

Town of New Paltz Planning Board

Final Minutes

February 13, 2017

**Agenda:**

**Review and Approval of Meeting Minutes**

January 9, 2017

**Public Hearings**

Ferris Woods Site Plan  
Ferris Wood Subdivision

**Application Reviews**

PB 2015-14 Ferris Woods Site Plan  
PB 2016-11 Ferris Wood Subdivision  
PB 2016-04, D&D Woodworks Site Plan  
PB 2017-01, New Paltz North, AT&T Simplified Site Plan

**Planning Board Administrative Discussion**

NY Planning Federation Conference

Timeframe for Board and Applicants to Receive Info

**Present:** Lyle Nolan, Amanda Gotto, Adele Ruger, Lagusta Yearwood, Amy Cohen

**Also Present:** Planning Board Attorney George Lithco, Planning Board Engineer Dave Clouser

**Board Member(s) absent:** Mike Calimano, Tom Powers

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

**REVIEW AND APPROVAL OF MINUTES**

The January 1, 2017 minutes are presented. Amy Cohen and Lagusta Yearwood abstained from approving the minutes. No quorum present to approve the minutes, therefore minutes to be presented at February 27 meeting for approval.

Co-Chair Ruger stated there is a change to the agenda and that Public Comments will be added after public hearings and application reviews with AT&T moved up to the first application review.

**PUBLIC HEARINGS**

Ferris Woods Site Plan  
Ferris Wood Subdivision

**Co-Chair Ruger asked for a motion to open the Public Hearings for the Brouck/Ferris Woods Site Plan and Subdivision.**

**Motion 1st by Lyle Nolan.**

**Motion 2<sup>nd</sup> by Amanda Gotto. All present in favor. Motion approved.**

Co-Chair Ruger stated those wishing to speak during the Public Hearing to sign up on the sheet.

Matthew DiDonna, 20 Brouck Ferris Blvd. stated he feels that the public hearing should remain open, feels they haven't gotten access to documents, there are reviews and studies that haven't been done yet, no feedback from comments from January 9 meeting. He stated it's the beginning of the project and the PB should keep the hearing open. He also noted his concerns on the traffic study and accuracy; parking spaces for residents and the amount of traffic that will be traveling at AM or peak hours, deed restrictions for age 55 and older need to be put in place, how many cars allowed per unit, no space for overflow parking which is not allowed on town roads, asking if a traffic study be done by an independent firm, and the character of their neighborhood hasn't been addressed yet. He read from the memo from the Friends of Brouck Ferris Blvd., which asks the Board to consider their comments especially on the significant traffic implications and impact on the environment that could permanently damage the character of their neighborhood as well as confirming if the B-2 Zone can be accessed from the A1.5 Zone which is what the Building Inspector has yet determined if its allowed per Town code or not.

Michelle DiDonna, 20 Brouck Ferris Blvd., spoke about her safe road, and commented on the senior population that would reside in the proposed site, and how likely they would be out and about creating traffic on their road and changing the character of their road. She also commented about the history of their road.

Christine Ransom, 19 Brouck Ferris Blvd., read her comments about her opposition to the Brouck Ferris project due to her traffic concerns and urged the board not to grant approval for the project.

Bob Hughes, 131 Shivertown Road, commented about the Feb 10, 2017 Aspen Environmental memo in regard to the "Wetlands and Watercourse Protection, Chapter 139, Substantial Adverse Impact", and his comments on the northern cricket frog whose habitat in the wetlands is listed as an endangered species by NYS DEC. He also feels the application is an oversized misplaced project and should be redesigned so that it does not intrude on the wildlife habitats.

**Motion 1 to close the public hearing for tonight and continue the Public Hearing for March 13 made by Amy Cohen.**

**Motion 2<sup>nd</sup> by Lagusta Yearwood. All present in favor. Motion approved.**

## **Public Comments**

Co-Chair Ruger asked if anyone had Public Comments.  
No public comments.

