

Town of New Paltz Planning Board

FINAL Minutes

January 11, 2016

Agenda:

PB 2014-02, LP Builders, 105 Route 208, Subdivision/Steep Slopes
PB 2015-13, Thomas Wanning, 320 Route 32 N, Subdivision
PB 2015-10, Marc Schain, 70 N. Putt Corners Rd., Site Plan
PB 2014-04, Mohonk Preserve, Route 299, Site Plan
PB 2014-25, Mohonk Preserve, Butternut Rd., Subdivision
PB 2013-15, Trans-Hudson Mgt.,/CVS, 12 N. Putt Corners Rd., Site Plan

Present: George Lithco, Dave Clouser, Mike Calimano, Lyle Nolan, Tom Powers, Adele Ruger, Michael Zierler, Amy Cohen

Board Member(s) absent: Lagusta Yearwood

Others Present: Carol Knapp, Rhode Engineering

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

He welcomes Michael Zierler to the Planning Board. He thanks Peter Muller for his years of service and dedication to the Town.

REVIEW AND APPROVAL OF MINUTES

The December 14, 2015 minutes are presented.

Motion to approve the minutes is made by Lyle Nolan.

2nd by Adele Rugar.

Michael Zierler abstains.

All others present in favor. Motion passed.

PUBLIC HEARINGS, CONCEPTUAL REVIEWS AND BRIEFINGS

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

Motion to open the public hearing for the evening is made by Tom Powers.

2nd by Lyle Nolan.

All in others present in favor. Motion passed.

Amy Cohen leaves the meeting.

John Lyons of Grant Lyons, representing Eric Stutt, speaks to the Board about his issues with this application. He mentions the two letters that they recently submitted to the Board. One letter addresses the water system, the other was about SEQRA and the many significant impacts. He also discusses the letter that the applicant submitted today from the water system manufacturer.

Joe Eriole, attorney for the applicant, speaks to the Board about the suitability of the system. They feel that the use of this system lays in the hands of the UCHD. He also believes that this should be a negative declaration under SEQR.

John Queenan, engineer for the applicant, speaks to the Board about the proposed storm water system. This plan is overdone for a simple two lot subdivision. He feels that all impacts have been mitigated. He also speaks about the proposed septic systems, which have been approved by the regulatory authority.

Amy Cohen returns to the meeting.

PB 2014-04, Mohonk Preserve, Butternut Rd., Subdivision

PB 2014-25, Mohonk Preserve, Route 299, Site Plan

Motion to open the public hearing for tonight is made by Mike Zierler.

2nd by Tom Powers.

All others present in favor. Motion passed.

Chairman Calimano discusses the working draft of the EAF Part 3, as it is still in rough draft form. He will have it available for the public by tomorrow. It will then be posted to the website. He plans to keep the public hearing open until January 25 so that the public can comment on that document.

Michael Zierler discloses that he is also on the Village Planning Board, and the village has hired Barton and Loguidice on a completely unrelated project.

Michael Clark speaks to the Board about his concerns with this project.

Larry Badendyke reads a letter from the Citizens of the Shawangunks which expresses their concerns with this project.

Rich Gottlieb, Village business owner, speaks to the Board about his support of this project. It is illogical to compare this project to Wilmore and Wildberry Lodge, as the acreage of disturbance is so small. The Preserve truly instills a sense of community.

Harry Tabak, Town resident, speaks to the Board about his concerns with this project. He believes this project warrants a full EIS.

Kitty Brown, Town resident, speaks to the Board about her support for this project.

Tom Carano, member of the Mohonk Preserve, speaks to the Board about his support of this project.

Lou Cariola, Town resident, speaks to the Board with regards to his concerns with this project. He shares some photos and charts with the Board about traffic impacts of the Jacobs Lane, Gate House Road and Route 299.

Andi Weiss Bartzyk, Gardiner resident, speaks to the Board about her concerns with this project. It is not the size of the project, it is the impacts it will have, that concern her.

Irwin Sperber, Gardiner resident, speaks to the Board about his concerns with this project. He would like to see an EIS to address all of the impacts.

Chairman Calimano mentions again that Part 3 of the EAF will be available to the public tomorrow, and they will continue the public hearing on January 25.

Mark Rosen, Town resident, speaks to the Board about his concerns with the traffic that this project may create.

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

None

APPLICATION REVIEWS

PB 2015-13, Thomas Wanning, 320 Rte 32 N., Subdivision

Mr. Wanning comes before the Board to discuss his application for this two lot subdivision. Chairman Calimano and Dave Clouser agree that the application is now complete, and they are ready to set a public hearing.

