

Town of New Paltz Planning Board

Final Minutes

February 27, 2017

Agenda:

Review and Approval of Meeting Minutes

January 9, 2017

February 13, 2017

Application Reviews

PB 2007-18 Rappa/Pony Hill Subdivision = 90 day extension request

PB 2013-19 Wildberry Lodge Site Plan

PB 2015-15 Trans Hudson/CVS Site Plan – EAF Part 3

Public Comments

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

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

Board Member(s) absent: 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 9, 2017 minutes are presented. Motion 1 made by Mike Calimano as amended of January 9, 2017

Motion 2 made by Lyle Nolan

Amy Cohen abstained.

All others present in favor. Approved.

The February 13, 2017 minutes are presented.

Motion 1 made by Amy Cohen

Motion 2 made by Lyle Nolan

All others present in favor. Approved

PUBLIC COMMENTS

Co-Chair Ruger asked if anyone had Public Comments.

Joel Oppenheimer, Town of Gardiner, supported moving forward on the Part 3 and vote Yes for full EIS for CVS project.

Laura Deney from the ENCB stated they fully support a full EIS for CVS.

Application Reviews

PB 2013-19 Wildberry Lodge Site Plan

Jane Samuelson from Engineering & Surveying Properties and Applicant Steve Turk approached the Planning Board.

Jane stated they were here to reintroduce themselves, and present the preferred alternative that Steve has proposed. They had appeared before the PB in 2013, a public hearing had been done summer of 2014, and approval scoping was done in Fall 2014. She talked about the original plan which included the water park. Steve was looking for investors but with talk of the moratorium, investors were hard to find, so he thought he'd see what he could himself with no investors. His vision is now the preferred alternative.

Steve Turk talked about Napa style and Colorado, and what would fit in this area. He mentioned the new plan had a conference center, butterfly conservatory and will use farm products from throughout the Hudson Valley. With a slideshow, Steve presented the style of the buildings he'd like to build on the site, at most a three story structure. He noted the ability to have conference ability in the area, with access to the Thruway. He also noted that the site will be open to the public as well.

Jane asked for the PB input on two questions, first asking on how do they go forward procedurally with the preferred alternative. She added that they already have scoping session, a big list of things they studied would make sense to include these in the DEIS they scoped that included traffic, water, sewer, disturbance area. She also confirmed when asked by Lagusta Yearwood that the water park is no longer part of the plan.

Discussion followed. Mike Calimano suggested using the scoping document that is detailed to define everything in the document and use it to define the preferred alternative.

Jane agreed to use the scoping document and continue forward, noting most of the DEIS is written and compare the new plan to the DEIS.

Amanda Gotto asked if there's a way to distinguish between the original plan and what is the new plan, commenting that possibly an overlay of the original plan with the proposed alternative overlay on it could be done.

Jane stated they will show the differences on both, perhaps in a table. She also commented they came to get the PB input. Jane continued with her second question asking where does it fit for the new plan since the water park is no longer part of the plan and were originally proposing to create a floating recreational resort district to cover uses in that plan. She asked once they nail down the specifics and since school children will be brought in during the week and the educational component of it, how does that fit in to the zoning?

Stacy Delarede, Building Inspector, commented that per an earlier discussion with them, R&Ds other components to the hotel accessory, she cannot make a determination until you tell her, in full, what your plans are, what your vision is, and narrow it down before she can make a determination. You need to tell if accessory permitted use in the district, or something else not permitted in the district, you need to tell her that.

Jane stated that different tasks either take these all as accessories to the hotel, or ask for zoning variance on uses, or setup a meeting to talk about it. Stacy agreed to a meeting.

Mike Calimano commented they need to define what accessory usage is, how it associated with hotel needs, and define that. Lay that out.

Amanda Gotto asked what the difference between a hotel and motel is.

Mike Calimano stated that's what the problem is.

Patti Brooks stated there actually is a vacation resort use but not currently allowed in I1 or B2 Zone and asked why it is allowed in Zone A1.5 and in A3 but not in B2 and I1. She compared similar problems with the Rocking Horse Ranch in Plattekill zoning and asked is there a reason and the need to talk to the PB and TB.

Co-Chair Ruger stated they'd have to look at what the definitions for vacation resort and hotel are because to her they sound similar but not sure what the actual definition in the code is.

Discussion followed including the rooms quantity with first phase 90-100 rooms.

Stacy asked Co-Chair Ruger if she wanted to hear the codes, and read the definition from the Town of NP Code Book for Hotel and Vacation Resort.

HOTEL

A building or any part thereof which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.

Stacy stated that's what differentiated between a hotel and motel, which has separate entrances to the rooms. Then Stacy read definition for the vacation resort.

