



Town of New Paltz Planning Board
Regular Meeting of Monday, **October 23, 2023**
7:00 PM In Person
Town of New Paltz Courthouse
59 N. Putt Corners Road, New Paltz, NY

APPROVED MINUTES

Present: Adele Ruger (Chair), Lyle Nolan (Deputy Chair), Matt DiDonna, Jennifer Wells, Lauren McPadden and Adrian Capulli

Absent: Jane Schanberg

Also present: Andy Willingham (Planning Board Engineer)
Ashley Torre (Planning Board Attorney)
Kurt Sutherland (Planning Board Architect)

Administrative Business

A motion to approve the minutes of September 28, 2023 meeting was moved by Mr. Nolan and seconded by Ms. DiDonna with no further discussion and all voting in favor.

A motion to set the escrow account for Haza Bell Northeast, LLC was moved by Ms. Welles and seconded by Mr. Capulli in the amount of \$6,000 and a replenishment required at \$2,000 was passed with all voting in favor and no further discussion.

Public Comment

The Deputy Chair then asked if there was anyone in attendance wishing to make a public comment and there was none.

Application Reviews

SITE PLAN PB23-418
Location: 355 Route 32 N
SBL: 78.2-2-7.20

Applicant: Agri-Business Child Dev
Zoning District: R-1

Melissa Hoffstatter, Director of the Agri-Business Child Development, appeared before the Board. The Chair asked the planning board engineer if he had anything to report, and asked the Board if there were any questions. All responded there was nothing.

Mr. DiDonna read the granted waivers and conditions of approval aloud and a motion to accept the resolution as amended was moved by Ms. McPadden and seconded by Mr. Capulli with all voting in favor. A roll call was then taken:

Matt DiDonna	"Aye"
Lyle Nolan	"Aye"
Adele Rugar	"Aye"
Jennifer Welles	"Aye"
Adrian Capulli	"Aye"
Lauren McPadden	"Aye"

The motion was unanimously approved.

SITE PLAN PB22-423

Location: Lenape Ln/Butterville Rd
SBL: 86.1-1-40.1

Applicant: Mohonk Preserve Brook Farmhouse
Zoning District: A-3

Ryan Weitz from Barton & Loguidice and attorney Mike Moriello appeared before the Board on behalf of the Mohonk Preserve to go over the updates to the proposed two-phased site plans made since their last appearance in November 2022. The applicant is requesting a SEQR review for both phases without segmentation. Phase One includes the redevelopment/restoration of the Brook farmhouse by Alfandre Architecture for the Preserve's conservation programs, estimated to include 15 employees and up to 20 visitors. Phase Two focuses on the east side of Lenape Lane which includes a facilities and maintenance building and an office with a three-bay maintenance garage with cold storage for either vehicles or additional equipment in the rear of the site.

All told there will be just over two acres of disturbance that is all contained to previously disturbed areas. Access to the site will be by Lenape Lane which will remain "Authorized Access Only." As soon as all permits are obtained, they are looking to start on Phase One because of a deadline for the conservation programs to vacate the Mountain House facilities and complete Phase Two within 10 years.

The east side's wetlands have now been delineated and the applicant looks forward to the wetlands inspector visiting the site to view. At this time the applicant is not proposing any earth disturbing activities within the delineated wetlands, so there is no need for an Army Corps Nationwide permit. They will likely submit to them when they file a joint application with the DEC.

The access paths to the site have been changed and the ADA access has been moved to the rear of the building. Parking has been reduced to eight spaces (includes four electric vehicle spaces) and one ADA space. The total buffer area of disturbances throughout both Phase One and Two has been lowered to .66 acres. They will be reducing impervious cover within the buffer by 23%. The plans also include buffer enhancements.

The existing septic is being abandoned and an alternate site has been identified for a fill-type raised-bed septic system based on perk testing and consultation with Dept. of Environmental Conservation (DEC) and Dept. of Health (DOH). This work is considered part of Phase One. The four feet of fill they propose to bring in must be placed and allowed to sit for one freeze thaw cycle. Then perk tests will be performed and if the results meet the design requirements they

will obtain a permit from the County to construct the replacement system at which time the existing septic in the wetland would be abandoned.

The Town's building inspector was contacted regarding one existing agricultural outbuilding which is structurally unsound. The applicant has requested a permit to demolish the building.

The Brook Farmhouse is currently being used by Mohonk Preserve's support staff and the second story is used as a residence by a tenant. The existing septic is still being used. Deputy Chair Nolan asked "if they knew they have a failed septic system in a wetland why aren't you stopping use right now and putting in a holding tank for the interim." Mr. Weitz said they have actually discussed that and wanted to get in front of the planning board to establish this new area. If in the interim it is necessary to provide a cap of that septic, that's a conversation that we did have with DOH, to ask if a holding tank would be acceptable and they indicated it's typically acceptable on a seasonal basis – and they pushed us in the direction of developing a new system. However, that's definitely a topic of conversation and something that can be looked at. Deputy Chair Nolan reiterated "once you know that it's failed – before last year, you had no knowledge - now you have the knowledge, I think you should be doing something. Either stop using the restrooms in the house or provide some means of dealing with it." Mr. Weitz said they will reach out to DOH and see if they will permit them to convert the septic into a holding tank in order to do that. The Chair confirmed with Mr. Weitz their objective is to move that tank in the spring but get it started now.

