

Town of New Paltz Planning Board

Final Meeting Minutes

November 8, 2018

Meeting Minutes

October 22, 2018

Public Comments

Application Reviews

PB 06-26 Vaccaro Subdivision – 90 day extension request until February 12, 2019

PB 18-195 DB Orchards Farm Market Site Plan, 521 Main Street (Ultra-Seal Corporation)

PB 18-244 Institute of Family Health Simplified Site Plan

Administrative Discussion

PB concerns for Trans-Hudson response (A. Gotto)

Bike Path / DOT memo (A. Cohen)

Quorum Check for 11/26

Attendees: Lyle Nolan, Tom Powers, Adele Ruger, Amy Cohen, Amanda Gotto, Matt DiDonna

Absent: Stana Weisburd (until 7:45pm). Also attending: Planning Board Attorney Richard Golden

Chair Ruger called the meeting to order at 7:04 pm

Meeting Minutes

Motion 1 by Amy Cohen to approve the minutes from October 22nd.

Motion 2 by Tom Powers. All present in favor. Minutes approved.

Public Comments

None

Application Reviews

PB 06-26 Vaccaro Subdivision – 90 day extension request until February 12, 2019

Chair Ruger asked if there was a motion to extend the Vaccaro Subdivision for another 90 days until February 12, 2019.

Motion 1 by Lyle Nolan to extend for another 90 days the Vaccaro subdivision. Lyle Nolan commented they consider he be present at the next meeting; he must appear.

Attorney Golden stated that if they request an additional 90 days after this extension, Pat must advise them the Planning Board would like them to appear before they grant any additional extension.

Amanda Gotto asked if all extensions are for 90 days. Attorney Golden stated there is no next 90 days. There is no end dates with no limit to extensions. Amanda Gotto stated that in the past we've granted them extensions, so if we don't grant the extension tonight their extension will expire. So in 90 days, if they need another extension they would have to come in by February 15th. After discussion, the extension date is 90 days from November 12, 2018 expiration date until February 12, 2019.

Lyle Nolan added that we can go on the record now so they can prepare. Chair Ruger stated we need to make a motion.

Motion 1 by Lyle Nolan to approve the extension for Vaccaro.

Attorney Golden recommended to grant the extension for 90 days, however asking Pat to put them on the agenda for no later than January 28th and advise him (Mr. Vaccaro) he has to appear then. Board Members agreed to add Mr. Vaccaro to the agenda for January 28, 2019.

Motion 2 by Matt DiDonna.

All present in favor. Motion approved.

PB 18-195 DB Orchards Farm Market Site Plan, 521 Main Street (Ultra-Seal Corporation)

Michael Borrello approached the Board Members. Chair Ruger stated that there were comments from the Ulster County Planning Board referral in regard to parking and the sign. Michael Borrello stated that he did see the UC PB response and it didn't make sense to him since he had made the updates to the plan and everything had been addressed. Pat verified that the hardcopy plan sent to the UC PB was the latest plan even though older plans were in the dropbox file to them as well (and updated plan was in there too). Chair Ruger stated that PB Engineer Rebecca Minas is clear on the parking, which is more than enough but she wasn't clear on the signage. Chair Ruger stated that they have to make sure that they looked at the current plan. There was some confusion on what plan UC PB

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looked at, which everyone agreed it should have been the hardcopy that was submitted. Amanda Gotto asked if the sign is in the right of way. Michael Borrello stated it is not and he had made those changes on the plan he submitted. Chair Ruger stated that Stacy had helped him with the placement of the sign and suggested it could be a condition of approval.

Attorney Golden asked if the sign is marked on the plan. Michael Borrello stated that it is. The latest plan was verified as the one dated October 12, 2018. Attorney Golden verified that the red circled Sign asterisk is on the property, not in the right of way. The problem it appears is that they (UCPB) had some difficulty reading the sign location as well, commenting that it be outside the NYS right of way. If this placement on the plan as the red asterisk is the placement that is okay. Chair Ruger stated it can be a condition of his approval. Attorney Golden stated that the Building Inspector will ensure it's not placed in the right of way. The conditions of approval will include the parking and sign location. Chair Ruger asked if they should motion to accept the resolution. Attorney Golden explained the draft resolution that was distributed to the Board.

