

Town of New Paltz Planning Board

FINAL Minutes

April 24, 2017

Agenda:

Review and Approval of Meeting Minutes

March 13, 2017

March 27, 2017

ENCB Habitat Assessment

Public Hearings

PB2015-02 Taliaferro Subdivision

Application Reviews

PB 2017-03 Reno#2 Thoben Hill, Rino's Pizza SSP

PB 2017-04, Cherry Hill Access Physical Therapy SSP

PB 2015-02 Taliaferro Subdivision

PB 2017-02, Gopal Farm Workers Housing

PB 2013-15, Trans Hudson/CVS Part 3

Administrative Discussion

Moratorium Law Clarification

May 8 Agenda

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

Also Present: Planning Board Attorney George Lithco, Barton & Loguidice Engineer Rebecca Minas

Board Member(s) absent: None

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

REVIEW AND APPROVAL OF MINUTES

Co-Chair Ruger asked for motion to approve the minutes for March 13, 2017.

Motion 1st by Lyle Nolan

Motion 2nd by Mike Calimano.

All present in favor, Minutes approved.

Co-Chair Ruger asked for motion to approve the minutes for March 27, 2017.

Motion 1st by Lagusta Yearwood.

Motion 2nd by Lyle Nolan

All present in favor, Minutes approved.

Joint Meeting with ENCB - Habitat Assessment Guidelines

Ingrid Haeckel, ENCB Co-Chair approached the PB members with the other ENCB members. Each member introduced themselves to the PB. Ingrid Haeckel presented their proposed Habitat Assessment Guidelines for the Town of New Paltz to the PB. The presentation covered the following topics:

- What is a Habitat Assessment?
- Why offer Habitat Assessment Guidelines to applicants?
- When should the Planning Board require a Habitat Assessment?
- Legend Maps depicting streams, waterbody, DEC Freshwater Wetland, NWI Wetland, Town Regulatory buffer, Hydric soil, Important Areas for Rare Plants and Animals, Natural Communities, Ulster County Habitat Cores, Biodiversity Areas Northern Wallkill, as well as Parcel Viewer maps of the area.

Ingrid Haeckel asked the PB to review the guideline and offer feedback to them. Discussion followed on how the habitat assessment will be conducted, and how, in the PB application process, will the guidelines apply for the applicant.

Co-Chair Ruger asked that the PB members come up with their comments on the guidelines, consider adopting them as is, any questions for the ENCB, and send to Pat for distribution. She noted it's too soon if they want to adopt the guidelines.

The ENCB asked for the applications so they could review to see where it would fit on the application.

George Lithco commented to clarify that when the PB votes, it will be for a public hearing first, then referral to the Town Board.

Co-Chair Yearwood stated that the ENCB is more efficient than in past years, commended the ENCB on a good job with the guidelines, and commented perhaps a PB liaison to the ENCB be considered.

Ingrid Haeckel stated she would follow up with an email to the PB members with a copy of her presentation and asking for feedback be sent to Pat by the end of May then given to ENCB to compile and make the updates to the guideline in order to move forward to adopting as part of the PB application process.

Co-Chair Ruger thanked the ENCB for their attendance tonight.

PUBLIC HEARINGS

PB2015-02 Taliaferro Subdivision

Motion 1st by Mike Calimano to open the Public Hearings for the Taliaferro Subdivision.

Motion 2nd by Amanda Gotto.

Timothy Fulton from 166 Plains Road offered his support for the Taliaferro Subdivision.

Colleen Kelly from 182 Plains Road asked how the access will work out now as well as what will happen with the three unsightly trailers.

Howard Stacker from the other side of the river asked if light and sound pollution are being taken into consideration.

Jim Dodd of 193 Plains Road stated as a 4th generation farmer, he understands Pete's struggle to support his family and sons, and offered his support for the subdivision.

Co-Chair Ruger asked for a motion to close the Public Hearing for the Taliaferro Subdivision for tonight. Discussion followed to close at the end of the application review. All present in favor.

Public Comments

No public comments.

Application Reviews

PB 2017-03 Reno#2 Thoben Hill, Rino's Pizza SSP

Co-Chair Ruger stated this was a simplified site plan, and review comments from the Building Inspector and Town Engineer.

Rebecca Minas reviewed her findings for the engineering review on the Rino's Pizza Simplified Site Plan application. She noted that the application meets all the requirements for a Simplified Site Plan.

Co-Chair Ruger asked for a motion to classify Rino's Pizza as a Type II SEQRA classification.

Motion 1 made by Lagusta Yearwood for Type II SEQRA Classification determination for Rino's Pizza SSP.

Motion 2 made by Amanda Gotto. All present in favor. Motion approved.