Deputy Chair Nolan inquired if they would be putting a berm on the downhill side, it's on a slope. Mr. Weitz stated there is an existing retaining wall with between six and 10 feet of grade drop. They would be grading it up about four feet and blended into the top of the retaining wall. Their intention is to regrade the slope so aesthetically it looks more naturalized than it is now on that side of the driveway. Mr. Willingham told Mr. Weitz he thought the proposed grading could be tightened up a little bit to get out of the wetland buffer. Mr. Weitz stated the existing septic will be in use by the resident until they obtain a determination on site plan approval. After site plan approval any construction would stop that residential use would cease, that's the current anticipated schedule. The Chair asked about the holding tank, and the applicant's attorney, Mike Moriello responded that a holding tank is permitted on a seasonal basis. Mr. Weitz said they can look at plugging the discharge effluent line and pumping the tank until such time that they're able to get approval to build the new septic. The Chair said she thought that was preferable and to do so as soon as possible. Mr. Weitz stated they will reach out to DOH and get their permission to cap the effluent line and go back and take a look at pulling in these grades to further reduce the buffer area impacts.

Mr. Willingham then went through his report which included additional documentation requirements, including a landscaping plan, outdoor lighting, signage, construction details, storm water pollution prevention plan, DEC permit on the NW side and Army Corps permit. The EAF needs to be corrected and updated. Mr. Weitz said he will be getting a revised letter from New York State Historic Preservation Office (SHPO) stating the current plans are acceptable. A determination from the CRIS is required. Bicycle parking must be provided, hours of operation and any waivers must be requested in writing.

Mr. DiDonna moved a motion to type the action as unlisted. Deputy Chair Nolan seconded and

all voted in favor with no further discussion.

Deputy Chair Nolan moved a motion to declare the planning board's intent to be lead agency and authorize the circulation of a lead agency notice once the revised EAF is received. Mr. Capulli seconded with no further discussion. All voted in favor.

SITE PLAN PB23-469

Location: 238 Main Street
S-B-L: 86.12-1-48.100

Applicant: Haza Bell of NE, LLC
Zoning District: B-2

SIGN PLAN PB23-467

Location: 238 Main Street
S-B-L: 86.12-1-48.100

Applicant: Haza Bell of NE, LLC
Zoning District: B-2

The applicant's representatives appearing before the board included Keith Brown, Esq., and James Thaon, a civil engineer from Bohler Engineering. Mr. Brown gave an overview of the proposed development. Mr. Thaon presented enlarged aerial color photos of the proposed site and went over the existing conditions on the 2.978 acre site. He indicated the 3,009 sq. ft. Burger King operation would continue and the 38 ft. wide driveway access off of Main Street would remain the same. He noted that the existing impervious coverage is 32.93%. The applicant sought to minimize this during the planning process, and reduced it to 32.65%.

The proposed Taco Bell building is 2,192 square feet with 32 indoor seats and 10 outdoor seats. There is a 25-foot wide drive aisle between the Burger King and the proposed building and as you drive to the west, it increases to 27-foot wide. There's a total of 43 parking spaces for the two uses combined that are required, they are proposing 44. Loading for the site occurs with a vehicle known as a WB 50 (50 foot) tractor trailer which will be able to enter off of Main Street and will generally unload in the drive aisle using the ramping system in the center of the Taco Bell building. There is not a dedicated loading zone in the proposal. The applicant will be seeking a variance from the Town's ZBA in this regard. Other specifics of the project - including landscaping, lighting, elevation, façade, and signage were summarized by Mr. Thaon. The applicant will be submitting variance applications to the ZBA for three signs and an additional variance will be required for the pole sign at the entrance which measures 12 ft. high and is 33.3 sq. ft.

The Chair asked about the driveway located at the south-western part of the parcel which connects to the shopping center located at 236 Main Street. Mr. Thaon stated that is remaining the same, there is no easement in the deed for 238 Main Street. The Chair questioned if the entrance/exit driveway on Main Street is a right turn only and Mr. Thaon stated it is a full movement driveway. The Chair confirmed the applicant is not taking any trees down on Main Street. The planning board engineer said the applicant's traffic study will be reviewed by the planning board's traffic consultant and NYS Department of Transportation. The Deputy-Chair asked how a truck gets out of there once they unload. Mr. Thaon responded that once they enter the site they have the ability to make the turn and then actually back out and come back out. The applicant submitted truck turning movements in the submission to the board.

