



Town of New Paltz Planning Board
Regular Meeting of Monday, **January 9, 2023**
7:00 PM In Person
Town of New Paltz Courthouse
59 N. Putt Corners Road, New Paltz, NY

APPROVED MINUTES

Present: Lyle Nolan (Deputy Chair), Adrian Capulli, Matthew DiDonna, Amanda Gotto, and Jennifer Welles

Also present: Andy Willingham (Planning Board Engineer)
Ashely Torre (Planning Board Attorney)
Jane Schanberg, attended via Zoom

Absent: Adele Ruger

Deputy Chair Nolan called the meeting to order at 7:00 p.m.

Administrative Business

A quorum check for the January 23, 2023 meeting was held. Everyone present responded they were available.

A motion to approve the minutes of the November 28, 2022 meeting was made by Mr. DiDonna and seconded by Ms. Gotto, with all voting in favor.

As an involved agency, the Board discussed the Ulster County Planning Board (UCPB) Notice of Intent to be Lead Agency for Constructing a Government Operations Center at Paradies Lane (Department of Emergency Services). Attorney Torre advised the Board it has the option of taking no action which would have the result of their consent, or the Board could make a motion to consent.

A motion was made to consent to the County's Lead Agency status for construction of a government operations center on Paradies Lane by Mr. DiDonna and seconded by Ms. Welles. Additional discussion ensued and Ms. Gotto stated there were inconsistencies and omissions in the EAF document which she thought needed to be fixed. Mr. Nolan asked if there were any additional comments, and there were none. All members voted in favor of the motion. Attorney Torre asked Ms. Gotto if there were any specific comments she would like passed along to the UCPB. Ms. Gotto then pointed out specific incidences in the document that were confusing and/or seemingly erroneous which she wished clarified by UCPB. Deputy Chair Nolan thought submitting comments at this time was premature given the UCPB was not asking for them. Ms. Torre responded that the Board could generally say there were some flaws and inconsistencies and ask that they be filled out consistently. Ms. Gotto responded the other thing she would ask

that they (UCPB) look at was the NRI (2021 Natural Resource Inventory) for the Town. Deputy Chair Nolan stated since the Board is an Involved Agency they expect a copy of all documents and will comment as they receive them. Ms. Torre asked the Planning Board Secretary to respond to the UCPB with a general statement as discussed.

The Deputy Chair then addressed the escrow establishment for Thomas Kastner's application (PB22-490) and Mr. DiDonna made a motion set the fund at \$1,000 with a replenishment level of \$250, with Ms. Gotto seconding, and all voting in favor unanimously.

The Deputy Chair then addressed the escrow establishment for Bimbo Bakeries USA's application (PB22-496) and Mr. DiDonna made a motion set the fund at \$6,000 with a replenishment level of \$1500, with Ms. Welles seconding, and all voting in favor unanimously.

The Deputy Chair then asked if there was anyone in attendance wishing to make a public comment, and there was not.

Application Review

1. SITE PLAN/GRADING

PB22-490

Location: 64 Millrock Road

Applicant: Thomas and Mary Kastner

Zoning: R-1 SBL: 86.8-2-3

Mr. Willingham addressed the additional requirements the applicant's site plan needed: Silt fence, clarify the contour line intervals (proposed grading) with notes, method of stabilization, flow arrows, and add a note regarding when the work will be done (after winter).

Ms. Torre stated this project would be classified as unlisted, requires completing SEQR and requested the applicant complete the short form using the DEC mapper weblink. Further, a public hearing is not required, but a referral to the County is required due to the proximity of the Village boundary.

Mr. DiDonna made a motion to classify the application as unlisted, seconded by Ms. Welles. There was no further discussion and all members voted in favor of the motion.

Ms. Welles made a motion to refer this application to the Ulster County Planning Board upon receipt of the revised EAF, seconded by Mr. DiDonna. There was no further discussion and all members voted in favor of the motion.

A motion to authorize the Planning Board Engineer to prepare an EAF Part 2 upon receipt of the revised EAF Part 1 from the applicant was moved by Deputy Chair Nolan and seconded by Ms. Gotto. There was no further discussion and all members voted in favor of the motion.

A discussion was had after Ms. Gotto asked about the condition of the fill being used by the applicant and if it was certified. She thought the Building Inspector had something that qualifies what clean fill is. The applicant confirmed he will be using 800 yards of fill at most, taken from a nearby development site that to his knowledge, has only historically been woodland or pasture. Mr. Willingham suggested putting a general condition in the resolution that the fill shall be clean and transported as per regulations. Ms. Torre confirmed to the Board there is nothing in the Code that requires fill be certified and suggested

adding to Mr. Willingham's general condition that the fill be subject to the Building Inspector's satisfaction.

