

Town of New Paltz Planning Board

APPROVED Meeting Minutes

September 30, 2020

Call to order by Chair Ruger at 7:01pm

Roll Call of Members: Adele Ruger, Amanda Gotto, Amy Cohen, Matt DiDonna, Jane Schanberg, Lyle Nolan, Stana Weisburd

Also present: PB Attorney Rick Golden, PB Engineer Andy Willingham, PB Engineer Mike Musso, PB Attorney John Ahearn

Public Comments:

Resident Kitty Brown, noted she read back through the minutes from 2019, and hope that the many letters read at the meetings are archived, noting that the Board has spend a lot of time reviewing the Trans-Hudson plan, but she feels that many of the questions that the Board has raised over the years still have not been answered, and noted she would like to focus on the new concept plan about the buffer. Kitty noted that Amy (Cohen) has expressed her concern about the harmful effects of living close to the Thruway, adding that there are many ways to mitigate those hazards but under the currently shown 30-foot buffer the risks Amy cites will affect users of the users of the Empire State Trail, employees, firefighters, police and Town Hall staff who are just down the road.

After technical difficulties with the ZOOM application, Kitty continued her comments, finalizing her comments to the PB asking why the Board is granting waivers when some questions have not been answered yet in the new concept plan, adding she hopes that the PB will find some time to talk about those things tonight, especially about the water and sewer. Kitty also added she will send her comments to Pat. Attorney Golden noted that typically the PB does not discuss an application unless it on the agenda or the applicant has been advised that it is going to be discussed, as it is a matter of fairness as well as due process, and will be addressed when Trans-Hudson come back before them, adding that whenever there is a municipality who says that they are going to provide municipal water and sewer, the PB requires what is known as a will serve letter in which the municipality that is going to provide it provides written confirmation that in fact it has sufficient capacity and is willing to serve this particular application, so the PB will require that before it ever has an approval

Chair Ruger closed public comments when no further comments were heard.

Motion 1 by Matt DiDonna to approve the August 24th minutes.

Motion 2 by Jane Schanberg. 5 votes in favor, 2 abstained (Lyle and Stana). Minutes approved.

Application Review

Homeland Towers Site Plan PB 20-08

Attorney Robert Gaudio from the law firm Snyder and Snyder, spoke on behalf of the applicants. Attorney Gaudio noted that they had submitted on September 21st a draft scope, following the PB's determination of significance on the 14th, adding that as a matter of housekeeping, they would like to confirm that they will be receiving the documentation of the determination of significance and that a copy of the would be provided to the other involved agency being the Zoning Board and then with respect to the draft scope, wanted to confirm that the town will be publishing it in the environmental notice bulletin and will be posting it on the Town's website, noting that they will also be sending a copy of that to the other involved agency as well. He added that again, as a matter of housekeeping, and wanting to follow up and make sure that the County Planning Board referral was made as resolved at the last meeting.

With no questions, Chair Ruger noted that the next step is that the Board needs to decide on public participation, and what type of participation, as they have two options, in person, meaning in person ZOOM participation or they could just have just written comments, noting that the Board should take a vote on that. Attorney Golden agreed, adding that the SEQRA regulations require that there be an opportunity for public comment that can be written public comment and mentioning just about the scope, there will be further opportunities later on for public comment on the draft Environmental Impact Statement but as to the scope, they need to have at least an opportunity to submit written comments for a reasonable period of time or what is normally done is to schedule what is known as a public scoping session which is similar to a public hearing in which the public is allowed to weigh in on what they think should be included in the scope that may not be included in the draft scope that will be circulated. He also noted it is

now up to the Board whether they want to just limit it to the written public input or whether or not if they want to schedule a public scoping session. Attorney Golden noted if they do schedule a public scoping session, it can be done at their next meeting in two weeks, the 13th (October) which is a 7:30 meeting after the ZBA meeting at 6:00pm because of the holiday the day before, but suggested that to give people adequate time to review for themselves, the people on the Board, and they have adequate time for the involved and interested agencies to weigh in after they are sent the draft scope if the Board wants a public scoping session then schedule it for October 26th that would still give enough time for at least one and depending upon whether there's a waiver granted of one day by the applicant

the draft scope is basically just a table of contents for the environmental impact statement and these issues have been discussed at length for the past seven months, adding that the Board's own engineer came back with no comments to the draft scope. Attorney Gaudioso noted that he does not think it is necessary under these facts, and it is clearly not required by SEQRA regulations to even have a public scoping session, adding that they have noted in the past that the FCC shot clock deadlines while the Board has 60 days to adopt the scope from September 21st, and had hoped it would happen much quicker than that, and asked if the Board could just make the draft scope available, on the website, published in the ENB, and comment in writing prior to October 13th so that way on October 13th the board could adopt the final scope and then they can get on with the environmental impact statement noting that this would be their request in order to move this along.

Jane Schanberg noted that she would like to express an opinion, of which, given the number of neighbors that are involved in this and have a stake in this that it's important to have a public scoping session where people can speak and not just in writing because the Board needs to hear from people and to hear what their ideas are on this and to know how they feel this evaluation is progressing, and to give them time if we can't do it, we could perhaps there would be another date we could schedule the public scoping meeting between now and the 26th of October and try to accommodate the applicant.

Amy Cohen noted that she thinks it would be a good idea to do it on the 26th just because the 10/13 meeting is in our regular meeting and a lot of people wouldn't expect the Board to meet on a Tuesday and she thinks that

when we include the public we should make ourselves as accessible as possible and people expect us to have meetings every other Monday so the next Monday night meeting is 10/26 noting that she is not opposed to doing it earlier but likes the idea of the consistency of showing up and allowing people to speak on a Monday night when they expect them to be meeting.

