

## Town of New Paltz Planning Board

### Final Meeting Minutes

November 26, 2018

Attendees: Lyle Nolan, Tom Powers, Amy Cohen, Stana Weisburd, Matt DiDonna

Absent: Adele Ruger, Amanda Gotto.

Also attending: Planning Board Attorney Richard Golden, Planning Board Engineer Rebecca Minas

Deputy Chair Lyle Nolan called the meeting to order at 7:04 pm

#### **Meeting Minutes**

**Motion 1 by Lyle Nolan to approve the minutes from November 8.**

**Motion 2 by Stana Weisburd. All present in favor. Minutes approved.**

#### **Public Comments**

Craig Shankles of 116 Huguenot Street, stated he supports the TownRific Auto Site Plan, and will be a good neighbor,

#### **Application Reviews**

##### **McDonald's Renovation – PB 18-215 Site Plan**

Alan Roscoe, from Core States Group, who is representing McDonald's, informed the Board members that he had met with the ZBA on November 13 seeking parking relief and also for several sign variances. Mr. Roscoe stated it was a good discussion but the ZBA tabled further discussion until more definitive signage proposal was done, and also guidance from the PB for their recommendation on addressing the parking relief. The parking relief was for double striping with less than required amount of parking spaces, or single striping that would allow provision for buses. Rebecca Minas informed the Board what the double striping requirement was per Town Code, with Lyle Nolan commenting that double striping is more important than one or two more parking spaces. Rebecca Minas added that double spacing is nice for people with strollers.

Rebecca Minas commented that the dumpster area is taking up parking space, which Mr. Roscoe stated that the dumpster should be inside the enclosure. Tom Powers referred back to the bus parking area mentioned previously, and asked if there was another spot to put the bus parking. Mr. Roscoe indicated that the bus parking is in the back of the parking lot, but another option may be somewhere near the rear doors but that would interfere with the drive thru.

Mr. Roscoe mentioned the ZBA requested the PB's comments on the double striping and parking spaces, adding that he also met with Stacy (Delarede) in regard to the variances for signage in the site plan. Mr. Roscoe mentioned he received the written comments from the Town Historical Society and does not have a response yet. Lyle Nolan asked about the architectural renderings. Mr. Roscoe replied he has emailed some options and had hardcopies of other options from other locations, such as South Hampton, Wappinger Falls and Pine Bush. Viewing the copies, Stana Weisburd commented she liked the Hampton's façade. Mr. Roscoe stated that South Hampton has regulated colors and it would be difficult to get that color. Stana Weisburd stated he was showing them things they can't get, noting the Wappinger (Falls) and Pine Bush (photos) are too modern and too dark, and nothing else looks like our town. Lyle Nolan stated that he prefers a break from the stucco.

Matt DiDonna stated he agreed with Lyle. Amy Cohen commented she liked the windows and agrees with Lyle and that the materials are more important than the color; the colors are neutral. Stana Weisburd commented to keep Main Street looking the same like the rest of the Village. Amy Cohen stated that she thinks it's great they want to update, and that a clean, updated store is a good look. Mr. Roscoe stated they try to follow the wishes of the client. Stana Weisburd stated she agreed with Lyle on the type of materials and if we can't get South Hampton then she'd like to go with Pine Bush (option).

Lyle Nolan stated that UCPB had commented. Mr. Roscoe stated he received the comments.

Rebecca Minas stated that UCPB commented to consider to eliminate left turns out (of McDonald's onto Main Street).

Attorney Golden asked for time to discuss with the Board members in private at 7:31.

The Board members, Attorney and Rebecca Minas returned at 7:38.

Lyle Nolan asked Rebecca Minas to continue with her comments (from her review memo dated 11/20/2018). Rebecca commented that the Site Plan does not address proposed lighting on the building. Mr. Roscoe stated that McDonald's has no lighting proposed, only signage. Mr. Roscoe commented that a small downlight is planned, and will provide specs on that. Attorney Golden stated that for overall lighting, if adding any lighting at all, signs, increasing light, all has to comply. If no additional lighting, they wouldn't have to comply. Mr. Roscoe commented that the Site Plan has a waiver on lighting. Attorney Golden stated that your lighting is approved and if you modify

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with signage or additional bulbs, you have to comply with the lighting requirement because the lighting plan has changed, even a redo of individual fixtures, or adding to the light and modifying the amount of light, they need to comply. Lyle Nolan stated that the applicant can address that with a waiver. Mr. Roscoe stated he will finalize the signage package and comply.

Lyle Nolan stated that they all agree on the parking for the ZBA. Mr. Roscoe stated he'd like to finalize in December. Amy Cohen commented to Mr. Roscoe that he should stick with the lighting plan if he is comfortable with what he has now.