Co-Chair Ruger asked for a motion to waive site plan approval for Rino's Pizza SSP.

Motion 1 made by Lagusta Yearwood to waive site plan approval for Rino's Pizza SSP.

Motion 2 made by Amanda Gotto. All present in favor. Motion approved.

PB 2017-04, Cherry Hill Access Physical Therapy SSP

Co-Chair Ruger stated this was a simplified site plan, and review comments were read by Rebecca Minas.

Rebecca Minas reviewed her findings for the engineering review on Access Physical Therapy Simplified Site Plan application. She noted that the parking requirement of 8 spaces is within accordance with the Town Code, but noted that between 8 and 12 spaces would better reflect the parking requirements for the medical office.

Co-Chair Ruger asked if the office space was vacant. Rebecca Minas stated yes. And noted that the parking allocations are based on what used to be there.

The attorney for the property owner, stated he was confused on the process and if the site plan was approved. He stated this is a physical therapy office, not with stacked appointments like a medical practice.

George Lithco stated that the parking spaces are the minimal requirements per the Town Code. Discussion followed on the process for simplified site plan.

Laurie Schneider, Regional Director of Access Therapy and Wellness, stated they moved for additional space for three therapists seeing patients every ½ hour, with some could be an hour, and parking should be no problem.

Discussion followed on the parking requirement, with Amy Cohen asking how many would be allocated for handicap parking. Mr. Ed Hill Jr., stated they will be expanding the one handicap space, not adding handicap space. Laurie Schneider stated they will be fine with 8 spaces since it's not a medical office.

Mike Calimano recommended that the applicant look at the hours of operation and look for diversity of the parking in the area by the hours, which could help with parking.

Co-Chair Ruger asked for a motion to classify Access Physical Therapy application as a Type II SEQRA classification.

Motion 1 made by Mike Calimano for Type II SEQRA Classification determination for Access Physical Therapy SSP.

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

Co-Chair Ruger asked for a motion to waive site plan approval for Access Physical Therapy SSP.

Motion 1 made by Mike Calimano to waive site plan approval for Access Physical Therapy SSP.

Motion 2 made by Lagusta Yearwood. All present in favor. Motion approved.

PB 2015-02, Taliaferro Subdivision

Sylvester "Pete" and Robin Taliaferro and consultant, Andrew Willingham approached the PB members.

George Lithco noted that they should address the questions brought up from the public hearing; access to the farm and the trailers on the property.

Pete Taliaferro stated on the new plan, one of the trailers will be removed. Andrew Willingham commented that the new access to the farm will be on the new driveway.

Pete Taliaferro stated that the new lots will be just over 7 acres each. His objective is to move forward to secure his future, his son's future, and not break the property up into small pieces and still be able to get to the river for water access.

Discussion followed on the new access driveway to the farm. Emergency access with pull off for the fire department was discussed. Andrew Willingham confirmed the NP FD wants 15 foot access road, which Tom Powers stated was because of it being a natural driveway with soft shoulders.

A question from the public asked if the lawn business will continue on the lot, and Pete Taliaferro said yes.

Co-Chair Ruger stated other than the lawn business, they **seem** to have addressed all that was asked by the PB from last time. Co-Chair Ruger asked Rebecca Minas to review their findings. Rebecca Minas stated they've addressed the comments from previously, and other than some minor things to address.

Amanda Gotto asked about question #9 on the EAF provided. Rebecca Minas recommended a 200 foot stream buffer as part of the conditional approval.

George Lithco stated in the draft resolution he had emailed to everyone that he would modify.

Co-Chair Ruger, at the recommendation from George Lithco, began to go through the motions:

Co-Chair Ruger ask for a motion to accept the subdivision plan as satisfying the cluster requirement.

Motion 1 by Lagusta Yearwood.

Motion 2 by Mike Calimano

Discussion: Lyle Nolan asked that it be noted that no further subdivision be done there because it could change, no longer be a farm.

Pete Taliaferro stated that it will be a farm, and that you need to trust in the community. Mike Calimano **stated** he sees Lyle's point, and at some locations the PB has done this. George Lithco explained the special conditions for the resolution as prepared in the preliminary/final subdivision approval.

Co-Chair Yearwood asked if that would satisfy Lyle's concerns. Lyle Nola stated he is only one person on the board.

Co-Chair Ruger asked for a vote to accept the subdivision plan as satisfying the cluster agreement. 5 voted in favor, 1 opposed, 1 abstained. Motion approved.

Co-Chair Ruger ask for a motion to waive subdivision plan requirements.

Motion 1 by Lagusta Yearwood.

Motion 2 by Mike Calimano

No Discussion. **All in favor. 0 Opposed. Motion approved.**

Co-Chair Ruger ask for a motion to waive subdivision improvements. George Lithco explained that involved sidewalk installations.