Michael Zierler mentions a miscalculation on the maps. Dave Clouser states that it is still under an acre of disturbance.

Dave Clouser mentions something he has already discussed with the application. It is the location of the existing well, and not meeting the separation requirement. Mr. Wanning will get a letter from the UCHD stating that this is alright with them.

Motion to schedule the public hearing for February 8, 2016 is made by Lyle Nolan.
2nd by Tom Powers.

All others present in favor. Motion passed.

PB 204-02, LP Builders, 105 Route 208, Subdivision/Steep Slopes

Amy Cohen leaves this portion of the meeting.

John Queenan, engineer for the applicant, comes before the Board to discuss this project. Mr. Eriole and Loulesh Pepaj are also present.

Chairman Calimano notes that this is a two lot subdivision along with a steep slopes permit application.

Dave Clouser goes over the EAF Part 2.

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

Dave Clouser has created an EAF Part 3 draft for this impact. He goes over this with the Board. It can be constructed to mitigate these impacts, but his concerns are whether these means of mitigation will be maintained. He met with the Town Highway Superintendent, they went out to the site. He does not have the equipment to get on the site or maintain it, nor does he have anyone with those skills, as it is not something the Town is actually responsible for.

Chairman Calimano asks the Board if they have any comments. Lyle Nolan mentions that he calculated the slopes, and it is steeper than noted. John Queenan addresses this in that it is a quick operation and it will require bringing in fill.

There is a discussion on the amount of fill for the driveways and septic.

There is a continued conversation on the water system and its location and maintenance. John Queenan notes that he never expected the Town to maintain this. It gives the ability for the Town to enforce maintenance, and hire someone to do it.

Michael Zierler states that though septic can fail, most only affect the homeowner. This failure would affect all homes down grade of these properties. It should not be the Building Department who enforces this. Though Mr. Pepaj owns this property now, the Town has to consider this project decades out.

John Queenan discusses what a catastrophic failure would truly mean. Dave Clouser disagrees.

Chairman Calimano discusses the determination of significance, and whether there is enough information to make this determination. He feels we have all the documentation. The Board will still need to address construction on steep slopes.

Mike Zierler notes that the applicant has not actually filled out a steep slopes permit application.

Motion for a negative declaration on the two lot subdivision is made by Mike Calimano.
Motion fails due to lack of a second.

The Board will prepare the Part 3 of the EAF to start the review of that at the next meeting.

PB 2014-04, Mohonk Preserve, Butternut Rd., Subdivision

PB 2014-25, Mohonk Preserve, Route 299, Site Plan

Ted Kolankowski, Mike Moriello and Glen Hoagland come before the Board to discuss their progress with this application.

Glen Hoagland would like to start by saying that the campground in Gardiner was a State project, and did go through SEQRA with a public hearing. Though Mohonk is now the Steward, Gardiner did not want to be Lead Agency. That project did go through all of the proper governing authorities. They also looked at the traffic with regards to the campground, and it generates 6 cars per day.

Mike Moriello also speaks about Type I actions not needing an EIS. This project is not a Type I action. It should actually be an Unlisted Action.

George Lithco comments on this with regards to requiring mitigation for potential concerns. Mike Moriello agrees.

Carol Knapp hands out a draft EAF Part 3 comment memo, and states that it is very preliminary, and there will be many changes as they continue their review.

Chairman Calimano notes that we need to be sure that all public comments are covered. This is just a first draft, and the public can then comment on this at the next meeting in order that additional drafts can be done. It is noted that they are up before the HPC for a COA for the entire site plan area on January 20.

Tom Powers discusses the Gate House Road intersection. He would like to have Chris Marx come to a meeting to present options that the Town has to re-do that intersection.

There is a continued discussion on the location of this intersection, as well as other options to bring cars into the parking lot. George Lithco notes that he did speak with Ken Wersted today about the accident report. Possibly we have Ken Wersted and Chris Marx get together to discuss plan modifications.

There is a conversation on getting the speed limits lowered as well. Chairman Calimano will work with Ken and Chris on these issues.

George Lithco notes that they also need to follow up with their Sensitivity study.

Michael Zierler questions if the engineering report and EAF draft part 3 cover both the subdivision and the site plan. Carol Knapp states that it does.

Amy Cohen mentions the possibility of installing traffic lights in certain locations, even if it is just a flashing yellow. Mike Moriello notes that he is not sure they can substantiate the warrants for this with the State DOT.

The public hearing will be continued at the next meeting to review the draft part 3 of the EAF.