## **Application Reviews**

### **PB 2017-01, New Paltz North, AT&T Simplified Site Plan**

Co-Chair Ruger commented that this a simplified site plan that has been reviewed by the Town Engineer and Building Inspector whom both agree it qualifies as a simplified site plan. She asked for any comments.

Dave Clouser stated its equipment being placed on existing antenna equipment and equipment box below the tower and it's a minor modification, bringing LTE service to the tower.

Amanda Gotto asked if it's replacing or adding equipment.

Dave Clouser stated its adding equipment, 3 new antennas mounted on the same array as the existing antenna.

With input from George Lithco, Co-Chair Ruger indicated this is an acknowledgement this is a Type 2 SEQRA classification and asked for a motion to accept the simplified site plan.

**Motion 1 made by Lagusta Yearwood.**

**Motion 2<sup>nd</sup> by Amy Cohen. All present in favor. Motion approved.**

With input from George Lithco,

**Motion 1 made by Amy Cohen to waive site plan review.**

**Motion 2<sup>nd</sup> by Amanda Gotto. All present in favor. Motion approved.**

### **PB 2015-14 Ferris Woods Site Plan**

### **PB 2016-11 Ferris Wood Subdivision**

Peter Setaro from Morris Associates, and Karol Knapp from Aspen Environmental approached the Planning Board members.

Peter Setaro stated they'd like to discuss the site walk on January 28<sup>th</sup>, emergency access road and look at the well locations. He stated he's hoping to hear feedback from the PB members on the project especially the wetlands well locations knowing they're waiting on more information and what they saw during the site visit.

Co-Chair Ruger asked about the access and how it apparently can't happen through the car wash.

Peter stated it doesn't appear so and that the car wash owner is reluctant to grant additional easement area to accommodate as the primary access road. Major issues and concerns were cars queuing in the wash bays and backing up on the access road. That seemed to be their primary reason for giving additional land or access.

Co-Chair Ruger asked if there any other way to access that land.

Peter stated no.

George Lithco commented on Peter's comments the owners were not thrilled, and asked if they actually declined and not participate.

Peter stated that Bart (Panessa) would have to weigh in on that.

Amanda Gotto asked if they were reluctant to allow access.

Co-Chair Ruger stated that when she visited it didn't look ideal going through the car wash and asked if bridging was a possibility?

Karol Knapp said that bridging would be through the wetlands of several hundred yards, the outskirts of the buffer, which is already disturbed and further into the wetlands.

Amy Cohen asked if what about making the access road wider when the car wash is busier.

Peter stated you can't change the configuration of the car wash and cannot make the access road wider, even changing the access around wouldn't work. He also commented that the traffic study was prepared

by their traffic engineer, who has been performing studies in the area for years, and are based on public numbers. He said he would discuss with Dave's office at B&L to discuss issues.

Amy Cohen asked about the parking for guests of residents, a major issue brought up multiple times, with 2 spots per apartment, or for deliveries or caretakers, is there some other parking place for them?

Peter stated that there are code requirements that they will be met, taking in account, with occasional visitors.

George Lithco stated that the Town has no specific parking requirements for senior complexes and the code does require 1.5 parking spaces per unit code at a minimum.

Lyle Nolan noted that they need more parking spaces, and that no matter what the code says is minimum, it's not enough. The traffic study is seven years old from 2010, it's out of date, and age 55 people work and have children at 55.

Peter stated he's relying on Dave's office's traffic engineer is using, he believes 2010 as the most current public guidance.

George Lithco asked if he had any samples of projects he has worked on that is comparable.

Peter stated he has worked on a lot of senior projects. He's trying to figure out what would fit similar to this, and considers possibly one that has 100+ units in Red Hook, where they are active and not assisted living.

George stated that would be helpful to look at the traffic and parking characteristics of that kind of use if that was available.

Amy Cohen mentioned that the applicant stated proof of birthdate and nobody under 55 would be allowed to live there for more than 30 days.

