

Town of New Paltz Planning Board

FINAL Minutes

April 13, 2015

Agenda:

PB 2014-02, LP Builders, 105 Route 208, Subdivision/Steep Slopes
PB 2015-02, Taliaferro, Plains Rd., Subdivision
PB 2015-04, Taliaferro, Plains Rd., Site Plan
PB 2013-15, Trans-Hudson Mgt./CVS, 12 N. Putt Corners Rd., Site Plan
PB 2015-07, Jewett, Huguenot St., Subdivision
PB 2015-05, Alfandre Architecture, 231 Main St., Simplified Site Plan
PB 2015-06, Strocchia, 3 Holland Lane, Accessory Apartment

Present: Dave Clouser, George Lithco, Peter Muller, Lyle Nolan, Lagusta Yearwood, Adele Ruger, Tom Powers, Joe Moriello

Board Member(s) absent: Mike Calimano, Amy Cohen

Vice Chairman Nolan called the meeting to order at 7:04 pm.

MINUTES

The February 23, 2015 minutes are presented. Motion to approve the minutes made by Peter Muller.
2nd by Lyle Nolan.

All others present in favor. Motion passed.

The March 9, 2015 minutes are presented. Motion to approve the minutes made by Tom Powers.
2nd by Peter Muller.

All others present in favor. Motion passed.

The March 23, 2015 minutes are presented. Motion to approve the minutes made by Peter Muller.
2nd by Adele Ruger.
All others present in favor. Motion passed.

FREE CONCEPTUAL REVIEWS

None

PUBLIC HEARINGS

PB 2015-02, Taliaferro, Plains Road, Subdivision

Motion to open the public hearing is made by Lagusta Yearwood.

2nd by Peter Muller.

All others present in favor. Motion passed.

This will be continued until the application review later in the meeting.

PB 2014-02, LP Builders, 105 Route 208, Subdivision/Steep Slopes

Public Hearing opened November 24, 2014; continued to January 12, 2015; at request of applicant a motion to continue this public hearing to February 9, 2015 is made. Due to snow cancellations, this public hearing has been continued to tonight's meeting. The applicant has made a written request to continue this public hearing at the May 11, 2015 meeting, in order that they have time to submit the remaining items.

Motion to continue this hearing until the May 11, 2015 meeting, as requested by the applicant's attorney, Joe Eriole, is made by Lyle Nolan.

2nd by Tom Powers.

All others present in favor. Motion passed.

PUBLIC COMMENT (on issues other than Public Hearings – 15 minutes)

Julie Lillis wants to comment on her concerns with regards to the proposed CVS project. She started an online petition of people against this proposed application. She reads her petition. She submits this, along with other comments.

Michael Zierler from the Village also comments on his concerns with this proposed CVS application. He also discusses the combined review of the Jewett Subdivision, as it needs to be reviewed the Village Planning Board as well.

Fran Wishnick also speaks about approved GEIS for the Putt Corners corridor. She believes the Supervisor has this, and she would like to make it public, as this would come into play with regards to the review of the CVS application.

OLD BUSINESS

PB 2015-01, Poueymirou, Elliots Lane, Clearing & Grading

Motion to approve this for signature by the Chairman, conditioned that trees over 6 inches are not removed from the DEC buffer, is made by Tom Powers.

2nd by Adele Ruger.

All others present in favor. Motion passed.

APPLICATION REVIEWS

PB 2015-07, Jewett, Huguenot St., Subdivision

George Lithco recuses himself from the review of this application. Mr. Moriello will be counsel for the Planning Board on this application review. Patti Brooks of Brooks and Brooks is here on behalf of the applicant. Dakota and Mira Miller are also present, as they are the proposed buyers and farmers of the land. Patti Brooks discusses how this project did receive approvals years back in 2008. There is a discussion on how she is hoping that this Board will be able to be lead agency on this project. She presents the details of this subdivision. She also states how they will also need to go before the ZBA again, as they did in 2008. They were granted an area variance, but it was conditional on the finalization of the subdivision. Since the subdivision was never filed with the County, they will need to go before the ZBA again as well. Dakota and Mira Miller discuss their farm, Row by Row, LLC. The Planning Board members review the subdivision maps. There is a conversation on the fact that there are no plans for a residence on this lot, as there is a conservation easement. Dave Clouser questions map note 11. Adele Ruger questions whether or not farm worker housing would be considered residential. Dakota Miller states that they have no plans to develop farm worker housing. It is noted that they would have to come back before the Board for that.

