

Town of New Paltz Planning Board

FINAL Minutes

December 8, 2014

Agenda:

**PB 2014-004, Mohonk Preserve, Mtn. Rest Rd., Site Plan/Subdivision/Lot Line Revision**

**Present:** Dave Clouser, George Lithco, Mike Calimano, Peter Muller, Lyle Nolan, Adele Ruger, Tim Rogers, Tom Powers

Board Member(s) absent: Lagusta Yearwood

Chairman Calimano called the meeting to order at 7:03 pm.

**MINUTES**

None

**PUBLIC HEARINGS**

None

**CONCEPTUAL REVIEWS**

None

**PUBLIC COMMENT (on issues other than Public Hearings – 15 minutes)**

Mike Calimano states that this is a public comment session, and if people don't get a chance to speak, there will be a full public hearing in 2015. He also states that written public comments will be received at any time.

There is a discussion on the process of the evening, and how this is not a public hearing. The applicant will be presenting their latest submission to the Board members. This will not be a dialog, and the applicant will not be answering questions. They will simply be presenting their latest submission.

There is a discussion on having public comment before the applicant presents their latest submission, or after their presentation to the Planning board.

Paul Brown, New Paltz resident, wants to comment on the application that he reviewed in the Planning Board office. He is concerned that a not-for-profit is making an application for subdivision and going to turn a profit. He asks the Board to look at this application very closely.

Larry Badendyck, 7 Calvin Blvd., is going to read two statements from the Concerned Citizens of the Shawangunks.

Charles Rose, 11 Woodlot Rd., wants to make comments on his concerns that OSI made a promise 3years ago when they purchased this land, that it would never be developed, and now they are seeking to sell it off to make a profit. He also reads a statement from Mr. David Rockwell of Woodlot Rd.

Kitty Brown, New Paltz resident and founder of Wallkill Land Trust, makes comments on how land trusts work. She would like the Citizens of the Shawangunks, Inc. to divulge their officers, as she was invited here tonight by them. She urges people to view the Land Trust's website to see how they truly work. The Mohonk Preserve has been a good neighbor, and OSI bought this land and we have reaped the benefits of this. The Smiley Brothers could have sold it to any number of developers and it could now be a hotel, casino, tract homes, etc.

Irwin Sperber, Citizens of Shawangunks, current resident of Gardiner, wants to comment on the fact that this group is a legitimate group that was formed years ago. Land trusts are supposed to be protecting the land, and not developing it. If they want to be developers, they should lose their tax exempt status.

Chris Ulrich, 50 Cragwood Rd., wants to comment on this application. He reads his written comments to the Board. He then reads the written comments of Cynthia Rodriguez, another New Paltz resident.

Tom Carano, Mohonk Preserve member and former Gardiner resident, would like to comment on this subdivision application. He has served on Planning Boards before. He comments on how OSI was very instrumental in securing property in Putnam Valley. He feels that OSI has created and saved so much open space in the country. He urges people to view their website and see how successful they have been. He has reviewed this application, and he has had a very prominent land use attorney review this, and neither of them feels that this is segmentation.

Doug Gilmore, New Paltz resident, came tonight to get some information. He states that three years ago Mr. Hoagland met with his neighbors to discuss this plan, and now there is another plan in place.

He has concerns that this will just continually change. He would like to see a final plan, and no more revisions.

Ralph Scamenti, local resident for the past 17 years. He would like to see the Board deny the application for this subdivision, as it will have detrimental effects on the environment. He reads his written statement.

## **APPLICATION REVIEWS**

### **PB 2014-04, OSI/Mohonk Preserve, Mtn. Rest Rd., Site Plan/Subdivision/Lot Line Revision**

Peter Karis, Glen Hoagland, Mike Moriello and Patti Brooks come before the Board to present their latest submission of the subdivision application. Patti Brooks shows the Board the actual site plan. She wants to be clear, that the Planning Board didn't reject their original plan. They simply originally came before the Board to seek their input. They then went back to work getting their plan together. Mike Calimano agrees that the plan wasn't rejected, they didn't take any action back in June.

Patti Brooks discusses the 19.1 acre lot with only one single family residence on it, taking into account location, impervious surfaces, and no further development. This truly is land conservation. She also feels that this is totally separate, in that it is a simple subdivision with a lot line revision. The site plan part of the application should come before the Board next for a full review.

In February of 1919 there was a survey when the land was conveyed to the Smiley family. Then in a survey in 1957, for the Jenkins land, measurements were taken from the center of the road. This created an overlap in the land of .6 acres. They are simply conveying this .06 acres back to the Jenkins land in order to clear up a deed overlap. That is the only purpose, because both deeds claim this portion of land. Rather than go to court, they have landowners who are willing to take care of this land overlap by this simple lot line revision.

Patti Brooks then discusses the 19.1 acres that is across the road that they want to subdivide out of the large parcel. She discusses soils, and home location, with regards to this lot. They are proposing no further subdivision, no paving, limiting colors and sight line locations. She mentions that it is all flagged out if the Board members want to go out and look at the location. They also relocated the driveway so headlights would not affect any neighboring properties.