VACATION RESORT

Any area of land on which is located two or more cabins, cottages or a hotel or group of buildings, containing living and sleeping accommodations hired out for compensation, which has a public lobby serving the guests and may contain one or more dining rooms and recreation facilities of a design and character suitable for seasonal or more-or-less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

Co-Chair Ruger stated that sounded more like it but it sounded like you could stay for the summer.

George Lithco stated the two definitions applied to the older bungalow colonies, and that B2 district is intended as busy, dense, commercial areas where you expect people to go to.

Co-Chair Ruger stated the Hotel definition needs updating.

George Lithco agreed it's vintage.

Jane stated that's where they're stuck.

George Lithco stated they have worked on a draft amendment. 2014 DRAFT zoning amendment for an overlay zoning district for recreation resorts and will send it as it affects their EIS as well.

Mike Calimano stated it seems they are limbo right now. They have to decide if an Overlay district or better use of a vacation resort.

Jane stated they don't want to go down one path, and the PB goes down another path.

Stacy stated since some members were not here originally and Pat will update them with files of all those documents.

Jane stated she will send files to Pat.

George Lithco stated he and Stacy will look at the definition.

Amy Cohen commented that the files will help them.

Co-Chair Ruger stated they needed to look at the proposed definition updated with

Stacy said she will look at the whole

George Lithco commented to applicants that at this time, the PB doesn't see anything objectionable.

Co-Chair Ruger asked to go around to the see what the Board feels.

Amanda Gotto stated sounds

Mike Calimano stated a comparison on the initial phase, narrative on report, comparison needed on full build out.

Lagusta Yearwood feels it has larger public use, benefits people and they can work out the variance.

Co-Chair Ruger stated it's very cool, love the butterfly pavilion.

Amy Cohen commented she is looking forward to hearing more about it. She is happy to hear about public access and we should welcome the immediate community. One thing she mentioned was the water park had some residents uncomfortable with it but a plus to use and enjoy it.

Lyle Nolan commented he feels this project should stand alone, agrees that environmental stuff can be used again, but traffic has definitely changed. Traffic is #1 comparable. He also asked what is the benefit to New Paltz. He noted that butterflies and caterpillars are pests to agriculture. There is potential for escapes and said this looks good in NY City but we have agriculture here.

Amy Cohen asked if they were going for an IDA?

Steve Turk replied yes.

Amy Cohen commented that you talked about last time employing locally, a lot of our jobs are lost to college students. It will be good for high school students and local people working there.

Lyle Nolan commented that it should stand on its own and shouldn't be compared.

George Lithco stated the EIS process is to look at alternatives all proposed for the action and evaluate the impacts. Look at those impacts and be informed by them. So if you go thru with this project, you may use less water, sewer but you may have impacts, and the other possibilities, options you should consider.

Lagusta Yearwood stated they will look at it, and discuss it.

Steve Turk stated both properties located near elementary schools. This is what makes it fit. He's hoping for an affiliation with the biology department at NP HS. He hopes the remainder to leave forever wild.

Co-Chair Ruger commented to find out about amendments.

Lyle Nolan said they should treat it as a new project and look at the traffic as the main issue.

Amy Cohen asked about the concierge bus drop-off.

Steve Turk thanked Amy for bringing it up, stating that it will be part of the resort offerings.

Amanda Gotto asked if it will all inclusive.

Steve Turk stated No. He continued to discuss the restaurant and opportunity for weddings.

Co-Chair Ruger stated it's hard to tell you what way to go without really knowing.

Stacy commented that she'll schedule a meeting with Jane and Steve to help figure it all out.

Mike Calimano asked about the wrap up of the EIS?

Jane stated they'd like to have it done in 3-4 months depending on the zoning. She also asked the board if they were comfortable with the preferred alternative.

Co-Chair Ruger thanked them for their overview.

She continued on asking if there were any further public comments.

PUBLIC COMMENTS - Additional

Bob Hughes approached and spoke about the Bagdon Environmental memo dated January 27, 2017 and his response to the wetland and ecological issues from Bagdon Environmental.

Kevin from the Town of New Paltz commented on the CVS application, and that it needs an EIS.

Amy Cohen commented that Channel 23 is not showing the PB Meeting.

PB 2007-18 Rappa/Pony Hill Subdivision = 90 day extension request

Co-Chair Ruger asked for a motion for the 90 day extension for Rappa/Pony Hill Subdivision be granted.

Motion 1 by Mike Calimano

Motion 2 by Lyle Nolan

Amanda Gotto abstained from approval. All others present in favor. Approved.

PB 2015-15 Trans Hudson/CVS Site Plan – EAF Part 3

Co-Chair Ruger commented she'd like to take a look at Part 2 and make sure it's what they want, and asked if they need to vote on it?

