

## Town of New Paltz Planning Board

### Final Meeting Minutes

January 28, 2019

Attendees: Adele Ruger, Amanda Gotto, Lyle Nolan, Stana Weisburd, Matt DiDonna, Jane Schanberg, and Amy Cohen (remote facetime)

Also attending: Planning Board Attorney Richard Golden

Chair Ruger called the meeting to order at 7:00 pm

#### **Meeting Minutes**

**Motion 1 by Jane Schanberg to approve the minutes from January 14**

**Motion 2 by Lyle Nolan. All present voted in favor. Minutes approved.**

#### **Public Comments**

Bob Hughes, read from a letter he had emailed to the PB Chair and Board members, noting his concerns with Trans-Hudson/ CVS/5 Guys project, and the PB's SEQRA neg dec (negative declaration) on the application, and if the Empire State Trail (EST) was considered in this application. He also commented on his concerns now that the EST construction is underway in regard to safety when cycling, walking and driving east to west along Rt. 299, especially with the newly installed traffic signals and crosswalks, as well as traffic concerns effecting safety, especially with responding emergency vehicles. Mr. Hughes also reiterated the need for a supplemental EAF and potential supplemental EIS.

Michael Zierler commented that even though he is the project coordinator for 299, he was there tonight as a private citizen asking for the PB and applicant give a presentation with reference to the site plan, and have it accurately reflect what the plan is, especially reference to the Empire State Trail be depicted. Mr. Zierler also commented on his concerns for the applicants asking for a waiver from a tree survey in a memo dated August 2, 2018.

Dan Schniedewind read his memo to the PB in regard to his concerns to the Trans-Hudson renderings provided to the PB, which included his concerns about the driveway off 299 into the site, and safety concerns for both bikers on the EST and drivers, and asked if rerouting the EST through the Trans-Hudson property could be a possibility.

Judy Mage referenced her recent letter to the PB, commented about how things are interlocked, and her concerns with the traffic that CVS and 5 Guys will cause, and how some will use the alternate route to avoid the traffic by using Henry Dubois, and with the proposed Rail Trail to Henry Dubois, the problems that will be caused all this.

Joel Oppenheimer addressed the Trans-Hudson applicants asking them to withdraw their application.

Chair Ruger closed the public comments.

#### **Application Reviews**

##### **PB 13-15 Trans-Hudson Site Plan: Renderings**

Attorney Charles Bazydlo for Trans-Hudson, gave a brief history of the project, and commented that they are currently working through the details of the site plan project in regard to architectural design, and the issue for on-site water and septic supply.

Attorney Bazydlo commented that in December two renderings of building designs were given to the Board, depicting the parking lot along with a softened, outside look with added landscaping, which shaded the view of the site. The renderings showed a 299 view of the site, and the other showed the view on North Putt. They wanted the Board's comments on those renderings. He added the on-site well on the property, which was a home on the property, and planned to test that well or a location near it to see if it was adequate for supplying water. They found that the construction of that well was compromised, because of age and dormant for years. They will begin testing on the premises and will look for a suitable site for a new well, install it, and perform a pump test on that well. Rebecca Minas added that they should put that on the plan where your well is proposed, which he stated they would. After further discussion on the well, Attorney Bazydlo commented that there are two wells proposed on the site plan, and they will work with Rebecca on that plan. He also commented that they will use on-site water instead of going through the Village and Town for water and sewer when asked by Stana Weisburd. Attorney Bazydlo also explained to the Board the process for the testing using probes placed in the ground, when Matt DiDonna asked how the testing is done.

Lyle Nolan asked what the height of the renderings of what they are going to build was. Attorney Bazydlo stated it was within the Town Code and these renderings were what they are actually going to build. Rebecca Minas stated that it is lower than the previous proposal at 25 feet. Attorney Bazydlo stated he did not recall what the height was at the moment and added that the plans were prepared by the architect working on the site. After discussion Attorney Bazydlo stated he would get that information for the Board.