Motion 1 by Lagusta Yearwood.

Motion 2 by Tom Powers

No Discussion. All in favor. 0 Opposed. Motion approved.

Co-Chair Ruger ask for a motion to waive subdivision improvements. George Lithco explained that involved sidewalk installations.

Motion 1 by Lagusta Yearwood.

Motion 2 by Tom Powers

No Discussion. All in favor. 0 Opposed. Motion approved.

Co-Chair Ruger ask for a motion to Accept and Review short EAF.

Motion 1 by Mike Calimano.

Motion 2 by Tom Powers

No Discussion. All in favor. 0 Opposed. Motion approved.

Co-Chair Ruger asked Rebecca Minas to read through the questions on the Impact Assessment Part 2.

Question 1 – No

Question 2 – Small

Question 3 – Small

Question 4 – No

Question 5 – Small

Question 6 – Small

Question 7 – a) Small, b) Small

Question 8 – No

Question 9 – No

Question 10 – No

Question 11 – No

Co-Chair Ruger ask for a motion on Negative SEQRA determination

Motion 1 by Lagusta Yearwood.

Motion 2 by Mike Calimano

No Discussion. All in favor. 0 Opposed. Motion approved.

Co-Chair Ruger ask for a motion to close the Public Hearing on the Subdivision.

Motion 1 by Amanda Gotto.

Motion 2 by Mike Calimano

No Discussion. All in favor. 0 Opposed. Motion approved.

**Co-Chair Ruger ask for a motion to require payment of in-lieu of recreation fees
Section 121-20A**

Motion 1 by Mike Calimano

Motion 2 by Amanda Gotto

No Discussion. **All in favor. 0 Opposed. Motion approved.**

Co-Chair Ruger ask for a motion to grant preliminary subdivision approval on conditions and preliminary approval

Motion 1 by Lagusta Yearwood.

Motion 2 by Amanda Gotto

No Discussion. **All in favor. 0 Opposed. Motion approved.**

Co-Chair Ruger ask for a motion to waive public hearing on final subdivision plan.

Motion 1 by Lagusta Yearwood.

Motion 2 by Tom Powers

No Discussion. **All in favor. 0 Opposed. Motion approved.**

Co-Chair Ruger ask for a motion to grant conditional final subdivision approval – subject to conditions in Schedule A

Motion 1 by Lagusta Yearwood.

Motion 2 by Tom Powers

No Discussion. **All in favor. 0 Opposed. Motion approved.**

George Lithco noted that before plan is signed, meets the requirements of the code, and must meet the following list of conditions (in abbreviated form):

1. **Representation as discussed and noted on the final plan as a farm.**
2. **Before PB signs, Engineer reviews final plan to requirements of the code.**
3. **Utilities will provide service.**
4. **Plan revised per Building Inspector April 13 memo comments.**
5. **Fire Department agrees to the driveway.**
6. **Will be removed off preliminary draft resolution**
7. **Wetlands and Floodplain requiring permits from the Town.**

Co-Chair Ruger ask for a vote to grant conditional final subdivision approval subject to the conditions as noted: All in favor. 0 Opposed. Motion approved.

George Lithco noted that Schedule B is consistent with the Town's Subdivision standards.

PB 2015-04 - Taliaferro Site Plan

It was agreed upon to discuss the Site Plan tonight since they were there before the Planning Board members.

Andrew Willingham discussed what changed in the Site Plan that was submitted on 4/7/2017: it started out as one big parcel, lot lines were added, one trailer will be removed, and access to the farm has moved.

Mike Calimano noted that nothing new proposed, nothing changed.

George Lithco asked what will happen to the trailer not being used.

Pete Taliaferro stated will be moved and recycled.

George Lithco stated that the trailer has to be moved before the subdivision can be filed. If not, come back and the PB will modify the approval through the applicant's request. He also recommended the PB to approve the site plan with conditions of approval.

Pete Taliaferro stated he cannot remove the trailer until October timeframe.

George Lithco stated as a condition of final approval, trailer must be removed by October. Applicant has to come back if he wishes to retain. PB can approve some location now or put it in as a Simplified Site Plan to remove later.

Co-Chair Ruger asked for a motion as a condition of final approval that the trailer remain on Lot 3 until end of October 31, 2017.

Motion 1 by Mike Calimano.

Motion 2 by Tom Powers

No Discussion. **5 Approved. 2 Opposed. Motion approved.**

George Lithco stated he will modify resolution and send it back out to distribution.

Co-Chair Ruger thanked them for coming and asked them to sign the Tracking Sheet.