Motion 1 by Amy Cohen to waive the need for a public hearing.

Motion 2 by Matt DiDonna. All present in favor. Motion approved.

Attorney Golden noted he will modify page 2 (of the draft resolution) to include the UC PB comments, and that General Conditions stay the same. There will be 5 specific conditions, which he read (from the draft resolution). Attorney Golden added that there is a provision in the Town Code for annual renewal of permits which the Planning Board could require annual renewal for this applicant. Amy Cohen asked how many years would he (Michael Borrello) have to come back before them. Attorney Golden stated that if there are no complaints, he won't have to come back.

Amy Cohen commented that it is a burden to come back every year. Attorney Golden stated only if there are violations or complaints. Attorney Golden stated that with special permits that can be done on a routine basis but this is not a special permit. Only if there's a complaint or violation would they have to come back for a renewal. Matt DiDonna added to applicant that if you change the dates of operation he'd have to come back to the PB.

Amanda Gotto questioned #3 on the draft resolution on the plans can be signed until they comply with the comments from the Engineer.

Attorney Golden stated that the PB can vote on the draft resolution but the plans can't be signed until the Engineer reviews them, which can be an email to signify it's ready for signature.

Chair Ruger asked for a motion to accept the resolution as amended and modified.

Motion 1 by Amanda Gotto.

Motion 2 by Matt DiDonna

Discussion: Amy Cohen stated she'd feel more comfortable if they gave him approval and instead of coming back every year no issues or complaints, it's almost like setting a whole other precedent and doesn't sound right to her, and he comes back only if a complaint, go with the use unless something changes then he'd have to come back. Chair Ruger commented that they've had people come back after a year.

Amy Cohen commented if someone has a complaint they should contact Building Inspector and not have to come back to them. Matt DiDonna stated he doesn't have to comeback unless there's a complaint. Amanda Gotto stated we did it for Twin Star Orchards.

Lyle Nolan stated there is nothing to worry about if there's no complaint.

All present in favor. Motion approved.

PB 18-244 Institute of Family Health Simplified Site Plan

Chair Ruger stated that the Simplified Site Plan was okayed by Stacy and Rebecca (per their review memos). Matt DiDonna added that there were modifications only to the interior of the building, and added that it was a new business.

Motion 1 by Amy Cohen to waive site plan review.

Motion 2 by Matt DiDonna. All present in favor. Motion approved.

Administrative Discussion:

PB concerns for Trans-Hudson response (A. Gotto)

Amanda Gotto stated that she, Adele and the PB Attorney Golden met with Trans-Hudson (at the Town Hall) to look proposed building drawings on October 29th. Matt DiDonna asked if they had them.

Amanda Gotto stated that they weren't appropriately showing parking, so therefore they aren't available for the Board right now.

Matt DiDonna added that they are supposed to be providing a packet of a bunch of things to discuss with them but nothing has been submitted yet to them.

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Amanda Gotto stated that this is what they proposed, adding that she put together some things from B&L, the ENCB that she was gathering all this info that they would be looking at during site plan review.

Matt DiDonna stated their Attorney came in a hurry (to the Board), stating they'll submit a bunch of things to the PB, and 3 months later looks to him (Matt) it doesn't seem like a hurry now.

Amanda Gotto commented she doesn't know if they've seen everything their engineer may have and it seems like a disconnect.

Matt DiDonna stated we went through this stuff already, and he doesn't want to relive it, they owe us a lot of stuff.

Amanda Gotto commented she wanted the Board to be ready when they do submit.

Stana Weisburd arrives to the meeting 7:45pm.

Attorney Golden stated that details that are not provided, and the Board has to tell them when everything is not provided, adding that the Board controls everything.

