

Town of New Paltz Planning Board

Monday, January 13, 2020

Final Meeting Minutes

Call to order by Chair Adele Ruger at 7:00pm

Attendees: Stana Weisburd, Adele Ruger, Lyle Nolan, Jane Schanberg, Amanda Gotto, Matt DiDonna, Amy Cohen remote from Florida

Also Attending: PB Attorney John Ahearn, PB Engineer Andy Willingham, Wetlands Inspector Mark Carabetta

**Meeting Minutes**

Chair Ruger asked for a motion to accept the November 25 minutes.

**Motion 1 by Matt DiDonna. Motion 2 by Stana Weisburd. All present in favor. Motion carried.**

**Public Comments**

No public comments

Chair Ruger stated she is changing the agenda and eliminating the Vaccaro Subdivision for tonight.

**Application Review**

**Institute for Family Health Site Plan**

Amanda Gotto noted that the Board had received several things which included two memos from Andy (Willingham). PB Engineer Andy Willingham reviewed his memo from December 4 which he noted on the map there were property boundaries but with no source from land surveyor with surveyor notes that should be added to indicate the source for all map information, the map submitted is not to scale and should be revised, and the map should include all multiple structures within 100 feet on neighboring properties, storm water ponds should be shown as well as two foot contours, validate wetlands boundaries, add trees greater than 12 inches in diameter, add more information on the new propane tanks and what records of building the generator. Andy noted that they did submit an updated map and has a certified wetland boundary, and showing the 100 foot adjacent area, and added that it shows a lot more of what they are actually building with two underground propane tanks, a generator with a fence around it, and an AC condenser. Amanda Gotto noted that now they have all the details on the size components. Amanda Gotto noted that the Wetlands Inspector is going out Wednesday morning to the area. Andy agreed, and commented that New Paltz has their own wetlands law and even though he feels that the generator and fence enclosure meets the standards, he called Mark Carabetta and Mark stated he should go take a look to make sure (in conformance with the Town's wetlands law). Amanda Gotto noted that was the only thing left for them to do. Lyle Nolan asked if the propane tanks would have detection, which the representative attending stated that they will once they are put in and tested. Jane asked about the location of the air conditioning unit placement, questioning the height of the parapet wall and the height of the new unit. Amanda Gotto noted that they had addressed a majority of Andy's comments, but Andy noted they needed to address the wetlands. The Board asked that they confirm the height of the parapet wall vs. the new HVAC unit. Lyle Nolan commented he was just reminding people that it is a backward step to install hydro-carbon generator as it's not very green, and was not trying to change anything as he knows it is for emergency use. Amanda Gotto noted that there is no change in parking.

Chair Ruger asked for a motion to set escrow at \$2500.00 with a replenishment level of \$1500.00.

**Motion 1 by Jane Schanberg. Motion 2 by Lyle Nolan. All present in favor. Motion carried.**

Representative asked on the rooftop AC unit, if they would not get their approval until the 27<sup>th</sup> meeting. PB Attorney John Ahearn stated there are several things to be done before anything will get approval. Attorney Ahearn stated this could be a Type II action, that the must confirm that the generator and tanks in the area are under 4000sq. feet, which Andy noted he could confirm it is under 4000 sq. feet, which Attorney Ahearn stated then they could do SEQR determination as a Type II, as well as considering the Board waiver of a public hearing and their waiver request for the tree survey, and also the input from Mark (Carabetta). Chair Ruger noted if they do these, then the only thing left is the wetlands and the heights. Amanda Gotto noted that the parking spaces are not within code, that convac units be added, noting one for every 20 parking spaces, and back racks too. Chair Ruger stated that's a question for them

to consider. After discussion, Chair Ruger added that let's do what we can tonight, there will be no approval tonight anyway, and we will let them know before they come back to the next meeting with them.

Chair Ruger asked for a motion to make this a Type II action.

**Motion 1 by Jane Schanberg. Motion 2 by Stana Weisburd. All present in favor. Motion carried.**

Chair Ruger asked for a motion to waive tree survey.

**Motion 1 by Jane Schanberg. Motion 2 by Lyle Nolan.** Discussion: Matt DiDonna verified where the generator was going. **All present in favor. Motion carried.**

Chair Ruger asked for a motion to waive the public hearing.

**Motion 1 by Matt DiDonna. Motion 2 by Jane Schanberg. All present in favor. Motion carried.**

Chair Ruger noted that they will find out about the electrical while Lyle Nolan asked if they could put something in later. Chair Ruger stated they will find out if they are required. Matt DiDonna asked if they could get the height of the wall vs. the height of the AC unit.

