

Town of New Paltz Planning Board  
Final Meeting Minutes June 24, 2019

Call to Order: 7:00pm

Attendees: Lyle Nolan, Adele Ruger, Amanda Gotto, Matt DiDonna, Stana Weisburd

Absent: Amy Cohen, Jane Schanberg

Also Attending: PB Attorney Richard Golden, PB Engineer Andy Willingham

**Review and Approval of June 10, 2019 Minutes**

Chair Ruger asked for a motion to approve the minutes of June 10<sup>th</sup>.

**Motion 1 by Matt DiDonna. Motion 2 by Amanda Gotto. 4 present in favor, Lyle Nolan abstained. Minutes approved.**

**Public Comments**

Kyle Clancy of 198 Old Kingston Road read from his memo to the Board in regard to when the wetlands inspection being done for the TowRific application.

Roland Bahret of 191 Old Kingston Road requested that the Board consider something that deals with various public comments opposing TowRific and there seems to be no reference to their various letters on the Planning Board's website.

Amy Louis of 207 Old Kingston Road stated that their road is a pedestrian highway, and took a survey of who used that road on a recent Saturday, which she submitted to the Board.

Skylar Louis of 207 Old Kingston Road stated he uses Old Kingston Road with his friends for skateboarding and biking.

Gabriela O'Shea of 202 Old Kingston Road stated she likes walking and biking on Old Kingston and is opposed to TowRific as it will make the environment a lot less safe.

Chair Ruger closed the public comments.

**PB 19-34 46 Cragwood Road Long Form Wetlands Permit**

Liz Kelly appeared before the Board. Ms. Kelly noted her latest submission included the erosion control, silt fencing and inlet protection and with new submission, all were on the map submitted. She also noted that construction impacts on nearby threatened species with proposed actions to be taken during construction, as noted by the mapper tool, for the Northern Long-eared bat, the Peregrine Falcon and Timber rattlesnake. Mark Carabetta, when asked, stated he had no additional comments, as she is in compliance. Chair Ruger noted that the ZBA had issued their variance. Andy Willingham noted he had comments on erosion control, and how that limit of disturbance of when the contractors are there. Ms. Kelly reviewed the map for LS-1, was amended to demarcate during construction, and asked if it needed to be clearer. Andy Willingham stated it's good to know what demarcate means and to put that on the map. Amanda Gotto noted she appreciates that they do not have cliffs on the property, but thinks it's rather than not touch, it means don't disturb unnecessarily **nesting peregrines**, and would like to see what the DEC says with the type of construction to go on how much a disturbance it may be, as they

know that, further noting for Ms. Kelly to describe what's going to happen and ask them. Attorney Golden noted, after discussion with Mark Carabetta on the areas of disturbance that in regard to SEQRA type, that it's time for a determination, as well as noting that it needs to be referred to UC Planning Board because under the agreement with the UC PB, it needs referral "under other land use authorization". Attorney Golden also noted that they can determine if the application is complete under Article 179 Wetlands, and decide whether to hold or waive a public hearing.

Chair Ruger asked for a motion that the application is complete.

**Motion 1 by Stana Weisburd. Motion 2 by Lyle Nolan. All present in favor. Motion carried.**

Chair Ruger asked for a motion to refer to Ulster County (Planning Board).

**Motion 1 by Matt DiDonna. Motion 2 by Amanda Gotto. All present in favor. Motion carried.**

**Motion 1 by Adele Ruger to make a determination of a negative declaration due to negative impact. Motion 2 by Lyle Nolan. 4 present in favor, 1 against. Motion carried.**

**Motion 1 by Lyle Nolan to waive the public hearing. Motion 2 by Matt DiDonna. 4 present in favor, 1 against. Motion carried.**

**Motion 1 by Matt DiDonna to authorize Planning Board Attorney to prepare the resolution for 46 Cragwood Road. Motion 2 by Lyle Nolan. 4 present in favor, 1 against. Motion carried.**

Pat informed the Board that UC may not have their meeting July 3<sup>rd</sup> for an alternate date, but would find that out.

#### **PB 19-44 Stout Site Plan**

Alan Stout appears before the PB. Mr. Stout noted that he had received the ZBA variance.

Andy Willingham stated he had a couple minor things, addressing the waivers, not adding a bedroom. Mr. Stout noted that his original application he had proposed 16X28 square feet (448 feet), but over the months he has gone wider, slightly different, but the ZBA approved up to 510 square feet. Attorney Golden noted that they can only approve a site plan for 448 square feet as that is what is on the plans submitted. Mr. Stout noted when the 510 square feet was put in place at the ZBA, they noted that no larger than 510 square feet, and asked Pat who stated the PB referred to the ZBA 504 square feet in their referral memo. After discussion, Andy Willingham noted that he needs to submit an updated drawing showing that 504 square feet. Mr. Stout stated he had that drawing but couldn't submit it at the time. Attorney Golden advised the Board to classify this action as a Type II action.

