

Town of New Paltz Planning Board  
Final Meeting Minutes  
August 26, 2019

Call to order: 7:00pm by Deputy Chair Lyle Nolan

Attendees: Adele Ruger (via Video Conference), Lyle Nolan, Stana Weisburd, Matt DiDonna

Also Attending: PB Attorney Rich Golden, PB Engineer Andy Willingham, PB Architect Kurt Sutherland and Town Wetlands Inspector Mark Carabetta

Absent: Amy Cohen, Amanda Gotto, Jane Schanberg

Deputy Chair Nolan stated to take the approval for the minutes from August 12<sup>th</sup> off the agenda until the next meeting.

**Public Comments**

None

**Application Review**

**PB 19-102 Raney Accessory Apartment**

Deputy Chair Nolan stated that for the Raney Accessory Apartment application that there was a decision from the ZBA granting the variance for the 2<sup>nd</sup> pre-existing front door.

**Motion 1 by Lyle Nolan to approve the application for the Raney Accessory Apartment.**

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

**PB 19-51 New Paltz Storage Site Plan**

Applicant Andrew Loyer spoke to the Board in regard to his site plan changes since his last meeting with the Board, noting his applications to the Town and the DEC for wetlands permits, and also specifically the changes to the roof design to accommodate solar panels to reduce energy and net zero energy status for the building. Mr. Loyer also mentioned the two waivers he had requested: Waiver for surveying trees 12 inches or more in diameter outside of the proposed development area and Waiver for providing sidewalks as Henry W Dubois has already bike lanes which allows for walking and biking, and when will those be addressed.

Attorney Golden explained to Mr. Loyer that the Board will review the waivers and will determine whether to grant the waivers or not.

Mr. Loyer stated he wanted to get the Board's feedback, hoped to mark the application as complete, and refer it to Ulster County Planning Board (UC PB).

Andy Willingham reviewed his memo to the Board dated August 16, 2019. Andy noted that there was an extensive landscaping plan, and the applicant should label the trees on the plan that are remaining, especially noting that the 16 inch oak and 20 inch maple located north of the new building during the walk thru should be protected, and noted to shift the storm water pond away from those trees on the plan to protect them and suggested to put a fence up during construction to protect them as well. Andy also noted that a DEC permit is needed for 100 foot wetland adjacent area, should also provide details for the storm water pond overflow weir and storm water recharge area, add sign plan to the plan as the signs conflict with each other with dimensions (Timely Signs plan without pillars is the current sign plan), update plan to show no lighting on sign, show silt fence and other erosion controls on the plan, lighting plan for new fixtures should be shown on the plan (as the existing lighting is not compliant), and the handicap ramp grade should be noted on the plan, concluding that he saw nothing major fairly minor to be addressed.

Chair Ruger asked if more permits were required, as Matt DiDonna agreed he had the same question. Attorney Golden stated that according to the Code, for concurrent jurisdiction, as the DEC has jurisdiction for a permit, and County has jurisdiction for a permit. Mr. Loyer stated he has applied for both with the same data the same day. Attorney Golden explained the requirements of the Town, and how conditions of the resolution would be noted in regard to the permits.

Deputy Chair Nolan asked about the new building's material. Mr. Loyer explained the building's material. After discussion, which also included input on the correct height of the building on the plan, and the roof pitch or a flat roof for Board discussion, PB Architect Kurt Sutherland commented that a fresh presentation for the Board to look at that including the building's materials would be helpful for him and the Board to discuss and hear their comments and he in turn could make suggestions to the Board and perhaps his architect (Mr. Loyer's) can also attend with him at the next meeting. Mr. Loyer said he is comfortable with himself presenting it as it is his design, adding he is trying to

push for a nicer designed building to a higher level of building than what's around him. Matt DiDonna stated he likes the design, but he is concerned that he is close to a residential area that with a metal building with stucco on the bottom, it seems like he could incorporate something more cost effective (to make it more less visible, not metal). Mr. Loyer stated he is conscious of the building visually, and is trying to make it less noticeable. Chair Ruger stated she was not clear yet with the design, and wanted to make sure (utilizing the Board's architect) this is not like the ugly, newer storage units going up, that this is a cut above, especially next to a residential area, with more professional touch. Andy Willingham agreed and Mr. Loyer asked about a meeting between the architects being offline, to review technical details. Kurt Sutherland stated he is helping the Board work with clients to find the best solution for all parties, but it makes sense to present before the Board with his architect there. After discussion, Mr. Loyer agreed that he would ask his architect to put together a design for the Board to review. Attorney Golden noted that the other applicant's (McDonald's, CVS) strong showing with respect to aesthetics of the town and required to fit it, required them to fit in, adding that Kurt needs to hear what the Board has, but town aesthetics, not just in that area, the town will drive that. Matt DiDonna stated that it is in the code for them to consider that, with Stana Weisburd noting that they still will need to see it (the design of the building). Mr. Loyer asked if there were specific design to go back with now, but Deputy Chair Nolan stated they will wait until they get an updated design.

Attorney Golden said there are number of things he wanted to discuss, especially the waivers, but adding that the public hearing can't be set until there is a declaration for SEQRA or a DEIS (Draft Environmental Impact Study) and felt they weren't there yet with only the Short Form DEIS being submitted, and the Board has not considered yet the impacts to the wetlands or environmental. Attorney Golden added he wanted to understand the waivers. Attorney Golden asked about the waiver request for sidewalks, no sidewalks whatsoever, as they are not adding a street, and therefore is not required in the code but he would look at the code again to clarify it by looking at these things now to get them out of the way. Attorney Golden also noted he was requesting a waiver from code 121-14a 186 but that had a lot of things in there, wanting to confirm he was talking about trees. Mr. Loyer said it was talking about having all the trees surveyed but Attorney Golden noted that he was talking about trees on the plan that are 12 inches or more in diameter.