Amanda Gotto stated that detail of the landscape plan was still needed.

Matt DiDonna stated that we did discuss the landscape plan.

Amanda Gotto stated that Trans-Hudson has not responded to the lengthy ENCB memos. Or Rebecca's two lengthy memos.

Chair Ruger stated that they have the list from Rebecca and let's see what they come back with.

Bike Path / DOT memo (A. Cohen)

Amy Cohen stated at their last meeting, they talked about the DOT's bike path from the Rail Trail down to and thru Henry DuBois, and crossing over Rt 32. Amy stated she requested the maps of the bike path for the Board. Amy feels that the Planning Board can point out safety issues that have come up. Amy stated there's been a lot of safety concerns, especially with Henry Dubois walking or driving down it, adding there's 4 to 5 stop signs heading West and that maybe they can re-placed to the opposite side of the of the road and adding some crosswalks. Amy also questioned whether the current lighting that's through there (Henry Dubois) is good enough, especially at night, neighbors have pointed out sewer issues in that area, and sidewalks and bike trail could be affected by those issues (sewer). Amy asked will the bike path close at dusk like the Rail Trail does. Amy mentioned the article in the paper about a person hit by a car recently, and whether they were crossing in a crosswalk. Amy stated there's a lot coming up, with people walking and biking on the trail, and they should be taking a hard look at the crosswalks. She stated she's very concerned about safety on these roads especially for residents and guests. Chair Ruger stated that they should find out if the Transportation Committee is looking at this stuff.

Matt DiDonna commented that the state supersedes this with what they want, and they have specific requirements that they have to fulfill. But they put in a lot of safety measures. Chair Ruger added that Dubois is an unusual road, and we're getting a bike path down it. Matt DiDonna stated there's a shift of culture when cars had the right of way but more bike friendly areas, people will need to slow down, get out of the way, and bikers have the right of way. Lyle Nolan stated that riding on wheels follow traffic laws but walking has the right of way.

After further discussion, Attorney Golden stated that it's unlikely the state will make changes without the town knowing about it.

Matt DiDonna stated to make come from transportation and bike path. Perhaps the Bike Safety committee could come talk about safety on the roads.

Amy Cohen stated this is a timely manner, and sending a memo to the Town Board, and cc'ing the TIC and Bike Ped, with concerns especially with safety in the area.

Matt DiDonna stated ask them what's going on, and is there more signs and crosswalks planned.

Motion 1 by Amy Cohen to send a memo to the Town Board and cc the Bike Ped and TIC if it still exists and ask for anything on information other than the maps, and the Board's concerns with stop signs and other issues.

No further motion just all agreed that Amy Cohen will write the memo for the Board to review (send to Pat).

Matt DiDonna asked if there were any concerns with the Trans-Hudson/ CVS site in regard to the bike path. Amy Cohen commented that there's a lot of unknowns. Matt DiDonna stated the turn off 299 and the path is right there. Tom Powers commented that the original discussion stated that DOT's approval may affect the Trans-Hudson site plan. Matt DiDonna stated when CVS gives them all their stuff (they owe) then they can look at it. Attorney Golden stated that the Board won't make their determination (for Trans-Hudson) until the bike path is complete.

Quorum Check for November 26

All members presented shown by hands to attend. Discussion on what applications were in for the next meeting, and those that were considering but did not put their applications in yet.

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Lyle Nolan stated the Committee met Wednesday for the Solar Law. They discussed the tax exempt law, and opting out of tax exemption. Chair Ruger stated she's attended several seminars on solar. Amy Cohen stated we're operating without a solar law. Lyle Nolan stated we have a law for residential for placing on a house.

Tom Powers noted that cars are parking along the roadway at the Mohonk Preserve, and asked who enforces it?

Motion 1 by Lyle Nolan to adjourn. Motion 2 by Matt DiDonna. Meeting Adjourned at 8:20pm.

Minutes submitted by Patricia Atkins