2. SUBDIVISION/LOT LINE

PB22-390

Location: 15 Shivertown Road

Applicant: Robert Tasker

Zoning District: R-1 SBL: 78.16-3-28.100

Licensed surveyor, Carney Rhinevault appeared before the Planning Board for the applicant, and distributed a paper site plan to the members. The Planning Board Secretary confirmed that she was in possession of the original signed owner's affidavit authorizing Mr. Blauvelt. Ms. Torre stated the same form must be executed by the owner of the adjacent property owners, DiGiulio & Levenberg, who will benefit from the lot line revision.

Mr. Willingham stated that the zoning table still requires changes - the lot width is showing as the same as the front yard.

Mr. Rhinevault stated the applicant, Mr. Tasker, would like the Board's approval for this project within three weeks and asked if there was a procedure he could perform to meet this deadline. The Deputy Chair responded that could not happen, a public hearing is required. Ms. Gotto pointed out that Mr. Rhinevault's waiver request letter did not include the reasons for the waivers as is required by Code.

Ms. Torre told Mr. Rhinevault the last page of the submitted EAF was missing the last page. Further, she stated that this application is an unlisted action and would not have to be referred to the County because it is less than five lots, but as noted, it would require a public hearing and he would have to complete SEQR before opening the public hearing.

A motion to classify this application as unlisted was moved by Ms. Gotto and seconded by Mr. DiDonna with no further discussion. All members then voted in favor of the motion.

A motion to authorize the Planning Board Engineer to draft an EAF Part 2 upon receipt of the complete EAF Part 1 from the applicant was moved by Deputy Chair Nolan and seconded by Mr. Capulli. There was no further discussion and all members voted in favor of the motion.

The Board recommended Mr. Blauvelt speak with the Town's Building Department to obtain information in regard to the public hearing.

Mr. Nolan made a motion to set the public hearing for January 23, with Ms. Gotto seconding and all voting in favor of the motion.

3. SUBDIVISION

PB22-329

Location: 51 Horsenden Road

Applicant: James Rappa

Zoning District: A-3 SBL:78.2-3-26.110

Bob Hagopian appeared again before the Planning Board with Mr. Rappa. Mr. Willingham commented that notes were added to the plan by the engineer and he thought that the plan should be sent to the DEC to get their final approval that the notes are acceptable.

Ms. Torre pointed out that the written waiver request letter did not include reasons for each of the waivers, which is required by Code.

Robert Ferri from the Town's Environmental Conservation Board appeared at this time to read their recommendations from [a letter submitted to the Planning Board](#) the previous week, as follows:

"... we recommend the following mitigation actions. The Town Open Space Plan calls for the use of "conservation design", which includes construction techniques such as: locating the proposed house close to the road to reduce habitat fragmentation and soil disturbance. We also recommend that both lots of the proposed subdivision make use of porous material when constructing driveways."

Mr. Hagopian reminded the Board that there is no proposed driveway on Lot 1 and there is no proposed construction on Lot 2. There are only 2 lots to this subdivision, not the eight previously applied for.

Ms. Gotto stated this application falls within the cluster development definition because it is more than 15 acres. Deputy Chair Nolan stated that presenting a cluster development plan does not have to be fully engineered - it can be a sketch plan and a narrative. Discussion ensued between the members regarding the required sketch plan [§121-25]. Further, the Deputy Chair stated the purpose of this is, as Ms. Gotto said, to preserve some undeveloped space, which if only one house was on it, seems like the rest of it was preserved. Ms. Gotto stated part of what it looks for is to not fragment habitat, which by putting a very long driveway down the middle of it would do that, and that's part of what the EnCB's point was in their letter to the Board.

Ms. Torre said the next step for the applicant is to submit something simple as a sketch plan to the Board to review and consider under the cluster development code and the Board could authorize the completion of the EAF Part 2.

Mr. DiDonna made a motion to authorize Mr. Willingham to prepare an EAF Part 2 and Deputy Chair Nolan seconded. There was no further discussion and all voted in favor of the motion.

Mr. Hagopian confirmed with the Board that he needed to provide a cluster map sketch plan with narrative as a PDF, and his written reasons for his variance requests.

4. SITE PLAN/SPECIAL USE

PB22-496

Location 27 N. Putt Corners Road

Applicant: Bimbo Bakeries USA, Inc.