PB2017-02 Gopal Farm Workers Housing Site Plan

Representative for Owner Nikhil Gupta, **Benjamin Berwing** and Consultant James Luckner approached the PB members to discuss their site plan application.

Co-Chair Yearwood asked for **Benjamin Berwing** to give them an overview of his application.

Benjamin Berwing explained his farm is 45 acres on Springtown Road. He'd like to build four farmworker housing units made from straw bales for his workers as facilities for them to live in. He'd like to attract young farmers, and start as soon as possible. The farm before him was a farm for horses, and wants to grow specialty crops and herbs, for restaurants and farmers markets.

George Lithco asked how much land will be used for that. **Benjamin Berwing** replied that 2 acres right now with the potential for 25 acres.

George Lithco mentioned Hudson Valley Farmland founder, and how he is looking for farmers to farm different portions of his property and how it fits into zoning. George Lithco mentioned his farm is listed. **Benjamin Berwing** stated he has one who has beehives and another grows flowers. Looking for farmers to come and get started.

George Lithco commented people are doing farming on different portions of the property, like a large scale CSA. George Lithco stated applicant needs to provide more description for these housing units for the people living there. He also asked how do they become farmers. Farmworker housing on farms employees work for the farmer. Discussion followed on if the workers would rent the land. George Lithco asked that they give more details on how the property is being farmed, and in regard to the farm workers who will they work for? Building Inspector has to see how this will fit into the Town Code.

Tom Powers asked what the Building Inspector say about the application?

Rebecca Minas stated she spoke with the Building Inspector and her concern was 1-2 acres of farmland, up to 45 acres is their future vision, special considerations to be taken within the floodplain.

Co-Chair Yearwood reviewed the Engineer's Memo for the review of the application. The short EAF form needs to be completed online and resubmitted. It's found on the DEC mapper.

Discussion followed with James Luckner stating that Stacy (Building Inspector) suggested requesting waivers for some of the site plan applications. George Lithco stated that you must answer why or why not it's not required.

Co-Chair Yearwood stated they need to address the issues mentioned in the memo and update the plan with a new submission before they come back to the board. George Lithco stated they need to explain more about the farm worker living there, and how it all works.

Co-Chair Yearwood asked them to sign the Tracking Sheet that shows them what the PB would be looking for next time. Discussion when they could appear before the PB again. Co-Chair Ruger thanked them for attending.

PB 2013-15, Trans Hudson/CVS Part 3

Co-Chair Ruger asked everyone if they had a copy of the proposed resolution. She asked if anyone wanted to discuss the Part 3 narrative. Mike Calimano stated his comments were sent to George and Rebecca, mainly to make sure the Part 3 and Resolution are consistent.

George Lithco stated the Part 3 was ok to adopt other than minor changes.

Co-Chair Ruger asked for a motion to adopt the Part 3 as revised.

Motion 1 by Mike Calimano

Motion 2 by Tom Powers

Discussion: Amanda Gotto asked if the significant items in the Part 3 can it be revisited, such as the fill and number of trees, etc. George Lithco stated that the site plan can address those.

Vote: 4 approved, 3 opposed. Motion approved

Co-Chair Ruger asked for a motion to adopt the Resolution.

Motion 1 by Mike Calimano.

Motion 2 by Lyle Nolan.

Discussion: Amanda Gotto expressed her concern that those significant items in the Part 2 would be addressed, and if they, the PB, still had the ability to address them.

Vote: 4 approved, 3 opposed. Motion approved.

Co-Chair Ruger asked for a motion authorizing the Co-Chairs to sign the Resolution.

Motion 1 by Mike Calimano.

Motion 2 by Lyle Nolan.

No Discussion:

Vote: 5 approved, 0 opposed, 2 abstained. Motion approved.

Co-Chair Ruger asked for a motion Authorizing the filing and circulation of the resolution.

Motion 1 by Mike Calimano.

Motion 2 by Lyle Nolan.

Vote: 4 approved, 2 opposed. 1 abstained. Motion approved.

Justin Dates asked if it would be okay to compile the Part 3 concerns, go back make updates and continue on with the Site Plan review. PB members agreed.

Administrative Discussion

Moratorium Local Law:

Mike Calimano stated that there's another public hearing on the Moratorium Local Law scheduled, it has been significantly modified, but not sent to the PB and the UCPB for review. Comments were made by Amy Cohen and Lagusta Yearwood about what the zoning changes may or may not be after the 9 month moratorium is over.

May 8 PB Meeting Quorum:

3 PB members will not be at the 5/8/2017 with only Ferris Woods on the agenda to date.

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

Motion 1 made by Mike Calimano

Motion 2 made by Lyle Nolan.

All those present in favor. Meeting Adjourned at 10:28 pm.

Minutes submitted by Patricia Atkins