Motion to declare the Town of New Paltz Planning Board as Lead Agency, and circulate this motion, is made by Peter Muller.

2nd by Lyle Nolan.

All others present in favor. Motion passed.

Joe Moriello leaves the meeting. George Lithco comes back in.

PB 2015-05, Alfandre Architecture, 231 Main St., Simplified Site Plan

Rick Alfandre comes before the Planning Board to discuss his application for a Simplified Site Plan review for some office changes from his original site plan approval. There are no exterior changes. Dave Clouser and Stacy Delarede have reviewed this application, and both recommend that this be approved.

Motion to approve this waiver of site plan is made by Adele Ruger.
2nd by Lagusta Yearwood.
All others present in favor. Motion passed.

PB 2015-06, Strocchia, 3 Holland Lane, Accessory Apartment

Mr. Strocchia comes before the Board to discuss his application for an accessory apartment in his home. Stacy Delarede discusses her review of this application, and the difficulties with the property changing hands and work that was done. This house also never obtained its original Certificate of Occupancy. Normally the home would need a CO in order to get approvals for an accessory apartment. She would recommend that they approve this with the condition that when all the work is complete, that a CO be issued for the original house structure. The applicant has already applied for a building permit for extensive renovations to retrofit the home to be more energy efficient.

Motion to grant approval for an accessory apartment, conditional on the applicant obtaining a final CO for the existing single family residence by October 15, 2015, is made by Lagusta Yearwood.
2nd by Tom Powers.
All others present in favor. Motion passed.

An amendment to the resolution to include payment of all fees is made by Lyle Nolan.
2nd by tom Powers.
All others present in favor. Motion passed.

PB 2015-04, Taliaferro, Plains Rd., Site Plan

PB 2015-02, Taliaferro, Plains Rd., Subdivision

Andy Willingham, Engineer, appears before the Board to represent the Taliaferro's on their subdivision and site plan applications. He states how they have addressed all of the issues raised by the Boards review. He would like the Board to consider Conditional Final approvals. Dave Clouser discusses the fact that the driveway width needs to be changed to meet the NYS Fire Code. There are some other minor issues that could all be conditions, such as septic approvals.

George Lithco discusses the submittal of a revised conservation easement. Mr. Willingham states that they are not changing the conservation easement. The farming easement is still an ongoing process.

Pete Taliaferro discusses the original approvals, and they were encouraged to do a cluster. They went in this direction, because it was also conducive to maintaining their farm. They have more than enough road frontage to design it differently, but they opted not to, as this plan maximizes the use of the farm land. Mr. Sculley, counsel for the Taliaferro family, states that this is the best plan for the land. There is continued discussion on these proposed restrictions.

Andy Willingham states that Mr. Taliaferro is still not quite sure what he intends to do with the farm. He is talking to Scenic Hudson. He doesn't want to agree to no further subdivision, in case one of these land trusts that he is speaking with wants to do something with him. His intention is to continue to farm

with his family, but he is not ready to shut this door. They are just trying to balance everything. The newly created lots do have quite a bit of open space.

Lagusta Yearwood questions how we can tinker with the language in order to move this along. George Lithco states that a clear resolution needs to be drafted in order to make this completely clear. Lyle Nolan has concerns with most of the open space being in the river, as they own to the middle of the river.

Conditional final approval language is discussed among the Board members.

A motion to grant conditional cluster subdivision approval, based on the three factors and the waivers as drafted by Willingham Engineering, is made by Adele Ruger.

2nd by Lagusta Yearwood.

Lyle Nolan feels that these are still flag lots.

Lyle Nolan is opposed.

All others in agreement. Motion passed, four ayes and one nay.