George Lithco replied no, and added that what Part 2 does when you complete it is give you categories of impact, and he recommends you review it and as a board in whole adopt it.

Co-Chair Ruger stated in the Part 2 last updated in December, there were 18 items moderate to large impact and perhaps finalize Part 3 today.

Lagusta Yearwood commented on the Part 2 she had questions on: Other impacts and air quality.

Dave Clouser stated that in the plan air quality is covered.

Discussion followed on the removing of trees if it's a small or large impact.

Dave Clouser stated on the Part 2 he selected No.

Stacy Delarede commented on the building code, regulations for bringing in fill and compact soils, making sure the building doesn't fall down and how it's verified. These amounts of soil run on DEC permits and must come from DEC permitted site with paper trail. There is a paper trail, monitored, with safeguards in place.

Lyle Nolan commented saying that its soil adds confusion, so to avoid people's confusion, its fill.

George commented that there is a process to ensure a known source with no contaminants.

Co-Chair Ruger commented on the Traffic Report from Ken Wersted, noting she could see nothing significant.

Dave Clouser read through the handouts he provided to the board, which included the traffic report.

Mike Calimano mentioned the synchronization of lights.

Discussion continued on the Traffic Report.

Amy Cohen commented with the idea of a long term study engaged with synchronization of lights all way down B2 area.

George Lithco stated his discussion with Dennis Doyle from UC Transportation Council that he may add a line item to their budget to look at on a periodic basis that signals are working in a coordinated manner.

Mike Calimano commented on a need for a post development traffic study and when it can be done and coordinate it with DOT.

Co-Chair Ruger agreed and asked if they could start on the Part 3 those that had a moderate to large impact and how significant they are.

Dave Clouser stated the Part 3 was last updated in February 2015 with a lot more information.

Co-Chair Ruger stated she felt that segmentation was not an issue and from the applicant that moderate use or average use for the 3rd pad. And if they did that she was okay with it if they have proof.

Dave Clouser stated they have a plan.

Mike Calimano stated the concern for the 3rd pad other than traffic is water and sewage. What is the environmental impacts? Those areas in the development of the 3rd pad was put in the plan.

Dave Clouser said it has to stand on its own. When putting the Part 3 together, using new traffic, new environmental, they tried not to form conclusions. The Board has to decide significance.

Co-Chair Ruger stated impact on land, moderate to large impact.

Rebecca Minas (from Barton & Loguidice) who is working with Dave Clouser, commented that erosion is mitigated on the site plan as proposed for clearing and grading, which awaiting from Stacy to talk about.

Lagusta Yearwood commented she feels it minimizes the impacts.

Mike Calimano stated the stormwater plan addresses the erosion issue.

Lagusta Yearwood asked why isn't the PB asking for alternatives, and she's not sure why we're not asking for them.

Mike Calimano stated its large impact, regardless if they have to bring in fill, proposed to bring in 27,000 cubic yards of fill. We should ask them what are you doing to mitigate that large impact? How will we regulate it? How are they addressing fill?

George Lithco stated with a developer's agreement, using Stop N Shop in 2005 as a sample, where you outline the specifics. He stated he will send that to the PB. He continued to say if you don't have a developer's agreement, satisfactory to the Town Board, you can't proceed with construction.

Co-Chair Ruger asked then if this piece can't be decided because we don't have the information until we go to site plan.

George Lithco explained how the developer's agreement is written and the Town Board can hold the developer responsible to meet that before a site plan gets final approval.

Amanda Gotto asked where in the process can we address too much fill?

Discussion followed on the fill and the amount of fill needed for the site, tree loss and how habitats will be gone. Amanda Gotto and Lagusta Yearwood both asked where and at what point do we say show us an alternative plan (for fill quantity, tree removal)?

George Lithco explained when you make a determination of significance and you find there's some environmental impacts, you have to articulate what the impact will be. More is more but question is what is the environmental impact of that more.

Co-Chair Ruger concluded we won't be able to complete the Part 3 tonight based on what we have with issues with erosion and bringing in fill. Fill seems to be more of an issue, and those who have a problem with why it can't be mitigated write up what is the impact and how it will affect us and if you feel if more study is needed.

Mike Calimano stated its large impact, obviously a lot of fill, why isn't that enough? Applicant needs mitigation plan before bringing in the fill. Read what the applicant proposed for mitigation.

Co-Chair Ruger discussed next meaningful large impact of draining, surface water and groundwater.

Rebecca Minas commented that the Stormwater Management Law will be used to ensure green infrastructure.

George Lithco commented on the Town's new Stormwater law.

Dave Clouser commented that with the list of things the board has to review, there's some authority there.