Matt DiDonna commented he wants to only survey trees where he is doing something.

Attorney Golden clarified then they want to waive the tree survey outside the disturbance area. Attorney Golden also noted there is a need to discuss the wetlands as he felt that when the public hearing is set, both should be included on that date.

Attorney Golden explained the application process having to be complete in order to refer to Ulster County Planning Board (UC PB). Matt DiDonna commented that he'd have to update his lighting plan before sending to the County.

Attorney Golden noted that lighting is very important to UC PB so applicant would need to amend the site plan before it goes there.

#### **PB 19-176 New Paltz Storage Long Form Wetlands Permit**

Town Wetlands Inspector Mark Carabetta from Milone and MacBroom referred to his memo from August 20 in regard to the most recent revised site plan, noting that the regulated features are shown clearly, agreeing with the wetlands boundaries, the watercourse the associated buffer table is clear, planting plan as related to swale is sensible for that site, questions on the basin and swale, located where expected to be and concurs with Andy Willingham's comments on the two large trees. Mark Carabetta stated that what wasn't clear to him was the parking area and rooftop drainage and if were to drain into swale and basin. Mr. Loyer stated that the drainage slopes in that direction (of the swale and basin). Mark Carabetta stated that should be clarified on the site plan that the roof and parking is draining into the swale. Mark Carabetta also noted that the DEC permit and the concurrent jurisdiction and kept informed of any correspondence. Mr. Loyer agreed to share any feedback from DEC. Andy Willingham agrees that the permits should be done at the same time. Mark Carabetta also noted that ENCB had a similar comment on the trees to try to stay out of the dripline during excavation. Mr. Loyer noted that he was updating the plan for asphalt swale to make the water basin as narrow as possible. Andy Willingham commented that pushing the whole pond further east and north that would help to remove it from right up against the trees.

Mr. Loyer asked the Board what they would be looking for from him. Matt DiDonna stated they'd like to have more on the materials and maybe have his architect there, and do all his engineering stuff that was noted. Mr. Loyer asked if he needed to make 13 copies due to the minor changes and cost to make the copies when he comes back. Pat told Mr. Loyer the Town Code requires 12 copies of the site plan when submitted. Mr. Loyer commented that while speaking with others outside New Paltz, for New York law he really didn't have to show the design of the building outside of SEQRA for visual impact, and only then the shape of the building on the site plan for review. Attorney Golden explained that State law for site plan is that it is up to the local municipalities to define what they want for the site plan purposes including what is to go on the site plan for them to approve, and the code identifies what has to be done and what has to be on the site plan, noting that every municipality does that. Deputy Chair Nolan stated he'd like to see the interim changes but also would need to see the final plan with no more changes. Mr. Loyer was told to submit only the pages that are changes. After reviewing what he had to do, Mr. Loyer asked if the wetland application would be approved prior to the SEQRA application. Attorney Golden explained the process for approving applications, and noted that he (Mr. Loyer) would more than likely not receive the DEC wetlands permit prior to his

site plan and subdivision approval, and that conditions would be added to the sub division approval. Attorney Golden noted that he would also check if the wetlands application would have to be referred to UC PB. Deputy Chair Lyle Nolan noted that on the short form application two things: #10 and #13 that should be looked at and updated, which Mark Carabetta and Andy Willingham agreeing to look at and update especially #13.

### **Administrative Discussion**

#### **UC PB Presentation – County Veteran Cemetery**

Dennis Doyle from Ulster County Planning Department presented to the Board the County's plan for an expansion to the Veteran's Cemetery located on Plains Road. Mr. Doyle noted that this was considered an Unlisted Action under SEQR, and that the County would assume lead agency and will be circulating the draft Environmental Assessment Form to interested parties. Attorney Golden noted the County is asking for an exemption from zoning regulations, that the Planning Board can waive or the Town Board who can make that determination who will do that.

Mr. Doyle also noted that this a 100 year plan, with 3000 burial plots available, with anticipated burials of 25-35 per year but that could approach 40 during the next 5-10 years and they don't want to run out of room. Mr. Doyle also noted the site is an archeological sensitive area, construction noise will be less than 6 months, storm water disturbance is less than .9 acres of land, there are no wetlands on the site, no endangered species, and that the County would be maintaining it. Mr. Doyle was thanked for his presentation when there were no further comments.

Mr. Doyle also noted that he had feedback for New Paltz Storage from earlier discussion, and he noted that it is not referable (to UC Planning Board).

#### **299 Gateway Rezoning**

Michael Zierler appeared before the Board and commented he would be happy to answer any questions in relation to the updated materials referred from the Town Board to the Planning Board. Mr. Zierler noted the PB's comment letter to the Town Board, and would send to Pat the status of those comments. Mr. Zierler also noted that they plan to send to UC PB in time for the September 4th meeting, and that they had set the Public Hearing for September 19<sup>th</sup> based on the updates that have occurred from the feedback. Mr. Zierler stated he'd like the PB to come to a decision and prepare a letter for the Town Board before September 19<sup>th</sup> if at all possible.

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

Meeting adjourned at 9:20pm.