Discussion on age restrictions followed.

George stated that site plan approval filing restrictive covenant restrict units by age. If they need to make a change, they have to make an update to the site plan. He agreed to send Federal Age requirements to the PB when asked by Amy Cohen if there was a way to get a copy of them.

Co-Chair Ruger continued on asking about the road at A1.5, the section of the road that is not in the B2 zone.

Peter stated that there is nothing found in the code that says they can't but needed to be told if that was different.

George says the use that is not permitted in the district means of use, and goes into a district which does not allow the use, would require a use variance.

Peter stated that the alternate access through the car wash, he had emailed Dave and Stacy stating he was going to look at alternate access through the car wash not seeing anything in the town code but could prohibit through the A1.5 district, and has not heard anything back from Stacy on the determination.

George stated that by the next meeting Stacy should be able to have that determination.

Lagusta feels that this project and all the items brought up in the public comments, this project is too big for the space, and asked does this project make sense? Why would we discuss this when we have a wetlands law, and applicant should work it out and come back to us to discuss a better fit. We're not discussing the whole picture, with tiny issues over and over again with just pieces.

Karol Knapp felt they had everything in line before coming to the PB, working with Norbert, **last year meeting with Norbert, this year meeting with Norbert. We were working with him before we brought the plan before the town and Norbert in particular, and thought we had those hashed out.** As far as the code, she thinks as a wetlands person, they're losing the intent of the town code which permits process, which is feasible and appropriate.

Lagusta asked why the project can't be smaller.

Peter commented one building less, or two buildings less, there still will be impacts.

Lagusta stated why they don't put in 5 or 6 homes instead which makes sense.

Peter stated the input to get a good application in with town officials, a lot of time on this application, soil testing, back and forth on the wells, no well logs, no drilling records, and property spot for location for well drilling per the owner. He asked if an alternate location would change everyone's mind.

Discussion followed on the next Town Board meeting to discuss the town moratorium law.

Amy Cohen asked if a site plan is complete then it won't be affected by the moratorium, asking if anything approved is exempt. **George Lithco replied no. Amy stated the reason she asked she had watched the Village PB meeting, with a completely different project but they excused that project from the potential moratorium because the site plan was complete even though it was not approved.**

George Lithco stated the moratorium will freeze anything not exempt. A plan may be allowed depending on the status of the applications with some projects exempted on the status of the some applications.

Discussion continued on the proposed moratorium with concluding statement from Amy Cohen that we just don't know.

Co-Chair Ruger stated we're waiting for a lot of reports from Stacy and Norbert, the ENCB and discussing things without all the information.

Peter stated that the emergency access road is based on Norbert's report and on the wetland buffer.

Karol Knapp stated that based on her discussion with Norbert there was no issue

Peter asked the PB how their feelings about the emergency access road through a portion of the wetland buffer.

Amanda Gotto stated the site visit showed it should be scaled back.

Lagusta Yearwood read a statement in regard to the impact to the wetland buffer.

Pete stated whatever is built there, they need access either through Brouck Ferris or the car wash, and either will require a wetland permit.

Lyle Nolan commented that if you scale back the project you won't need an emergency access road. He also stated that all this was done 6 months before the application was given to the PB, all this planning done without the PB even knowing about this, preconceptual done in January, then its given to the PB over 6 months later.

Peter asked if an additional traffic report being done by Dan O'Rourke at B&L or Ken Wersted from Creighton Manning who is the town's traffic engineer.

Co-Chair Ruger asked what triggers emergency access?

George Lithco stated it is within the fire code but Stacy and the Fire Department would know the code requirement.

Co-Chair Ruger commented she feels the PB can't do much more without the reports. Stacy's report on the new road is a big deal. The wetlands inspector's report is a huge deal. She stated she didn't want the applicant to do all the things without the reports.

Pete stated he wanted to get the PB members feedback on the site visit. They've done as much as they can unless they get the reports as well.

Lagusta Yearwood commented what if you meet with the neighborhood and have a mediator, helps with community character and understanding.