Andy Willingham reads the three waivers requested. (Town Code Section 121-25 C 2 and D2, 15 and 17)

Motion to approve these waivers for farmland preservation is made by Peter Muller.

2nd by Tom Powers.

Lyle Nolan is opposed.

All others in agreement. Motion passed four ayes and one nay.

SEQRA Part II Review:

- 1- No
- 2- Yes – a small impact
- 3- No
- 4- No
- 5- No
- 6- No
- 7- No
- 8- No
- 9- No
- 10- No
- 11- No

Motion to declare this a negative declaration under SEQRA is made by Adele Ruger.

2nd by Peter Muller.

All others present in favor. Motion passed.

Motion to close the public hearing is made by Peter Muller.

2nd by Tom Powers.

All other present in favor. Motion passed.

Mr. Taliaferro notes that the Wallkill Valley Land Trust has expressed interest in taking the conservation easement. It does need to go before the Town Board to see if they would want to accept it. If not the applicant will need to find someone to accept it.

It is noted that there is also the need for a driveway maintenance agreement. Andy Willingham states that they have submitted one. There is also discussion on the sidewalk requirements, and if there should be an easement for this, or should they waive this as well. These items are found in Town Code Section 121-17 B-G.

Motion to approve the waivers of the above mentioned Section is made by Lagusta Yearwood.
2nd by Peter Muller.

All others present in favor. Motion passed.

There is a discussion on the waiver of sidewalks, or an easement granted to the Town to make a sidewalk should a sidewalk district be created.

Motion to approve the sidewalk easement is made by Peter Muller.
2nd by Lyle Nolan.

All others present in favor. Motion passed.

Motion to adopt a resolution for preliminary conditional approval, subject to establishing a conservation easement acceptable to the Town that includes an endowment, a driveway maintenance agreement, payment of all fees associated with review and recreation trust fund fees, subject to the engineers comments dated April 9, 2015, and establishing a sidewalk easement, is made by Adele Ruger.

2nd by Tom Powers.

All others present in favor. Motion passed.

Motion to waive the public hearing for final approval is made by Lagusta Yearwood.

2nd by Adele Ruger.

All others present in favor. Motion passed.

Motion to grant conditional final approval, subject to all of the above conditions, as well as final signature by the Planning Board Chairman, is made by Lagusta Yearwood.

2nd by Peter Muller.

All others present in favor. Motion passed.

Andrew Willingham would now like to discuss the site plan application. It is all on paper now, and the Building Inspector had no issues. Lyle Nolan states that he feels they have covered all of the issues in the previous discussion.

SEQRA EAF Review for Site Plan approval:

1. No
2. No
3. No
4. No
5. No
6. No
7. No
8. No
9. No
10. No

11. No

12. No

Motion to declare this a negative declaration for SEQRA is made by Adele Ruger.

2nd by Peter Muller.

All others present in favor. Motion passed.

Mr. Taliaferro states that he does not need to get health department approvals unless he houses more than four farm workers.

George Lithco states that he does need septic approvals for the farm worker housing, and the water as well. This will need to be a condition of site plan approvals.

Motion to grant conditional site plan approval, subject to UCHD approval for water and sewer for the farm worker housing is made by Tom Powers.

2nd by Adele Ruger.

All others present in favor. Motion passed.

PB 2013-15, Tans-Hudson Mgt./CVS, 12 N. Putt Corners Rd., Site Plan

Charlie Badzylo, counsel for Trans-Hudson Mgt, comes before the Board with Justin Dates and Richard D'Andrea of Maser Consulting. They are here to discuss the new traffic study, as well as the referral to the UCPB. Mr. Badzylo also discusses the EV charging stations that are noted on the site plan. They just want to install the conduit, but not do the actual charging stations at this point. He also discusses showing any trees that are 12" in diameter or more on the site plan. They would like to request a waiver of doing this survey, as they will need to do clearing and grading, and they need to do so much filling that it would not be feasible.

Lagusta Yearwood would like to address the audience members, and assure them that the Planning Board is just in its beginning stages of the review of this application, and they still need to complete SEQRA.