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

Charlie Badzylo comes before the Board to discuss this application.

Michael Zierler states that prior to being appointed to this Planning Board, he did make comments at public hearings, that were in regards to the process and concerns with regards to this project. He was asked by the attorneys if he would like to recuse himself from any decisions with regards to this application. He does not feel that he needs to recuse himself, as he never stated that he wasn't for the project.

Charlie Badzylo disagrees, as based on things he has said, that he feels that he has spoken out against the project. He notes that at the May 2015 public hearing, he was party to a petition that he signed. This petition that he signed and that was read into the transcripts clearly shows that he is against the project.

Michael Zierler disagrees with this. He states his previous experience with large scale projects that came before him at the Village, for example Woodland Pond. He worked to make these projects better for the municipality, and that is what he plans to do in his review of this application.

Charlie Badzylo continues to read his public comments from other public hearings. He feels that he truly has a bias against the project and the corporation.

Mr. Zierler states that he simply has no respect for applicants who don't respect the wishes of the municipality. He brings up the fact that they didn't even use the right EAF form on several occasions, and that he feels that they are very slow to provide the information that has been requested by this Board.

Charlie Badzylo also mentions that he was against the use of Creighton Manning as a traffic consultant by the Town. He then reads more of Mr. Zierlers public comments. He feels that he has already drawn a conclusion and will not be impartial.

Chairman Calimano states that he will take the information from Mr. Badzylo and the information from Mr. Zierler, and seek an advisory comment from the Board of Ethics. George Lithco states that Mr. Badzylo would need to address a letter to the Planning Board and then have them refer it to the Ethics Board for advisement. Mr. Zierler should do the same thing.

Chairman Calimano discusses the rough draft of the EAF part 3.

Dave Clouser goes over his latest changes to the rough draft, based on the traffic consultant's findings. He also made revisions based on the Wetlands Inspectors comments.

Dave Clouser notes that he wrote the Clearing and Grading Code years ago. Clearing and grading runs concurrent with the site plan.

George Lithco discusses the third pad site, and this is addressed in the traffic section, the community character section, etc.

Michael Zierler brings up the third pad site. He has concerns about there is a good likelihood of future development of this site. We need to look at the impact of the entire site. This seems like a segmented review. He feels like we should be looking at the entire build out of the site. Part 1 and 2 do not reference this third pad site at all.

George Lithco notes that if the applicant doesn't have a plan, you can't make an applicant create a plan.

Amy Cohen states that if eventually they did have a tenant for this third pad site, that the entire site plan would need to come back before the Planning Board with a new application and a new EAF.

Michael Zierler understands the applicant's limitations. However, the Board has a responsibility to review the entire site. He feels anything less than that is segmentation.

George Lithco states that this is not segmentation. That is when you divide up review in order to avoid review. They are not trying to avoid analysis.

Michael Zierler still wants to know the impacts of clearing the entire site, verses just the amount that is currently proposed.

George Lithco notes that is why Dave Clouser will have an introductory paragraph that shows where in the part 3 any potential impacts from the development of the third pad site would be mentioned.

There is a continued conversation on this subject by the Board members. Lyle Nolan notes that the water and drainage, parking, etc. are part of the studies. Charlie Badzylo notes that this is all part of the Sensitivity study as well.

Dave Clouser notes that there are thresholds set in the Putt Corners DEIS.

Michael Zierler addresses some editorial comments that he has with the draft. He discusses them with the Board and Dave Clouser.

Chairman Calimano would like to break out the site plan at the next meeting, and look at that side by side with the draft Part 3 EAF impacts.

George Lithco notes that this is an Unlisted Action, but it can still have impacts that need to be mitigated. He also discusses the need to discuss with the applicant our issues with community character, so they have a clear picture of where we are going with this.

Adele Rugar discusses that when we look at the site plan, can the Board consider limiting the parking, in the hopes of not having to clear so much land.

OLD BUSINESS

PB2015-10, Marc Schain, 70 N. Putt Corners Rd., Site Plan

The UCPB sent back their review of this application. Their required modification was a sidewalk easement. The Board already has the applicant add this 15' sidewalk easement note to their approved plans.

Motion to make a final approval of this site plan is made by Mike Calimano.

2nd by Amy Cohen.

All others present in favor. Motion passed.

PLANNING BOARD ADMINISTRATIVE DISCUSSION

None

Motion to adjourn the meeting is made by Amy Cohen.

2nd by Adele Ruger.

All others present in favor. Motion approved.

Meeting adjourned at 10:50 pm.

These minutes respectfully submitted by Kelly O'Donnell