Representative signed the tracking sheet.

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

Applicant Andy Loyer noted to the Board that he had received the approved DEC permit, and Ulster County PB had returned they review with No Impact, noting that Andy Willingham had done Part 2. Andy Willingham reviewed the applicant's Part 1. Andy read questions 1 through 20 as noted below.

1. No
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. No
8. No, Yes, Yes
9. Yes
10. No
11. No
12. No
13. Yes
14. Forest, wetland
15. No
16. No
17. Yes, No, Yes
18. Yes changed as discussed
19. No
20. Yes comes up on mapper as dry cleaner

With no comments, Andy then reviewed the Part 2 he had prepared as requested by the Board. Andy noted that questions 1 through 11 as noted below:

1. No, variances not required
2. No, small impact
3. No, small impact. Amanda Gotto noted that the applicant was putting in a 3 story building, where his other is only one story so visual will be there.
4. No
5. No, small impact
6. No, net zero with solar being installed.
7. No, no water or bathrooms (no water or septic needed). Board discussed how much water would be needed to put a fire out and the fire alarm system in the building, which is required by NYS code.
8. No
9. No, small impact, mitigating a small impact to wetland buffer, with plantings, more of a pond impact
10. No
11. No

Chair Ruger noted to go back to Amanda's question 3 for discussion. Amanda Gotto commented on that the visibility. Chair ruger asked if she felt it was a moderate impact. Amy Cohen noted it is not large, it is small. Lyle Nolan noted it is small. Jane Schanberg felt it was small. Andy read the DEC's description on what's small to moderate to large. Stana noted she felt it was moderate, hoping the description would help. Matt DiDonna noted he felt it was small.

Attorney Ahearn stated the Board can motion to accept the new checklist.

Chair Ruger asked for a motion to accept the new checklist.

**Motion 1 by Stana Weisburd. Motion 2 by Lyle Nolan.** Discussion: Jane asked to revisit the small to moderate for a second, another vote. Matt DiDonna felt it is in completely in code, and judging impacts, but should look at looking at best he can do, no variance requests, and he is completely in code after changes he's made. Chair Ruger commented that even if it's moderate impact it doesn't require an action. Chair Ruger requested a new vote:

Lyle-Small, Jane-Small, Amanda-Moderate, Matt-Small, Stana-Small, Amy-Small. **All present in favor. Motion carried.**

Attorney Ahearn noted that the Part 3 should be given a determination of significance.

Chair Ruger asked for a motion for a negative declaration.

**Motion 1 by Jane Schanberg. Motion 2 by Lyle Nolan. All present in favor. Motion carried.**

Discussion followed on setting the public hearings the Subdivision and the Wetlands for February 10<sup>th</sup> meeting. Chair Ruger commented on a previous discussion on sidewalks, and stated since the Empire State Trail will come down Henry Dubois in some form, that perhaps he (Mr. Loyer) could talk with the Town to come to some type of agreement with them, not sure what. Attorney Ahearn commented that the Town thought perhaps they could come to some type of developers agreement rather than you going ahead to build the sidewalks, you and the Town would come to some sort of agreement where you would provide to the Town an X amount of dollars and in turn the Town would take that and turn it into some sort of pedestrian sidewalk. Mr. Loyer was advised to speak with the Town Supervisor when he raised a concern if this would delay his applications before the Board. Stana Weisburd stated her understanding they haven't finalized the plans yet, even though they've been given grants for it. Chair Ruger noted that they still have the plans in the works, where specialists are involved and different than the original plan. Amy Cohen commented that he can get his approval contingent on the sidewalks. Chair Ruger suggested that he speak with the Town. Matt DiDonna asked if he is required by code to put in a sidewalk, which the Board stated yes, unless they waive the requirement. Andy Willingham and Attorney Ahearn both noted that the code is not clear if sidewalks are to run the full length or not and would have to get that clarified by Stacy.

Chair Ruger asked if anything else. Chair Ruger asked for a motion to set the public hearings for February 10<sup>th</sup>.

**Motion 1 by Matt DiDonna to set the public hearings for New Paltz Storage on February 10<sup>th</sup>. Motion 2 by Amanda Gotto. All present in favor. Motion carried.**

Attorney Ahearn noted that the application for Institute for Family Health has to go up to Ulster County Planning Board.

**Motion 1 by Lyle Nolan to send to Ulster County Planning Board. Motion 2 by Matt DiDonna. All present in favor. Motion carried.**

Chair Ruger tabled the next application discussion for Caremount to the end of the meeting.