Amanda Gotto noted she believes that they are supposed to also notify and take input from the interested agency which seems to be the ZBA and since they're only meeting on the 13th as they need to have time to get this document and have whatever discussion they want about what they want to provide to the PB.

Chair Ruger noted she is getting the feeling that they are leaning towards having a public scoping session

Stana Weisburd noted that she agrees and that she would like to give the public the chance.

Matt DiDonna noted that he agrees with what Jane said.

Lyle Nolan stated that they pretty much know what people think but the Board certainly has to give them the opportunity to reiterate.

Motion 1 by Amanda Gotto to move to have a public scoping session on October 26th at our regularly scheduled time and date.

Motion 2 by Jane Schanberg. All in favor. Motion carried.

Chair Ruger asked if they want to address whether or not the applicant wants to give the Board extra time for that, to extend for a day. Attorney Golden noted that the Board can ask, as they have to complete the scoping, and have a final scope November 22nd based upon the submission date of the applicant, which is one day shy of the Board's November 23rd meeting but the Board has a firm date under the SEQRA regulations of 60 days unless the SEQRA regulations provided the applicant is willing to extend that 60 day time period, so he thinks a reasonable request is to ask the applicant if they would extend the 60-day time period by one day to allow the Board to finalize the scope on or before November 23, 2020.

Attorney Gaudio commented that their position has been pretty clear on this, that the SEQRA regulations specifically dictate that a determination of significance should be done as early in the process as possible and it took us nine months to get to the SEQRA determination, and added they didn't have that resolution yet, also adding that there is no requirement for a public scoping session and they have asked that it could be expedited to get through a very ministerial task, we submitted the draft scope, the Board's engineer had no comments to it, and noted the SEQRA handbook specifically says that the public comments should be taken by day 20 out of 60 days so 60 days is the absolute longest time it should take before the draft scope is deemed approved, adding further that he is in no position tonight to be able to agree to an extension of the 60-day period because he said quite frankly it shouldn't take 60 days, even the public comments should be within 20 days according to the SEQRA handbook, including the involved agency, so at this stage, he does not think there is a need for a public scoping session, there's been multiple public hearings both at the planning board and the zoning board level, adding that there has been plenty of comment that led to the SEQRA determination, the scope has been reviewed and accepted by your engineer without comment and he just doesn't see the need to drag out even a simple matter as the adoption of the final scope to give us the next step to have the ability to do the draft environmental impact statement.

Attorney Golden commented that being the case, he had two things, one the SEQRA regulations do not provide that the comment should be on day 20; adding that what they say is that as an aide to lead agencies here is a potential schedule for set having this done within 60 days so they're not dictating or even suggesting that this is what has to be required it is just a suggestion as to a schedule to accommodate the tight 60-day time so having said that the applicant's not willing to go ahead and extend it by one day that's their right, adding that the Board can finalize this on November 9th or they can have a special meeting done a few days before the 22nd in order to go ahead and if you needed more time but I think that you could probably go ahead and if you have public scoping session on the 26th 4 and other input from the involved and interested agencies the Board could go ahead and finalize the scope at their November 9 meeting, then it could be sent to the applicant on or before November 22nd.

Attorney Gaudioso noted he wanted to make one comment, he thought he specifically said earlier that it was the SEQRA handbook and that was the recommended time frame, and wanted to just clarify that, and does not recommend it that is what he is saying, it is not right, it is just a suggestion as to a time frame that could be done, noting, it just seems that every time frame is being dragged out to the maximum extent possible and he thinks that is the exact opposite of what the federal regulations require.

Attorney Golden commented that the federal regulations have a shot clock and we are dealing with the shot clock; SEQRA has its own regulations the Board is dealing with that, noting to the applicant that he didn't want to extend it that is fine, and the Board will deal with making sure that they comply with the SEQRA regulations of getting it done within that 60-day time frame, also adding that this Board will finalize at their meeting on November 9th and the applicant will be sent that final scope on or before the 60th day of November 22nd.

Amy Cohen asked if the Board votes for making a final determination of the scope for the November 9 meeting now. Chair Ruger commented that it is possible that if the Board is not ready on the 9th, they could have a special meeting as long as they get it done before the 22nd.

Attorney Golden added he didn't there was going to be any problem with the Board finalizing it at the meeting on the 9th, as there is a public scoping session on October 26th, adding that the Board will go ahead and authorize the written positive declaration and send that out along with the draft scope to the involved and interest agencies, and he will ensure that it is published in the environmental news bulleting which allow the Board plenty of time to go ahead and look at your own comments together with the public comments on 10/26 and any comments from your consultants.

motion 1 by Lyle Nolan for the pos dec and authorize sending everything to the interested agencies.

Motion 2 by Jane Schanberg. Amanda Gotto noted there was some slightly different terminology used throughout and she thought it should be consistent that the Board describe the project as the 150-foot commercial cellular tower structure throughout because some places it's called a monopole and we haven't really decided if that's what it is so, just to be consistent. Attorney Golden stated he would make that update. Lyle Nolan

noted that in the interest of getting this done, the October 26 meeting should not have anything else booked, keep it clear for this one topic.

All in favor. Motion carried.

Motion 1 by Amy Cohen to adjourn. Motion 2 by Stana Weisburd. All in favor. Meeting adjourned at 7:45pm.

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