved.

Chair Ruger summarized that they should work on getting the site visit, as some members work during the week, adding that the referral for UC PB is not yet ready.

Discussion on setting escrow after Mr. Heppolette asked what it was being used for, as his expenses already are high for this project. Chair Ruger explained it was to pay our (Planning Board's) consultants costs. Amy Cohen commented that you can get an outline from Pat as how much cost estimate will be coming before the Board as Pat has the fee schedule. Mr. Houston commented consultants, as the engineers and attorneys are listed but this seems like a biologist is needed, and money be spent where it needs to be spent. Andy Willingham stated that if you were to look at the code, it is mostly for the engineer to do. Mr. Houston stated for steep slopes protection goes but there's no clearing or grading plan. Amanda Gotto asked them do they not want a permit for steep slopes as that is what you are asking for. Andy Willingham stated that a lot of the questions won't apply. Mr. Heppolette stated that **there** are previously disturbed areas, and won't be applicable. Chair Ruger stated our experts will look over what you give us, and your experts will look at it.

Motion 1 by Adele Ruger to set escrow at \$2000.00 with a replenishment level at \$1000.00. Motion 2 by Amanda Gotto. All present in favor. Approved.

Mr. Heppolette signed the tracking sheet.

Administrative Discussion

Chair Ruger commented that they send a favorable recommendation to the ZBA for 46 Cragwood Road for the variance they requested. Attorney Golden stated that it reads as *"The requested side yard area variance for the purpose of locating a swimming pool will have no adverse impact on the development of the property or any associated reviews by the Planning Board."*

Motion 1 by Matt DiDonna. Motion 2 by Stana Weisburd. All present in favor.

Motion 1 by Adele Ruger to adjourn. Motion 2 by Amy Cohen. All present in favor. Meeting adjourned at 8:50pm.

Minutes submitted by Pat Atkins.