Rebecca Minas continued, asking about EV Charging and only one is on the plan. Mr. Roscoe stated that there are 2 EV Charging stations requested and he will provide that. Amy Cohen asked if there would be a bike rack. Mr. Roscoe stated yes there will be.

Rebecca Minas noted that bollards need to be addressed for type, height, color, width, material; façade should be the same color. Mr. Roscoe stated that bollards will be added to the plan.

Attorney Golden commented that there are several variances, and referenced the Town Code for referrals to the Planning Board from the ZBA that *at least 20 days before the date of hearing held in connection with any appeal or application submitted to the Board of Appeals, said Board shall transmit to the Planning Board a copy of said appeal or application and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said appeal or application. The Planning Board shall submit a report of such advisory opinion prior to the date of said public hearing. The failure of the Planning Board to submit such report shall be interpreted as a favorable opinion for the appeal or application.*

Mr. Roscoe stated that the ZBA has only asked the PB for their input on the double striping and parking and not on the signage since it has not been re-submitted to the ZBA yet. Amy Cohen stated they should vote on it then (the double spacing, parking).

**Motion 1 by Amy Cohen for the Board to vote for double striping to a degree, and lose a couple of spaces (parking).**

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

Lyle Nolan commented on the sidewalk on the east side, asking if that would have a wheelchair ramp, with turning ability. Mr. Roscoe stated that the updated plan for the ramp is acceptable to the ADA.

After discussion, with input from Attorney Golden commenting that the Site Plan does not require a public hearing, and with Amy Cohen adding that the ZBA will have a public hearing, it was determined there was no need for a public hearing.

**Motion 1 by Lyle Nolan to waive the public hearing for the site plan.**

**Motion 2 by Amy Cohen. All present in favor. Approved.**

Discussion followed on the UC PB's comments for the crossing access onto 299 from McDonald's (left hand turn). Attorney Golden informed Mr. Roscoe that UC is asking him to explore the left hand turn out of McDonald's, adding that UC is asking for inquiries on how that goes. Mr. Roscoe was asked to report back to the PB. Attorney Golden also added that the PB is not required to adopt all the recommendations, they can, but only the County is, adding that the PB is not asking to make these inquiries.

Mr. Roscoe stated that if he were to secure those easements (as mentioned) what is the likelihood that the left hand turn out would be prohibited? Lyle Nolan stated probably not very likely. Discussion ended, Mr. Roscoe signed the tracking sheet for action items.

### **TowRific Auto – PB 18-253 Site Plan**

Jay Samuelson, representing Owner Joe Tanzi from TowRific Auto, informed the Board that the site plan consists of a 5000 square foot building with 500 square foot of office space inside, located on Rt. 32N and Old Kingston Road. Mr. Samuelson stated that the entrance is on Rt. 32 and will have 3 bay doors for auto repair, with 10 feet access, and is set 12.5 feet from the property line, also with parking and storage for the towing business. Mr. Samuelson stated that Owner Joe Tanzi is currently located in the Village, and wants a bigger building. Mr. Samuelson stated there is planned parking for two employees and 9 other spots in the front, and 6 other spots in the back, which will be built when needed. Mr. Samuelson stated the plan is to put a storage area for the towed vehicles in the back, but could use the front yard but that is accessory use for the auto repair.

Rebecca Minas asked about the neighboring wells near the property, which Mr. Samuelson stated there were two and the well being proposed in the site plan is on the side of the property by the neighbor's well. Matt DiDonna asked what the property length was from Rt. 32 to Old Kingston Road. Mr. Samuelson stated he'd put that on the plan.

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Rebecca Minas commented on the parking spaces in the front, and the 6 designated spaces in the back. Mr. Samuelson was asked to revise some of the parking from the front.

Matt DiDonna noted he had a concern that it's zoned R1, and this is business use entering into a residential zoned area, adding that the parking spaces will be in the residential zone. Mr. Samuelson stated that it is a split zone. Matt DiDonna asked if the neighbors are aware of what's planned for there. Mr. Samuelson stated there's a gate planned in the back for emergency access to Old Kingston Road, but the main access is on Rt. 32 even for it being a long narrow site, adding the use is on residential zone.

Lyle Nolan commented that the towing of cars in the odd hours of the night may be a concern. Discussion followed on the tow truck turning radius. Mr. Samuelson stated he'd get an aerial of houses approximate to the site for the PB.

Tom Powers noted that the storage area for the cars looks like to him is on top of the well, noting that cars from accidents could leak right over the well. Mr. Samuelson stated he would look into that. Amy Cohen commented (to confirm) that the front part of the plan is on Rt. 32 for the auto repair with parking, adding cars would come in from Rt. 32. Attorney Golden commented that there is a provision in the code where a district boundary line if it divides, the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion. Attorney Golden recommended to Mr. Samuelson to look at the code just mentioned 140-7(D).