Zoning District: I-1 SBL: 86.8-5-13

Appearing before the Board on behalf of the applicant was Ryan DeSalvatore, Alfandre Architecture, John Montagne, Greenman-Pedersen, and Matthew Mauro, Operations for BBU's facility.

The project involves the upgrade to the warehouse which serves as a distribution center and small sales component to it and to improve both the aesthetics of the property and functionality. The site is 2.9 acres total with a DEC wetland on the western side. The portion that is developed/paved is about 1.7 acres, and 1.7 acres is undeveloped and includes the wetland. The paved area to the back of the building does encroach into the 100 ft. buffer of the DEC and Town wetland – that's about .64 acre of the 1.7 acres that is developed. The wetland was delineated with the DEC last December. On September 21st that map was submitted to Brian Drumm for his review and sign off and he is still waiting for the approval. Mr. Drumm is aware that the applicant will likely need a buffer permit to have the existing building stay in the existing location and have the existing pavement stay in the existing location. There is no proposed expansion of the building or pavement. There is proposed removal of some of the asphalt, from .64 acre to .53 acres.

Additional details were provided by Mr. Montagne regarding proposed changes to the dock bays and loading. Also, removal of the parking areas which back out onto N. Putt Corners and an addition of a handicapped ramp were mentioned.

Mr. Montagne stated he is aware he needs to obtain a couple of variances: a setback variance, and a variance to allow the front and north side loading dock doors and to stay where they are.

Ms. Gotto pointed out they will need a wetlands permit from the Planning Board, and asked if there will be sidewalks. There are none proposed. There are 39 parking spaces in the proposed plan, and Ms. Gotto suggested electric charging stations should be included. There are currently 15 employees who use the parking lot. The applicant has not prepared a lighting proposal as yet.

Ms. Torre suggested the Town's Building Inspector review the existing non-conforming issues the applicant currently has, and advise the Board if they are legal, pre-existing non-conformities to help decide which variances the applicant needs to pursue before the Zoning Board of Appeals. She continued, suggesting the parking in the front yard might require a variance. She advised the Board they could classify this project as unlisted and if they wanted to do a coordinated review they should declare their intent to be Lead Agency, with involved agencies to include the DEC and TONP ZBA. The SEQR must be completed before they go before the ZBA.

Deputy Chair Nolan made a motion to classify this project as unlisted and Ms. Gotto seconded, with no further discussion and all members voting in favor.

A motion to declare their intent to be the Lead Agency and to authorize the circulation of the Lead Agency Notice upon the receipt of the revised EAF was moved by Ms. Gotto with Mr. DiDonna seconding. There was no further discussion and all members voted unanimously in favor.

Other Matters

Discussion ensued among the Board members regarding Mark Carabetta's 2022 Annual Wetlands Report. Concern was expressed that nothing is being done with the violations that have been declared. Ms. Gotto expressed her opinion that enforcement requires the Town Board, Building Inspector and Planning Board based on the Code.

Ms. Torre stated that enforcement is the duty of the Building Inspector/Code Enforcement Officer. There are different types of enforcements, such as stop work orders, or a compliance order issued after a violation is issued, which would include mandates that the property owner must rectify or correct it, which would come before the Planning Board for approval under the wetlands law, or remove the structure, or whatever it might be. There's also the option of issuing an appearance ticket to go before the Town Court, and the fines (as Ms. Gotto mentioned). There's also an option for the Town to institute a lawsuit in State Supreme Court to get an injunction to get them to stop doing the violation.

Deputy Chair Nolan stated the three known existing properties with violations are:

- 44 Rocky Hill Road
- 411 N. Ohioville Road (Mid-Hudson Sporting Clays)
- 300 N. Ohioville Road

Ms. Gotto recalled that there was a joint meeting with the Town Board where the fact that these violations were not being addressed was brought up.

Mr. DiDonna suggested the Planning Board request updates from the Town on the existing wetland violations.

Ms. Gotto suggested a letter be drafted requesting updates which could be attached to the 2022 Wetlands Report.

Deputy Chair Nolan stated he would first speak with the Chair in this regard.

Adjourn

Deputy Chair Nolan made motion to adjourn, Ms. Welles so moved and Ms. Gotto seconded, with all voting in favor of the motion.

Submitted by Kristine Tabasko

NOTE: A full viewing of the January 9, 2023 Planning Board meeting can be found at:
<https://www.youtube.com/watch?v=AbQpsEYOJkA>