Pete commented that is possible, especially the questioning of the traffic numbers, if someone represents the town to go through the numbers with them.

Amy Cohen commented that George recommended you share your experience with other communities and share your past projects.

George Lithco stated that can address parking and traffic peaks.

Peter agreed to get that information.

Amanda Gotto asked if there is a desire for 55 age communities.

Pete dispersed pictures of the proposed buildings.

Co-Chair asked, and George Lithco confirmed that tonight was the 2<sup>nd</sup> public hearing, and the PB has 120 days to conclude it unless the applicant extends it.

Discussion continued on the proposed buildings and what the proposed building would be in regard to whether they'd be luxury, etc. Peter stated that the client did research for a need for 55+ housing.

Co-Chair Ruger stated that the reports from Stacy and Norbert were needed.

Dave Clouser stated that access is the important thing now and Norbert wants to see alternative before he will do his recommendation.

George Lithco stated there are 120 days for public hearings from date of the first hearing, and they can continue hearing into March.

Co-Chair Ruger stated they are trying to avoid more expense to the applicant without getting the important things out of the way.

George Lithco stated they need to address site access issue before proceeding further with the application as well as SEQRA.

Co-Chair Ruger thanked the applicants.

#### **PB 2016-04, D&D Woodworks Site Plan**

**Co-Chair Ruger asked for a motion to refer the application to the Ulster County Planning Board.**

**Motion 1 made by Lyle Nolan.**

**Motion 2 made by Amanda Gotto.**

**All those present in favor. Approved.**

George Lithco commented that the D&D application and nature of their space fell under the International Building Code requirement. Discussion followed on the International Building Code provision in regard to potential explosions, and that awareness to the Fire Department and an informed decision will be made in regard to the code requirement. He explained this is not a Planning Board issue, but a building code issue but can be pointed out to the fire department as a “what if”.

## **Planning Board Administrative Discussion**

### **NYS Planning Federation Conference March 26 thru March 28**

Co-Chair Ruger stated that there is 600.00 this year for training if anyone is interested in attending.

### **Timeframe for Board and Applicants to Receive Info**

Co-Chair Ruger stated that the timeframe when we get reports back from consultants and wanted to get feedback from the PB.

Discussion followed from board members.

Lagusta Yearwood stated let's see what comes in.

Co-Chair Ruger stated we could try for Wednesday before.

Lyle Nolan added that the last tracking sheet be added when sending the agenda to remind PB members where they left off on an application.

Amy Cohen commented about the report from the ENCB, we should work with them, they have a lot of say, their expertise could help us and if we work with them, we need better communication.

Lagusta Yearwood suggested a joint ENCB meeting in March

Amy Cohen commented that workshops with the ENCB would be helpful to us (the PB).

Amanda Gotto mentioned the site visit on January 28<sup>th</sup> that the ENCB was present.

George Lithco mentioned that in the past, joint meetings occurred with the Town Board, Village Boards, and can cover broad issues like solar, agriculture use. All agreed it would be helpful to have other boards join periodically.

George Lithco wanted to mention the Solar webinar, approximately 45 minutes long, in regard to laws, as solar will need a law.

Discussion followed when solar webinar can be viewed, and Amy Cohen asked if watching it individually or watching it together.

George Lithco stated it would take two hours during a PB meeting and after watching webinar, they would address points for community in creating a solar law.

Amy Cohen suggested tabling discussion until March 27 workshop. She also asked for info on the micro grid.

George Lithco commented he will send info on micro grid.

Amy Cohen stated it's a good topic for a joint meeting with the ZBA.

George Lithco commented it's a topic for all board discussions.

**Co-Chair Ruger asked for motion to adjourn the meeting.**

**Motion 1 made by Amanda Gotto.**

**Motion 2 made by Amy Cohen.**

**All those present in favor. Meeting Adjourned at 8:50 pm.**

**Minutes submitted by Patricia Atkins**