Mr. Samuelson agreed to add plans for cleaning and grading as well as erosion and sediment control plan after discussion on storm water protection plan, but not requiring a full SWPPP per Rebecca Minas. Stana Weisburd asked about the ENCB's concerns on what the backup plan for the septic leach fields is, and if there will be storage tanks for petroleum. Mr. Samuelson stated he would look at the ENCB's memo to address those comments. Stana Weisburd added she has a concern with the use in R1. Matt DiDonna commented that anything in R1 district is not zone for that use is a problem. Lyle Nolan asked what about the lighting, and wetlands inspection. Mr. Samuelson also noted he would add the lighting plan along with the description of the building being built. The Board expressed concern of the business classified as Light Industrial use and Mr. Samuelson stated he'd look for a way to make the plan work in the split zone and would need to come back (before the Board). Stana Weisburd stated if she was a neighbor she'd be upset (with the site plan) with it going in there.

Mr. Samuelson signed the tracking sheets.

**PB 18-270 Bird Lot Line Revision**

Attorney Zand approached the Board, who is representing both Mary Jane Curry, and Kyle and Kenneth Bird for this application. Attorney Zand stated that the lot line adjustment would transfer wooded land belonging to Curry to the Bird property, which Mr. Bird has taken care of for the owner who resides in Woodland Pond, and is selling her home. Attorney Zand also noted that, when asked by Matt DiDonna if the lands were all in R1 zone, that the Curry is in R1 and the Bird is in B2.

Rebecca Minas noted that according to the plan submitted that the B2 district seems to be incorrect.

Lyle Nolan added that this is not as simple as hoped.

Attorney Golden stated to the Board that this is a very simple lot line. Municipalities have specific rules for lot line revisions but the Town of New Paltz defines a lot line revision as a subdivision, and certain aspects can't be waived. However, he noted some of the requirements, such as SEQRA, with no other involved parties, can classify tonight this as an unlisted action, negative declaration action with no referral to UC PB, but will still require a public hearing.

**Motion 1 by Lyle Nolan to assume lead agency, and declare this as an unlisted action, and a negative declaration action for SEQRA.**

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

The Board, after discussion, asked the public hearing be set for December 10. Attorney Golden noted that the Board can waive a lot of the requirements, but the problem is the final plat as recorded with the County and what County will accept. Attorney Golden referred to Rebecca to help determine what County will require on the plat. Rebecca Minas asked that the existing utilities be placed on the plan.

**Motion 1 by Lyle Nolan to set the public hearing date for December 10.**

**Motion 2 by Amy Cohen. All present in favor. Approved.**

Rebecca Minas asked about the final and preliminary reviews if they should be waived. Attorney Golden commented to proceed as a preliminary and final review.

**Motion 1 by Lyle Nolan to set escrow amount at 1000.00 with a replenishment level at 500.00**

**Motion 2 by Stana Weisburd. All present in favor. Approved.**

Attorney Zand signed the tracking sheet.

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Matt DiDonna asked if they should consider setting escrow for TowRific Auto as well.

After discussion, Deputy Chair Nolan motioned to set escrow.

**Motion 1 by Lyle Nolan to set 5000.00 escrow for TowRific Auto with a replenishment level of 2500.00.**

**Motion 2 by Stana Weisburd.**

**4 votes in favor. 1 vote against. Approved.**

Discussion: Amy Cohen noted her concern that the amount is too high for a small business. Attorney Golden noted that the TB is receiving complaints from applicants for what the escrow will cover, and if the consultants can give a more reasonable estimate of what it can cost. Rebecca Minas noted that she is now providing an estimate of cost once application is referred for her review. Amy Cohen stated that is a good practice for cost. Attorney Golden stated he can't anticipate what it would cost, because of what may pop up, noting that some problems are anticipated but it's hard to estimate these things, especially if there are multiple submissions.

SEQRA Workshop (Amy) – Amy Cohen noted that Attorney Golden is conducting a workshop for the Village on the new SEQRA updates, and asked if he could do one for the Board. Attorney Golden stated there are a few changes, and he can do them with the Village or separately. Pat was asked to set date with Attorney Golden prior to a PB meeting, and invite the ZBA as well to attend.

Town Code (Amy) – Amy Cohen noted she asked Pat to print out the Town Code for Planning Board members to know.

Quorum Check for 12/10 – 5 attendees. Next meeting after December 10 is January 14.

**Motion 1 by Lyle Nolan to adjourn. Motion 2 by Amy Cohen. Meeting Adjourned at 8:51pm.**

**Minutes submitted by Patricia Atkins**