### **Administrative Discussion**

#### **Veteran's Cemetery**

Dennis Doyle, from Ulster County Planning, presented to the Board the latest update to the proposed Veteran's Cemetery on Plains Road, along with Mark Cozzupoli, Director of Veterans Services and Jason Pitingaro from Pitingaro & Doetsch Consulting Engineers, P.C. Mr. Doyle stated that the County is the lead agency, and working on SEQRA documents right now, adding that an easement is being worked on with the New Paltz Cemetery. Mr. Doyle added that the property is located both the Village and Town of New Paltz and is appearing before both Boards. Mr. Pitingaro noted that the design is complete and accepted by the County. Mr. Doyle noted that on the map provided the site, and location of trees to be removed. No public meeting has been scheduled yet for New Paltz. Mr. Pitingaro noted no specific changes has been done since last meeting but gave the Board a brief overview.

Amanda Gotto asked what kind of trees were being removed. Mr. Doyle noted that 5 trees will be removed and replanting with new trees, with two of those trees in poor condition.

With no further questions, Mr. Doyle asked if the Board could give a resolution or vote that the County meets the requirements under the balance of public interest tests so we wouldn't have to, basically be able to move forward, come back here. Attorney Ahearn commented that as far as the Town goes, no decision has been made yet if the Planning Board or the Town Board, and who would follow up and make that decision and issue a resolution. Attorney Ahearn stated a decision tonight is a No, but they will get that conversation moving (with the Town). Mr. Pitingaro stated that whoever makes the decision and if they could share the resolution with them, they could review it and take action without re-appearing. Attorney Ahearn stated if both parties are in agreement then it can be resolved. Chair Ruger noted that they were only speaking for the Planning Board. Amanda Gotto verified that no wetlands were involved, which Mr. Pitingaro noted there are not. After thanking the Board, they left the meeting.

### **Wetlands Report**

Town Wetlands Inspector Mark Carabetta was present to answer any questions that the Board may have on the Wetlands report. Amanda Gotto noted that the Board reports to the Town Board (by December 10<sup>th</sup>) on what section of the code of the enforcement is working and being done, monitoring the code and being served by anyone using it (PB, ENCB, applicants), as to how well the code is being enforced. Amanda also noted that Mark is supposed to also do an annual update to the maps, but Mark is finding that how do he or anyone else find out the accuracy of the mapping the wetlands. Mark Carabetta he does one free visit to a private landowner, he would tell them if they are outside 100 feet of a wetland buffer don't worry about it, and that is part of the record. Andy Willingham noted that the map was created from Ulster County Parcel Viewer for Local and Federal wetlands identification, noting he felt that it should be updated as it's been quite a few years but also noted who is going to pay for that map when it is updated, as noted by Amanda, once a year. Mark Carabetta noted that they don't change very much so it may not be necessary to update them once a year. Amanda Gotto noted that the part of the code that is difficult, and after discussion, noted that it should be identified in the report that it's not clear who would put it as a budget item and how much. Andy Willingham commented that to identify parcels that have a study done on them already, then that parcel on the map can be updated, maybe in yellow. Matt DiDonna noted that is a good idea to identify what parcels have been done. Mark Carabetta noted that is the intention of the map, to give an idea of what's been identified. After discussion, the Board considered a workshop for Board members, and a public outreach program to help applicants with wetlands understand the code applicable to wetlands.

Amanda Gotto stated that we should consider a start in October to get this year's done. Andy Willingham commented the easiest way to show on the map is color coding on the map what has been done, and the Board agreed as they get them done, indicate those.

Pat to resend Mark Carabetta's report once he updates it to the Board.

### **Caremount New Paltz SSP**

Andy Willingham reviewed his memo for the application. Amanda Gotto asked if they are adding one or two doors. Andy stated they are adding a door in the front, and door in the back as required by code.

Chair Ruger asked for a motion to type Caremount as a Type II.

**Motion 1 by Matt DiDonna to type the MCB Eagle New Paltz LLC Shoprite Plaza Space as a Type II Action.**  
**Motion 2 by Lyle Nolan. All those present in favor. Motion carried.**

**Motion 1 by Jane Schanberg to waive site plan review**  
**Motion 2 by Matt DiDonna. All present in favor. Motion carried.**

**Motion 1 by Jane Schanberg to adjourn**  
**Motion 2 by Stana Weisburd. All present in favor. Motion carried.**

***Meeting adjourned at 8:53pm.***