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Chair Ruger stated there has been a lot of discussion on the entrance off 299. Attorney Bazydlo stated they are aware of the Rail Trail coming thru and that DOT is aware of their plans for years, and added they had offered (Trans-Hudson) to avert the trail through the property and circumvent the corner, which DOT decided not to do. Attorney Bazydlo stated that they have right of access onto 299, aware that they need a highway permit for the work, and the actual right of way, and stated that they have to submit the actual work plan (to DOT).

Stana Weisburd stated that they did just hear that it could take up to one year to get through the DOT review process. Attorney Bazydlo stated that is a comment someone made, and that the permit process is the detailed engineering plan, and the DOT has not told them that they are at that point.

Matt DiDonna commented on the August 2018 meeting, adding that we talked at that meeting about the buildings, the fill, the entrance, and now its January, with no water testing, 2 pictures, nothing addressed, but asking about the two pictures. He said the two pictures are nice, period, adding that the plan has changed by changing the buildings, site elevations are missing. Attorney Bazydlo stated that many of those were technical issues on the site plan that had to be resolved between their engineer and PB engineer, adding there are two critical issues identified, the architecture of the buildings, and the water. Attorney Golden stated to clarify there are two issues to be focused on now but added that there are more issues. Attorney Bazydlo agreed stating they'd like to finalize the architecture of the buildings. Rebecca Minas asked about the building location has moved, and doing it in order. Stana Weisburd added that the North Putt rendering showed no In or Out, and she can't see the whole picture that gives the full feel, it's incomplete. Rebecca Minas added she sees a 3<sup>rd</sup> building which Attorney Bazydlo stated that they were asked to show a potential 3<sup>rd</sup> building and potential impact of a 3<sup>rd</sup> building. Attorney Bazydlo stated they're trying to clear out the issues on the architecture. Lyle Nolan and Amanda Gotto both agreed that the renderings are more like what the Board had in mind. Chair Ruger asked if the Board approves the plan, but the County may deny it, not getting the entrance, what happens then. Attorney Bazydlo stated if the Board approves but they deny the work permit, then they'd have to come back to the Board for revisions to the site plan. Attorney Golden added that they rarely say no if the Board approves the site plan. Attorney Bazydlo added that there is detailed traffic impact report of the 299 entrance detailed in that report that includes the Rail Trail.

Stana Weisburd stated she has a safety concern on the 299 entrance. After a brief discussion, Ary Freilich from Trans-Hudson stated they are trying to create a very nice entrance point, adding that they are willing to work with the Board on other things. Board members agreed they appreciate that effort. Board members agreed that the building designs were positive in feedback to the applicant. Attorney Bazydlo stated that in a month or so results of well testing on the property should be ready. Ary Freilich stated that they did try with the State to revert the Rail Trail, and the State said no since the Governor wanted it built.

Chair Ruger asked Rebecca Minas to send the list of what the applicants still needed to respond to per Board request. ENCB Chair Ingrid Haeckel asked to speak and commented on the ENCB comments and encouraged the Board to think about the site layout, more of a wider buffer along the thruway, and moving the building closer to the roadway, adding that is the Board considering the comments, or are they past that, and also, urging the Board to think about the options on the site.

Chair Ruger stated that she thinks a larger buffer along the Thruway is doable. Ary Freilich stated that as it's a state highway, they have a limited amount of space there. Rebecca Minas stated that they can't increase the buffer from the property or they'd have to pull 5 Guys (plan) away from the other, or remove the 3<sup>rd</sup> pad, adding for them to change the buffer will change the site layout. Lyle Nolan stated he wasn't sure why there's a concern for a wider buffer because businesses along the Thruway don't have a large buffer. Ingrid Haeckel noted that the buffer is for preserving natural vegetation. Amanda Gotto stated they may be past the buildings design but there are other things that need to be done.