**Motion 1 by Matt DiDonna to classify this action as a Type II action. Motion 2 by Lyle Nolan. All present in favor. Motion carried.**

After discussion on the waivers, Attorney Golden advised to waive all site plan requirements that are required on a site plan, except those that are existent on the site plan.

**Motion 1 by Matt DiDonna. Motion 2 by Lyle Nolan. All present in favor. Motion carried.**

**Motion 1 by Amanda Gotto to authorize Attorney Golden to draft resolution with conditions with revised drawing submitted.**

Lyle Nolan added that normally in the process they ask for a sidewalk easement for the future consideration, and asked for one here to agree to participate in that. Mr. Stout stated his neighbors didn't have to do a sidewalk easement when they put on a similar addition. Andy Willingham commented on sidewalk easements that are usually a note on the map, and filed with the County. Chair Ruger they should look at this for in the future and see what was done in the past.

**Motion 2 by Matt DiDonna. All present in favor. Motion carried.**

**PB 19-128 Lunati Subdivision (Lot Line Revision)**

Ray Lunati appears before the Board. Chair Ruger asked Mr. Lunati to describe what he wants to do. Mr. Lunati explained with his map to the Board that lot 32 and 33 are his lots, along with a small lot 34 and he is taking a portion of his lots and adding to his neighbor, Chris Todd, 37.11 and 37.12 lots, summarizing that from 4 lots (as Mr. Lunati stated it is confusing as there is a 5<sup>th</sup> lot -34), there will be 3 lots remaining that Mr. Lunati will take 1 lot (remaining portion 33), and Mr. Todd the remaining 2 now larger lots (from 32 and 34 combined, and 37). Amanda Gotto asked about sidewalk right-of-way, which Mr. Lunati stated that is noted on the map he provided. Mr. Lunati stated there is no disturbance, just lot line changes.

Andy Willingham read from his review memo (dated June 24, 2019), noting for #1. The Narrative provided makes more sense to him now after Mr. Lunati's description. Andy Willingham continued, noting that all easements should be shown on the map, request to waive provision for existing 2 foot contours, show mapped wetlands, especially Army corp of engineers wetlands, floodway and floodplain boundaries should be shown on the map, as well as adjacent landowners, zoning district boundaries should be added to the map as the property is shown in 3 zoning districts. Andy noted that a question for Attorney Golden about the subdivision map showing a 40 foot strip reserved for highway (25 feet) and future sidewalk construction (15 feet), as to what that really does legally. Andy stated the 1.15 acre lot across the street is another lot number, but per Mr. Lunati, the same tax bill. Andy continued, noting the Agricultural Ag Data statement is needed since one of the parcels is located in the Ag District, and noted that the property lines are difficult to read on the map and noted that Ulster County may kick it back as it's difficult to read.

Attorney Golden commented on the Town Code requirement for lot line revision be treated as subdivisions when asked why this was a subdivision, but added the Board may waive some of the subdivision requirements. After reviewing each number on Andy's memo #1-12, the Board determined that #3 for the two foot contours requirement can be waived, and #1, 2, 4, 5, 6, 7, 10, 11, 12 need to be added to the plan. #8 Attorney Golden will look at the code to see if it's required. Chair Ruger asked for a motion to waive #3 for 2 foot contours.

**Motion 1 by Matt DiDonna for the Lunati Lot Line Revision/Subdivision to waive item #3 for 2 foot contours on the plan. Motion 2 by Lyle Nolan. All present in favor. Motion carried.**

Chair Ruger noted that escrow be set.

Andy Willingham noted he would get a sample of an Ag Data Statement for Mr. Lunati through Pat.

Attorney Golden confirmed that there was an Owner Authorization from Mr. Todd with Mr. Lunati. Attorney Golden noted that this is considered an unlisted action after a brief explanation, and would need referral to UC PB as a 239. The Board decided not to send to UC PB until maps are updated.

**Motion 1 by Matt DiDonna to make Lunati Lot line/Subdivision an Unlisted Action. Motion 2 by Amanda Gotto. All present in favor. Motion carried.**

**Motion 1 by Adele Ruger to assume Lead Agency. Motion 2 by Lyle Nolan. All present in favor. Motion carried.**

**Motion 1 by Adele Ruger to set escrow at 2500.00 with the replenishment level at 1500.00. Motion 2 by Matt DiDonna. All present in favor. Motion carried.**

Mr. Lunati reviewed once again what he needed to update using the review memo.