Justin Dates discusses the amount of fill that would be required, with regards to timing, and site access from N. Putt Corners Road. George Lithco states that construction details will be worked out in a Developers Agreement that will be drafted by the Town.

Justin Dates states that they are seeking 69 parking spaces, which is based on CVS size requirements. The Town Code allows for 67.

Tom Powers questions how they came up with the size of the store for this location. He has seen many smaller sized stores. Justin Dates states that this is based on a number of factors that CVS considers. Charlie Badzylo states that they are not privy to the exact criteria that CVS uses. Lagusta Yearwood would like to see if the higher ups at CVS can re think the criteria that led them to decide on this size. Charlie Badzylo states that they can ask, but they might not want to disclose their business models. There are concerns about the store failing, and then being left as an empty eyesore in the town.

Charlie Badzylo would like some feedback from the Board with regards to the Five Guys restaurant renderings that were submitted. Justin Dates states that both buildings are one story, and well below the maximum height allowed in this zone. The Board has concerns with the look of this store, as it is the first thing you see when you enter the town. It is very cookie cutter in nature. Justin Dates would like more guidance from the Board to bring back to the applicant's architects.

George Lithco questions where the exhausts are for the restaurant. Justin Dates states that they are on the roof, and that the roof is a parapet.

Adele Ruger has some questions with regards to the traffic studies. Richard D'Andrea shows on the proposed site plan, how that yield off of Route 299 will be taken away and there will be a right hand turn lane that is controlled by the traffic signal. This helps with traffic safety, as well as helping to create a pedestrian walk way. Tom Powers states his concerns with trying to make a left onto N. Putt Corners Road. Mr. D'Andrea states that the traffic study did address this with the change in timing of the light and the Main Street intersection. Mr. Powers is also wondering if they took into account the Rescue Squad that may need to get through that intersection in an emergency. Mr. Badzylo states that this was also reviewed by the Planning Board's traffic engineer, and he was in agreement with their plans. George Lithco states that it may be beneficial to invite the traffic engineer to the next meeting to discuss all of this. Mr. D'Andrea states that they did take into account future traffic that could be generated by Wildberry Lodge, Hampton Inn, and the Mohonk Preserve. They also took into account a 1% increase in traffic per year. There is continued discussion on traffic impacts.

Lyle Nolan asks for a time frame that is being considered by the applicant. Charlie Badzylo states that they were hoping to start construction this summer. Justin Dates estimates that the project would be under construction for up to approximately eight months.

Charlie Badzylo would like to discuss the comments that were made by the UCPB, he does have a copy of the review memo. The Planning Board has yet to receive their copy. UCPB has some of the same concerns as the Town Planning Board. Justin Dates goes over the County input.

Charlie Badzylo questions the need for a public hearing on site plan. George Lithco states that it is optional; before one is set, if they should so decide, the details should be worked out so that we are presenting to the public the updated version. The Board should also hear from the Traffic Engineer.

Lyle Nolan would like to tentatively schedule the public hearing for May 11, at the final approval of the Chairman.

There is a conversation on using the DEC wetlands mapper.

Motion to set a public hearing for May 11, 2015 is made by Lagusta Yearwood.

2nd by Tom Powers.

All others present in favor. Motion passed.

ADMINISTRATIVE DISCUSSION

There is a discussion on the Dormitory Moratorium Legal Law. George Lithco discusses the fact that the Town Board has introduced a legal law that temporarily bans dormitories for six months, as so defined by the UCIDA, until the impacts can be defined and addressed. The Town Board will be seeking input on this from the Planning Board. The Town Board has scheduled a public hearing on this for April 23, 2015.

Motion to authorize the Chairman to make a recommendation to the Town Board, with input from the other Planning Board members, in time for their April 23 meeting, is made by Lagusta Yearwood.

2nd by Adele Ruger.

All others present in favor. Motion passed.

Motion to adjourn the meeting is made by Lyle Nolan.

2nd by Adele Ruger.

All others present in favor. Motion approved.

Meeting adjourned at 9:35 pm.

These minutes respectfully submitted by Kelly O'Donnell