David Brownstein, asked to comment. He added he is the Town Board liaison and Town Board members want to know where the Board stands on the traffic study at the time it was done if the Emergency Services were considered. Amanda Gotto stated they were given a traffic study in 2014-2015 and built out to 2019 and that's what the Board was given. Stana Weisburd asked but is that correct? Mr. Brownstein stated that there was over 800 calls and the concern of how fast they will be get to calls off that corner. Jane Schanberg stated she is concerned with the emergency services issue. Stana Weisburd commented she feels that traffic, even when she was not on the Board, when the determination was made, has not been addressed to her satisfaction, adding that they have to go by the law if they want to revisit it. Rebecca Minas read from the Board's list of items to be addressed in the Site Plan Review based on the SEQRA Part 3, for 5.5, last paragraph "A revised Conceptual Intersection Improved Plan (5/13/2015) is required showing the improvements to be made by the Applicant, such as DOT approved signal coordination equipment (antennas and internal signal controller cabinet equipment, signal communication modems to allow communications with the DOT Transportation center), Opticom equipment to accommodate emergency vehicle preemption, installing additional shoulder width on the east and west side of Putt Corners Rd to facilitate the movement of emergency service vehicles, re-striping of North Putt Corner to extend the existing southbound left turn

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lane to allow additional stacking (refer SEQRA Resolution, Schedule A line 212-6)." Rebecca suggested that that revised Conceptual Intersection Improved plan should be revisited. Attorney Bazydlo commented that he's not denying that it should be looked at. Chair Ruger summarized that traffic is a big deal. Rebecca Minas stated she'll provide them with the list but it's not necessarily everything they will need for approval. Attorney Bazydlo stated they will hopefully see them (the Board) again next month.

**PB 06-26 Vaccaro Subdivision: Recall for update**

Steve Vaccaro appeared per the Board's request to give an update on his application after his request for the 90 day extension that expires February 12, 2019. Mr. Vaccaro stated that the Wetlands Inspector had given his final determination and made recommendations for a wetlands permit and a narrative with a strategy to mitigate adverse impacts on the regulated areas. Mr. Vaccaro asked the Board if it was a recommendation or a requirement, expressing his concern for the amount of money involved as well as BOH approval, and if it's not a requirement he would rather not do it. Attorney Golden stated if he is required by law to comply, then he is subject to the law.

Motion 1 by Adele Ruger to extend for 90 days until May 13, 2019 the Vaccaro application.

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

Mr. Vaccaro stated he did not want to wait, and Chair Ruger stated to put him on the agenda for the February 25 meeting to discuss. The next step would be to work on the BOH approval after the wetlands are completed.

Mr. Vaccaro asked about the restrictive covenant that was approved by the Town Board in 2018 (June 7) in lieu of the conservation easement (after recommendation from the Board to the Town Board) in order to accomplish the purposes of section 121-25 pursuant to Section 247 of the General Municipal Law.

Attorney Golden stated he would need to see the resolution for them (Vaccaro). Pat to send to him to determine if the Wetlands permit is needed from this application or if he would be exempt.

**PB 15-04 Taliaferro Site Plan – Resolution Approval**

After discussion, the Board determined this would be reviewed at the February 11 meeting.

**Administrative Discussion**

**ZBA Variances – McDonald's Renovation**

Chair Ruger asked the Board who took a trip to McDonald's.

Chair Ruger to go back through each now for discussion and note the comments:

ZBA 18-260 – for double striping, no problem with this one.

ZBA 18-285, ZBA 18-288 and ZBA 18-289 are okay (as per requested).

ZBA 18-286 Arch Logo: too distracting (safety concerns), not in character, not aesthetically pleasing

ZBA 18-290 PLAYPLACE sign: too distracting (safety concerns), not in character, not aesthetically pleasing

ZBA 18-291 Arch Logo too distracting (safety concerns), not in character, not aesthetically pleasing

ZBA 18-292 McDonalds name; 2 x 18 feet wall sign: too distracting (safety concerns), not in character, not aesthetically pleasing

**Motion 1 by Amanda Gotto to report back to the ZBA variances as follows: Distractive nature, not aesthetically pleasing and not in character.**

**Motion 2 by Jane Schanberg. All present in Favor. Approved.**

Matt DiDonna started a short discussion on the Vaccaro map and if the delineated wetlands are indicated.

Amanda Gotto mentioned Ulster County doing a SEQRA course on February 12<sup>th</sup> at SUNY Ulster.

**Motion 1 by Lyle Nolan to adjourn.**

**Motion 2 by Amanda Gotto. All present in Favor. Approved.**

**Meeting Adjourned at 9:26 pm.**

**Minutes submitted by Patricia Atkins**