### **PB 19-51 New Paltz Storage**

Andrew Loyer appeared before the Board. Wetlands Inspector Mark Carabetta joined the discussion. Amanda Gotto noted the recent site visit and asked Andy Willingham to go over his review memo. Mr. Loyer commented that a lot of things that were noted were an oversight on one set of his plans and not on the other set and he would make sure that gets corrected.

Andy Willingham reviewed his memo (dated June 18, 2019) noting #1 adjacent land owners should be noted on the site plan (as it was on the subdivision plan); #2 show the locations of structures on adjacent properties within 100 feet of the property lines; #3 Existing trees should be added to the site plan; #4 per the Memo from Mark Carabetta (Milone and MacBroom) Wetland A should be removed from the site plan; #5 DEC permit is needed for the disturbance of the 100 foot wetland adjacent area; #6 more detail of the grading design for storm water flow; #7 more detail of the storm water recharge area; #8 Hydrologic sizing should be provided for the storm water recharge area; #9 Landscaping plan needs to be provided; #10 Lighting plan needs to be provided; #11 Water district, need a map, plan and report and approval from the Town Board. Mr. Loyer stated that the Town Board, but the Village Board still has to approve as they have someone to run it by at June 26<sup>th</sup> meeting. Andy Willingham continued with his review of #12 Building elevation drawings were provided but noted that the Board may want to have their architectural consultant take a look at them; #13 no change to site signage; #14 Add owner's signature block to site plan; #15 Hours of operation should be added to site plan; #16 Front yard setback should be labeled on the site plan; #17 add survey notes from the subdivision plan to the site plan; #18 clarify the design elements of the shale paving and parking areas as well as the flower bed on site plan; #19 Clarify if the shale paving and parking areas will be paved; #20 Provide an erosion and sediment control plan to protect the wetlands and offsite areas for sediment runoff during construction; #20 provide a calculation on sheet 1 Zoning Requirements for Open Space Provided.

Amanda Gotto asked to talk about Wetland A. Mark Carabetta noted that it was not a wetland during the site visit, and commented to remove it from the map, noting that the next step is to redo the map to show setback area. Amanda Gotto confirmed that then it was not a Town wetland but asked about where they can see what wetlands are mapped. Mark Carabetta stated that there are ways to mark and there are those that are not mapped, but DEC wetlands are mapped, adding that the Town wetlands permit is still required, and DEC permit as well for the other wetlands noted on the plans. Mr. Loyer stated he will apply for the Town and DEC permit. Mark Carabetta noted he would be interested in the

storm water discharge area detail plan on that. Mr. Loyer noted on his planting plan, that they extended the large quality basin alongside the building to help rainwater runoff. Amanda Gotto commented on the shale gravel especially during the site visit, suggested that paving may be better. Mr. Loyer noted that they missed the note with shale, but will make it clear they are paving the entire lot and to improve the site and make it better than it is. Chair Ruger commented that she would like the Board's architect look at the plans (Kurt Sunderland). After discussion for the driveway paving from shale, Mr. Loyer asked his next step was for SEQRA. Attorney Golden stated the Board still had to assume lead agency, and declare a motion of significance, which will come later.

Lyle Nolan commented with the roof of the building, additional paving shale or paving, impervious surface, how is that water all going to be dealt with, how the recharge overflows? Andy Willingham noted that he had asked for that in his (review) letter. Mr. Loyer stated he would address those comments in the letter.

**Motion 1 by Lyle Nolan to assume lead agency. Motion 2 by Stana Weisburd. All present in favor. Motion carried.**

#### **Administrative discussion**

Amanda Gotto noted that the recent Ferris Woods site visit there were two ENCB members, Rebecca Minas, Mark Carabetta, and applicant's engineer (Peter Setaro) walking around the mowed area, with another site visit requested on a weekend. Amanda Gotto stated it's a good opportunity to see where things are and get a feel where things will be.

Matt DiDonna commented on the public comments earlier about TowRific about their comments that have been submitted are available to the public. Lyle Nolan stated that public comments are posted or recorded only for public hearings. Attorney Golden commented that if people are posting letters, normally they are kept in the file, as Pat has put them in dropbox and are available (upon request for access). Discussion on the wetlands changing, and how the applications that are 4-5 years old, asking applicants to redefine them with Mark Carabetta noting that certain times of the year are better to get out there to view them.

Attorney Golden stated he will take a look at the sidewalk easement and when it is required (as discussed earlier) as the Board agreed it needed to be addressed.

Chair Ruger noted that they had met with Mid-Hudson Sporting Clays with Attorney Golden, Rebecca Minas, Mark Carabetta, and their new attorney with specialist, and it appears they are going to submit a whole, new plan.

**Motion 1 by Adele Ruger to adjourn. Motion 2 by Lyle Nolan. All present in favor. Approved. Meeting adjourned at 8:50pm.**