

Town of New Paltz Planning Board

Final Meeting Minutes

October 22, 2018

Meeting Minutes

October 11, 2018

Public Comments

Application Reviews

PB 18-171 New Paltz Canine Education Center Site Plan

Administrative Discussion

Attendees: Lyle Nolan, Tom Powers, Adele Ruger, Amy Cohen, Amanda Gotto, Stana Weisburd

Absent: Matt DiDonna

Also attending: Planning Board Attorney Richard Golden

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

Meeting Minutes

Motion 1 by Lyle Nolan to accept the October 11 minutes.

Motion 2 by Amanda Gotto. 4 present in favor. 2 abstained (Amy Cohen, Amanda Gotto). Minutes accepted.

Public Comments

Judy Mage of 171 Huguenot Street, spoke about the safety of the bike trail, especially with the plans for CVS coming into an already busy corner (Rt 299 and NPutt Corners Rd) and how that will sabotage the safety of the Empire State Bike Trail with an increase of traffic. A copy of her email for PB members was given to the Chair.

Daniel Lipson, 10 Holland Lane, and acting Chair of the Bicycle Pedestrian Committee spoke about his concerns about the right turn off of Rt. 299 onto NPutt Corners Rd for bike and pedestrian safety.

Kitty Brown spoke about the congested traffic on NPutt Corners Rd backed up past Freihofer's as she was heading north up NPutt recently. Kitty also asked where the tree conservation law applies to CVS in regard to their waiver request from tree inventory; she asked when is a tree inventory required in the planning process, and feels it is required during the site plan review. Kitty also asked the PB Attorney to review the transcripts from the public hearings (for Trans-Hudson) since he is new to the Planning Board and could make recommendations to the PB addressing the problems and concerns that have been answered that were noted at these public hearings.

Joel Oppenheimer referenced a book, **Drawdown: The Most Comprehensive Plan Ever Proposed to Reverse Global Warming**, which is a hopeful plan to reverse global warming and no longer take down trees. Joel stated he is pro-business but feels there is plenty of space and there has to be a better way (rather than putting a CVS on NPutt Corners Rd). He has respect for trees, and land, and feels the Planning Board plays an important role as they move forward and to be mindful of what to do. He also commented about first responders, and wants the fire department to have an unobstructed exit to and from Rt.299 for physical and mental health emergencies.

Application Reviews

PB 18-171 New Paltz Canine Education Center Site Plan

Valerie Erwin approached the Board. Chair Ruger stated that the ZBA granted the area variance. No issue from the Ulster County Planning Board referral. Amy Cohen confirmed that the only change was an 8 foot high fence to a 6 foot high fence. Valerie Erwin stated that was correct, and mentioned that the neighbor to the right had a choice of fence, an open or privacy fence. Amanda Gotto asked about the details of the deer fence. Valerie stated it is a 2x4inch wire fence, knotted, lightweight wire. Valerie continued to discuss the primary use of the property as philanthropic; offering seminars and housing for dogs of military and veterans while deployed. Chair Ruger asked Attorney Golden to talk about the Benefit Corporation. Attorney Golden commented that in New York, the intent is for the proceeds to the bettering of others, not something finite or with objective criteria. The (Town) code says philanthropic use is permitted. For interpretation, it is a use not otherwise allowable in the zone done by public benefit

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corporation and qualifies for philanthropic use, which is allowed. Attorney Golden added that under the law by the Building Inspector's interpretation, there is 30 days to appeal to the ZBA, adding that Stacy (the Building Inspector) qualified this as a philanthropic use, and it is before the PB for approval. Discussion followed on the for profit part of the business, where Valerie Erwin stated that the property could be tax exempt under the benefit corporation but she would be filing a benefit report each year as required by New York State. Discussion continued with a condition of approval the annual benefit report be filed each year with the Town Building department within 10 days of filing with New York State. Lyle Nolan added he wished the town had a definition for philanthropic use. Attorney Golden commented that the Town could amend the code to be more precise, more defined. Attorney Golden added that Stacy is aware of the rules, and this is the decision Stacy made. Amanda Gotto added that at the recent UC Planning Board meeting when asked have never dealt with a benefit corporation.

Motion 1 by Lyle Nolan to declare SEQRA as a negative declaration.

Motion 2 by Amanda Gotto. All present in favor. Motion accepted.

Attorney Golden read the draft of the resolution to the PB members, noting the Application Summary, Identification of the Property and Plans, Procedural History, Findings (which included the 3 waivers for Professional preparation of the plan, topography and bicycle plan parking), and specifically noting the Special Conditions which read as follows: .

- 1) If at any time the Applicant's corporation ceases to be a BCL Art. 17 benefit corporation, or the training of dogs is substantially modified such that it is no longer philanthropic, that the Building Department must be notified and a new determination made as to whether the business still qualifies as philanthropic. If it is determined that the Applicant, or any successor in interest carrying on this approved use, no longer qualifies as a philanthropic organization, or otherwise fails to qualify under the Town Code for the use as authorized herein, then this approval, and the authorization it provides, shall immediately cease.
- 2) The Applicant shall comply with the decision of the Town Zoning Board of Appeals, dated October 9, 2018.
- 3) The Applicant must file with the town Building Department the Annual Benefit Report, mandated by NY Business Corporation Law 1708 for Article 17 Benefit Corporations, for New Paltz Dog Training and Canine Adventures, Inc., or such other applicable benefit corporation, within 10 days of such filing with the State of New York.

Attorney Golden read through the general conditions on the resolution. After discussion it was noted that a 4th condition was added:

- 4) As voluntarily restricted by the Applicant, neither Applicant nor any successor in interest carrying philanthropic canine education center use may apply for any real property tax exemption on the property that is the subject of this approval.

Lyle Nolan noted that no one can live there now. Attorney Golden stated that if someone is going to live there, Stacy would determine if they need a building permit, or a certificate of occupancy. Amy Cohen noted that it was not considered residency, home business.

Motion 1 by Amanda Gotto to accept the resolution as amended.

Motion 2 by Amy Cohen.

Discussion: Amanda Gotto stated she wants to understand the kenneling part (as spoken by applicant). Valerie Erwin explained that the code permits her 4 paying kennels that would be used for overnight (for Military or veterans in deployment). Valerie would not limit the number of kennels during the daytime only but would have 4 dogs around the clock kennels. Amanda Gotto asked about the noise from barking dogs. Valerie stated she has dealt with a large number of students (in rentals) and has had no complaints. Attorney Golden Noted what the requirements of what should be in the required annual benefit report. He stated he would add a 5th condition to the resolution that at no time no more than 4 dogs can stay overnight after agreement from the Board. He added he would send the finalized resolution to Pat to circulate to the Board, after Chair signing, and filing with the Town Clerk.

5 in favor, 1 opposed (Lyle Nolan). Approved.

Amy Cohen recommended to the Board that the Town Board be asked to provide a definition for philanthropic use. The Board agreed that Stacy Delarede be asked to write up a request and send to the PB for review.

Amanda Gotto reminded everyone that the annual Wetlands Report is due soon.

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Amy Cohen asked Lyle Nolan if there was any progress yet on the solar law. Lyle Nolan stated nothing yet, stalled over the summer. Amy stated that using solar is beneficial, and is a pretty hot topic. The Town should reach out and look for more volunteers; perhaps members from other committees could help. Amy suggested a group email to committee heads to get going (on the solar law).

**Motion 1 by Chair Ruger to adjourn. Motion 2 by Amanda Gotto. Meeting Adjourned at 8:18 pm.
Minutes submitted by Patricia Atkins**