Glen Hoagland discusses their purchase of the original +/- 500 acres of land, with OSI retaining the +/- 300 acres where the Glynwood farm is located. Since this time, Mohonk has come up with funding to purchase all of the +/-800 acres. They will retain the lease with Glynwood farm. They will then carve off the 19.1 acres across the street, and deed it back to OSI, for the development as just discussed by Patti Brooks. Therefore their plans have not really changed. Their land management plan of 2012 clearly states this.

Peter Karris discusses the ongoing negotiating of the purchase, as well as the continued work to their site plan. He notes all of the changes and improvements that they intend to do, and all of the work on traffic assessment, parking, etc. They have also been working on wetland delineations. They have done a comprehensive wildlife protection assessment. They have done a water and a soil survey. They've

done archeological assessments as well. They have been studying trail heads and restorations. All of this work is to create a revised site plan to the Board in 2015.

Dave Clouser goes over his review memo dated December 8, 2014. He questions if any trees have been removed in prepping the 19.1 acre site. Patti Brooks states that no trees were taken down. He continues to discuss his review. He mentions that they would need a septic permit from the County, as well as a Town Highway driveway permit.

Lyle Nolan wants to be clear on who currently owns the land. Patti Brooks states that OSI owns the land now. He has concerns on this being taken off of the tax roll, and now it will be a buildable lot. He questions if this will then go back on the tax roll. Glen Hoagland states that there are taxes being paid on the houses on the land now, and this determination will need to be made by the assessor.

Peter Karris states that the Mohonk Preserve is in contract to purchase the entire land, minus the 19.1 acres, and then convey that back that back to OSI. As part of the requirements of subdivision, they are required to show this is a viable building lot. They don't even know if OSI will build on this. They are however, doing due diligence, to be sure that this will be the least obtrusive building envelope if it should ever be developed.

There is a conversation on how residual land is taxed, and if conservation easements makes this residual land more or less valuable. They also point out how the rental properties on the parcel are being taxed.

Adele Ruger questions why they are not presenting their entire plan now if they are that close to having their site plan ready. Peter Karris states that they under a contractual obligation to convey this land back to OSI in a certain time frame, and that this subdivision of this 19.1 acre parcel has nothing to do with the site plan review. It is noted that there will be conservation easements and restrictions imposed by OSI on the land they are selling to Mohonk Preserve; and then there will be restrictions on the 19.1 acres of land conveyed back to OSI.

Tom Powers is concerned on why this is being flipped back and forth. Patti Brooks states that there are grants, etc at stake, and how they just wanted to stay the course. The financing may have changed, but the end result is still the same in that OSI owns the land, they will continue to own 19.1 acres, and Mohonk will own the 857 additional acres.

Tim Rogers questions that this subdivision is a Type II SEQRA action. It is clarified that it is a Type I, and will require a full EAF.

Mike Calimano states that the Board must consider how to proceed so as to not confuse the public. He would like to consider what's best, to keep the applications together, or to separate them.

Peter Karris suggests a site visit for the Planning Board members. They are interested in doing this. They will try to coordinate this as soon as possible.

There is continued discussion on deed restrictions, and getting the Board's input to craft these in order to get it on the site plan and on the deed.

Mike Moriello asks the Chairman if they need to establish an escrow account for just this subdivision. Mike Calimano will look into this.

A motion to declare the Planning Board lead agency in this two lot subdivision with OSI is made by Lyle Nolan.

2<sup>nd</sup> by Peter Muller.

All others present in favor. Motion passed.

A motion to declare the Planning Board lead agency for the Mohonk Preserve site plan is made by Peter Muller.

2<sup>nd</sup> by Tim Rogers.

All others present in favor. Motion passed.

There is discussion on how this will be reviewed as two separate applications.

#### **OLD BUSINESS**

None

#### **ADMINISTRATIVE DISCUSSION**

George Lithco discusses the proposed Solar Zoning Amendment that is currently being worked on. He discusses the Governors new initiative. He emailed the press release to the Board members this afternoon.

Mike Calimano states how he met with the Village Planning Board Chairman, and they would like to work on having a joint meeting sometime in March. He would like to get some topics together of topics to cover. It is mentioned that zoning on Route 32 North could be a potential topic. Adele Ruger would like to see signage discussed as well.

There is a discussion on the 2015 Planning Board meeting schedule. Mike Calimano would like to notify the Board that the first meeting of each month would be actual application reviews, and the second meeting would be an actual workshop meeting. In this way, they could have a meeting in which they can focus on zoning work and planning. The second meeting in January will be a workshop. George Lithco states that Traffic Guidelines/Access management could be reviewed. Mike Calimano states how he would also like to discuss the Wetland's Law, as well as what it really means that we are now MS 4. There is continued discussion on topics for these workshop meetings.

Motion to adjourn the meeting is made by Lyle Nolan.

2<sup>nd</sup> by Peter Muller.

All others present in favor. Motion approved.

Meeting adjourned at 9:24 pm.

These minutes respectfully submitted by Kelly O'Donnell