

Town of New Paltz Planning Board

Monday, February 10, 2020

Final Meeting Minutes

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

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

Absent: Amy Cohen

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

Meeting Minutes

Chair Ruger asked for a motion to approve the minutes from January 27th.

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

Public Comments

No public comments

Public Hearing

Chair Ruger commented that they have tonight a public hearing for New Paltz Storage Site Plan, New Paltz Storage Subdivision (lot line revision) and New Paltz Storage Long Form Wetlands Permit. No one was present for the public hearing. Chair Ruger asked for a motion to close the public hearing.

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

Application Review

New Paltz Storage Site Plan, Subdivision, and Long Form Wetlands Permit

Applicant Andrew Loyer appeared before the PB. Chair Ruger noted that Mr. Loyer had reached an agreement with the Town about sidewalks. Attorney Golden commented that the agreement is covered in the resolution for them to approve.

Attorney Golden read from the resolution, beginning on page 4:

FINDINGS – WETLAND AND WATERCOURSE PROTECTION PERMIT

The Planning Board has determined that approval of this permit will protect the health, safety and well-being of the persons and property in the Town that lies outside of the Village of New Paltz, and that the wetlands, waterbodies, watercourses, and associated buffer areas contained therein will be conserved and protected, not despoiled nor destroyed, and that the loss or impairment of the natural functions and values thereof will be avoided.

The Board additionally finds, in accordance with Section 139-14 of the Town Code, that there are no reasonable alternatives to the approval herein which would avoid substantial adverse effects on the regulated areas, and that any adverse effects on the function of, or the benefits derived from, regulated areas has been minimized to the maximum extent feasible.

FINDINGS – SITE PLAN

The Planning Board has determined that approval of this site plan will protect and promote public health, safety, morals, comfort, convenience, economy, Town aesthetics and the general welfare, will have no adverse effect or impact upon the physical or environmental conditions of properties in the immediate vicinity, nor upon the existing use or uses of such properties and, to the extent applicable, the Planning Board has been guided by the standards set forth in Town Code § 140-52(D).

The Planning Board has further determined that, consistent with Town Code Section 140-52, it hereby waives the requirement that the site development plan identify the nature and location of single trees with a breast height diameter of 12 or more inches, as it is not requisite in the interest of the public health, safety or general welfare and is not appropriate for this particular site plan.

FINDINGS - SUBDIVISION

The Planning Board has determined that approval of this subdivision will protect and promote the comfort, convenience, health, welfare and safety of the Town's citizens and, to the extent applicable, the Planning Board has been guided by the standards set forth in Town Code § 121-2(A)(1) through (9).

The Planning Board has also determined, Consistent with Town Code Section 121-14, that the identification on the preliminary plat of isolated trees having a diameter at breast height (DBH) of 12 inches or more is hereby waived to the extent not provided for on the plans.

The Planning Board has further determined, consistent with Town Code Section 121-22, that the requirement to provide sidewalks is hereby waived for this Application. In making that determination the Planning Board considered the Applicant's commitment of a \$10,000 donation to the Town, to be used by the Town with additional monies, to provide and coordinate pedestrian and bicycle improvements in the area of the project.

SPECIFIC CONDITIONS

1. *Prior to the signing of the plat the Applicant and Town of New Paltz must enter into a fully executed agreement whereby the Applicant agrees to pay to the Town the sum of \$10,000.00 to be used by the Town for pedestrian and bicycle improvements, and that the said \$10,000.00 must be thereafter deposited by the Applicant with the Town Clerk.*
Attorney Golden noted that before the plat can be signed, Mr. Loyer will have to make that deposit.
2. *The Applicant shall submit an updated plan set for the Chairperson's signature, to the satisfaction of the Town Engineer, evidencing the changes to the stormwater area in accordance with the November 8, 2019, "Disturbance of Land Within 100' Area Adjacent to Wetlands" sheets.*
3. *Pursuant to Section 139-15(J) of the Town Code the Wetlands and Watercourse Protection Permit activities shall commence within one year from date of issue. Attorney Golden noted that the date of issue of this resolution.*
4. *Prior to the issuance of a building permit the Applicant, as required pursuant to Town Code Section 139-15(M), must post a letter of credit or maintenance bond in the amount of the cost of work under the Wetlands and Watercourse Permit as determined by the Planning Board Engineer. Said letter of credit or maintenance bond shall remain in effect until a certificate of compliance or a certificate of occupancy is issued by the Building Department.*
5. *Pursuant to Section 121-31 of the Town Code the Subdivision approval shall expire 60 days after the signing of the plat, unless the plat is duly filed with the Ulster County Clerk.*
6. *Unless otherwise extended by the Planning Board, as warranted by the particular circumstances, for periods of ninety days each, this Subdivision approval shall expire within 180 days of approval if conditions for signing the plat are not satisfied.*

Chair Ruger asked for a motion to accept the resolution.

Motion 1 by Jane Schanberg. Motion 2 by Amanda Gotto. All present in favor. Motion carried.

Mr. Loyer thanked the PB.