Co-Chair Ruger asked is there a particular reason why you'd need a full EIS Part 3 with moderate to large impacts based these two impacts?

Amy Cohen stated write it up and eventually we will vote on it.

Mike Calimano stated if you're not comfortable, and it may require an EIS, this is significant, then it needs to be addressed.

Co-Chair Ruger stated right now we're looking at our consultants.

George Lithco stated to draft something on significance.

Co-Chair Ruger asked if everyone feels they are okay with Part 3.

Amanda Gotto mentioned Stormwater, stating the applicant says they don't know what the impact is.

Co-Chair Ruger continued with Impact on Plants and Animals, moderate to large impact

Rebecca Minas stated the ENCB expressed concern *about the timing of the Ecological Wetland Assessment being in July, instead of during the spring months of March or April.* Norbert's response dated 01/27 to support his findings based on indicators regardless of the season of the study.

George Lithco stated in accordance with the town code, water has to last a month.

Co-Chair Ruger continued with Impact on Aesthetic Resources

Rebecca Minas stated that the applicant has an aesthetically appealing look which fits in with the town.

Map of the CVS plan façade was viewed.

Mike Calimano commented that the right side elevations is what is visible from the Thruway.

Co-Chair Ruger stated Impacts moderate to large for a, c, d, g. She stated if you feel if that item should have a full EIS then write something and they'll decide.

Co-Chair Ruger continued with impact on Traffic, moderate to large.

Dave Clouser mentioned the January 4 meeting with DOT and DPW and local reps.

Mike Calimano stated that DOT will not attend a meeting if it's an open meeting

George Lithco commented on the policy for open meetings to the public. This meeting was to get the technical people together, discuss what we intended to do.

Mike Calimano stated they gathered as a technical meeting.

Amy Cohen commented that they could have had 3 board members at the meeting. She personally feels in the future that should be given to board members opportunities to attend, if there's enough spaces.

Mike Calimano reviewed the memo of the meeting provided by Ken Wersted. He also commented on the memo he sent to Stacy (Building Inspector) in regard for her interpretation of clearing and grading on both sections of the codes.

Co-Chair Ruger stated that if you feel for this section you still have questions or more study is needed, she stated to write it up.

Co-Chair Ruger continued with Consistency with Community Plans, e and g.

Discussion followed on the request to Building Inspector for her interpretation of clearing and grading on both sections of the code.

Co-Chair Ruger stated if you feel it still needs to be addressed, write it up and it will be discussed.

Co-Chair Ruger continued with Community Character

Rebecca Minas discussed the consideration of the fiscal impact, with George Lithco recommending comparing 15,000 sq. ft. proposal to existing 300,000 sq. foot of retail in Town. Rebecca also discussed the economic impact assessment, especially for existing pharmacies in the town with the pharmacies providing not comments during public comments or hearings to date.

Mike Calimano encouraged the board to not look at development as CVS but as an empty box with 13,000 sq. foot (it could be a Dollar General, other), being built by anybody.

Discussion followed on anchor stores, store closings, changes to the area, with Amy Cohen commenting that 10 years ago it was different, supermarkets and pharmacies were all over the Hudson Valley.

Administrative Discussion

George Lithco discussed 3 things:

- 1 - Asked PB is there something you want, pdf format for laptop to TV viewing
- 2 - Point of interest – PB review and wetland inspector review
- 3 - Escrow payments

Co-Chair Ruger commented on the Gardiner Solar Law, and getting their draft sent to PB.

Mike Calimano stated the site visit for Brouck/Ferris is Thursday at 3:30.

Mike Calimano stated that UCPB is looking at new scanner application, and possibly using our Town's new large scanner as a demo for them.

Co-Chair Ruger mentioned that attendance at the March 27 meeting in regard to the Part 3. Possibility that it could be pushed into April.

George Lithco stated everyone has opportunity to be present and take a vote. The board only needs 4 people for a vote. The board in the past has made it possible for everyone to be present. The board should make every effort to make it possible.

Co-Chair Ruger stated it's taken so long, make every opportunity to be there to vote.

George Lithco mentioned videoconferencing at meetings and recommended the PB to take a look at them.

Amy Cohen suggested a call for a special meeting for a vote if needed.

Co-Chair Ruger discussed March 27 meeting conflicting with the NY Planning Federation seminar and if they (Amanda Gotto and herself) would be in attendance.

Discussion for March 13 meeting agenda include the Brouck/Ferris Public Hearing, Taliaferro subdivision application and Solar Webinar.

Co-Chair Ruger motioned to adjourn the meeting.

Motion 2 made by Amy Cohen.

All those present in favor. Meeting Adjourned at 9:56 pm.

Minutes submitted by Patricia Atkins