The planning board engineer went over his review of the proposed project and stated the required project referrals. Mr. Willingham noted the site plan falls short of the 10% required landscaping required as per the Town code. He suggested trees be added for shade and to break up the site. Mr. Thaon stated they would be happy to comply.

Mr. Willingham pointed out that the proposed wall sign on the northern end of the building does not meet the requirement of being placed above the display window and cornice, as per Town code §140-111(B)(C)(1). Mr. Thaon stated they will comply.

Mr. Willingham told Mr. Thaon that any areas being converted from asphalt to pervious should be decompacted. Mr. Thaon stated they will comply.

Mr. Willingham told Mr. Thaon that the maintenance and inspection plans of two proposed concrete stormwater separators for water quality be added to the site plans. Mr. Thaon stated they will comply.

Mr. Thaon was also agreeable to updating the site plan to show the water and sewer connections to Burger King, parking space calculations, bike details, hours of operation, truck delivery information and any waivers that will be requested.

The Chair recommended Messrs. Thaon and Brown look at the McDonald's across the street which was recently renovated and review the Town code with regard to the building being required to blend in with the Town and the environment. The planning board architect, Kurt Sutherland referenced §140-3(J), "to enhance the aesthetics throughout the entire community and maintain its present character and natural beauty." One of the things Mr. Sutherland thought McDonalds was more successful in doing was renovating the building façade so that didn't look like it was Anywhere USA. When you arrive here you have this feeling you're in this historic hamlet town in the Hudson Valley with buildings that are a little bit more site specific to this Town – this region is what is desirable and what the intent of the code is. The building is a very important part of this project as well as everything else. Does Taco Bell have other designs that are possible that can still fit within your already very developed site plan that might be closer to what the Board might be looking for? Mr. Brown stated they had anticipated that and what was presented was an attempt – with the colors – to match what was at McDonald's. Taco Bell has their preferred motif and we didn't know where the happy medium was going to be. We'll work towards that, we've done work in the Town and accomplished that so we have no doubt we'll be able to do that here too. Mr. Thaon added that they can keep the building envelope the same as they proposed and find a happy medium on the elevation. The Chair asked if their architect could speak with the planning board's architect and Mr. Thaon agreed. The Chair also told Mr. Thaon that it was too early to talk about the proposed signage until you know what the building is going to look like. Mr. Brown confirmed they are looking at four sign-related variances and one variance for the loading zone and they will see where they are at as the process progresses.

The planning board attorney noted that the Town of New Paltz Zoning Board of Appeals needed to be added to the applicant's EAF as an involved agency. Also, question 20 needs to provide a description and provide copies from the DEC remediation database. The deed that the applicant provided was not showing up on the Ulster County website, and Ms. Torre asked the applicant

to provide a copy of the receipt showing that it was recorded.

Mr. DiDonna made a motion to classify the project as an Unlisted Action. Ms. McPadden seconded with all voting in favor with no further discussion.

Mr. DiDonna moved a motion to declare the planning board's intent to be lead agency and Deputy-Chair Nolan seconded with all voting in favor with no further discussion.

Mr. Brown will go back to his title company and ask them to dig deeper with regards to the driveway to the shopping center owned by Mehlich Investments. He was told when Walgreens was granted its approval, the driveway was requested by the Town at the time. Ms. Torre suggested they reach out to Mehlich to see if they would be interested in memorializing an easement at this time. Mr. Brown anticipates returning to the Board in January. Ms. Torre asked Mr. Brown to forward a copy of the Burger King approval document from August 11, 1987 to the planning board secretary.

Other Matters

The Chair advised the Board that there is a need for an alternate wetland inspector to be added to the Town Board's list of consultants due to potential conflicts of interest by the existing wetland inspector. Mr. Willingham will be contacting a former wetland inspector used by the Town, Norbert Quenzer. The code states that a panel of five (two planning board members, two Environmental Conservation Board members and one town board member) makes a recommendation to the Town Board. Chair Rugar and Deputy-Chair Nolan have agreed to be the two planning board representatives for this undertaking.

Chair of Environmental Conservation Board, Rich Whitney and member Robert Ferri were in attendance to present information of the proposed Northeastern Conservation Overlay Zone. Chair Rugar asked Messrs. Whitney and Ferri if they would participate in the panel to refer a wetland inspector candidate to the Town Board, and they agreed.

Chair Whitney and Mr. Ferri went over the five-step design process for parcels located in the Northeastern Conservation Overlay Zone in the Plutarch woods and wetland areas of the Town.

Mr. Whitney told the Board he will forward to the planning board secretary the information he presented for their additional review. This is the link to the Town's website:

<https://www.townofnewpaltz.org/town-board/pages/northeastern-conservation-overlay-district>

Adjourn

A motion to adjourn was moved by Ms. Welles and seconded by Ms. McPadden and all voting in favor of the motion.

Submitted by Kristine Tabasko

NOTE: A full viewing of the October 23, 2023 Planning Board meeting can be found at:

<https://www.youtube.com/watch?v=6QQs5iaNRTI>