Institute for Family Health

Applicant Kenneth Hamilton appeared before the Board. Amanda Gotto noted that there were no comments from the wetlands inspector, and that the applicant had provided the measurements for the roof and units for the roof. Amanda noted that they encourage them to consider charging stations. Jane Schanberg thanked Mr. Hamilton for going through the extra steps for the Board. PB Engineer Andy Willingham noted that they had addressed all the comments that they had during the review. Attorney Golden commented that the only thing left for this application is the Board's authorization for him to draft the resolution for this applicant. Chair Ruger noted that they will have the resolution for the next meeting. Mr. Hamilton thanked the Board, and left the meeting.

A young lady in the audience asked a question about the generator being installed and the fuel being used for this application. Lyle Nolan noted it was propane. She asked why it wasn't a green alternative. Amanda Gotto noted it was a backup generator when their electric goes down, and solar panels wouldn't be appropriate. The young lady was later identified as a SUNY NP Student with the Oracle.

Administrative Discussion

Review of CEA Comments:

Chair Ruger noted that they will be reviewing their CEA letter. Chair Ruger commented that the Town Board (TB) wanted from the Board their comments, noting that what was received the opinions were different and that they weren't going to come to a consensus, so she suggesting perhaps that they take a vote, with 3 possibly voting one way, one perhaps completely opposed. Lyle Nolan felt that the memo was what the TB asked for, comments from the Board. Chair Ruger agreed. Jane Schanberg felt that they had taken from the very good analysis that Attorney Golden had given them at their previous meeting, and they've presented them in a way that was non-swaying and meant to just outline things for the TB to consider, adding that she thinks it was very well done. Jane added that their opinions all varied, and noted that if they took a survey of the Town, their opinions would vary as theirs did too.

Attorney Golden agreed with Lyle's comments that they were exactly what the TB wanted. Amanda Gotto commented that the Board would need to determine if they needed CEAs or not. Lyle Nolan felt that they had addressed the proposal of the ENCB. Chair Ruger hopes that there will still be room for further discussion. TB Council Member David Brownstein, noting that he does not speak for all the TB members, but with the Town's support of CEAs, he noted specifically for the Board if they pass something like this, how it will affect the Board's work, and less about if they should have CEAs or not. Chair Ruger noted that some of their comments did address that, and added that she's hoping they get the opportunity to be asked other questions, and more specifically be able to address that. Jane Schanberg noted she did ask for another round after they (the TB) receive their comments, and what they think as she has her own strong feelings on this. Matt DiDonna stated he thinks are they asking the Board what they thought about CEAs and also how it affects their work, which he feels that should be answered by the Mr. Golden. TB Member Brownstein stated he doesn't think that there is a rush to get this through.

Chair Ruger asked for a motion to send to the TB. Amanda Gotto added that they were trying to find the contact information for other Planning Boards who've had the experience of going through this, and if it has been helpful or not for them. TB Member Brownstein noted that the Board would be taking a harder look at certain areas, and will also show that they've done their research. Attorney Golden stated that it would be a more heightened review, and added that he felt, in order to avoid challenges, is for the TB to be specific as to what are those issues in each of those areas that you must address in a heightened review.

PB Engineer Andy Willingham noted that during a review, he'll be looking at the EAF and determining if it's in a Critical Environmental Area, and if there are any impacts to that critical area, but is not sure yet how they'd do that review, but he agrees that they've been identified (by the ENCB) and he supports it.

Lyle Nolan expressed his concern that this should be done earlier in the process, and perhaps hiring a CEA inspector like the wetlands inspector. Chair Haeckel agreed with Lyle that it should be done earlier in the process even before they've started planning their project and remind them of the other tool available, the Habitat Assessment Guidelines, rather than having a CEA inspector. Stana Weisburd commented that she agreed that it could start before they got into an application. Jane Schanberg felt that was fine for new projects, but for large landowners it's a burden on the landowner, and noted that things approved in the past might not have been able to go through if CEAs were in place because of the extra layer, extra requirements, explaining further that it would be on the property owners to do all the studies, and provide all the information, not knowing they'd have to do this.

Chair Ruger asked if anyone wanted to change what they've submitted based on the discussion so far tonight. With no response, Chair Ruger stated they should let it go through (to the TB) and we'll put it on the agenda as it doesn't sound like the TB is rushing this through.

Council Member Brownstein noted that this is intended to bring more awareness to the applicant.

Chair Ruger asked for a motion to send the PB comments to the Town Board.

Motion 1 by Matt DiDonna to send the PB Comments to the Town Board concerning the CEAs.

Motion 2 by Lyle Nolan. All present in favor. Motion carried.

Chair Ruger noted that they can put this topic on the agenda at any time. ENCB Chair Haeckel was waiting for contact info for the Chair for Hyde Park.

Escrow for Homeland Towers:

Motion 1 by Stana Weisburd to establish an escrow for Homeland Towers at \$12,000.00 with a replenish level at \$6000.00.

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

Motion 1 by Jane Schanberg to adjourn

Motion 2 by Amanda Gotto. All present in favor. Motion carried.

Meeting adjourned at 7:55 pm.