

Town of New Paltz Planning Board

FINAL Minutes

January 25, 2016

Agenda:

**PB 2014-02, LP Builders, 105 Route 208, Subdivision/Steep Slopes**  
**PB 2014-04, Mohonk Preserve, Route 299, Site Plan**  
**PB 2014-25, Mohonk Preserve, Butternut Rd., Subdivision**  
**PB 2013-15, Trans-Hudson Mgt.,/CVS, 12 N. Putt Corners Rd., Site Plan**

**Present:** George Lithco, Dave Clouser, Lyle Nolan, Tom Powers, Adele Ruger, Peter Muller, Lagusta Yearwood, Michael Zierler

Board Member(s) absent: Michael Calimano, Amy Cohen

Others Present: Carol Knapp, Rhode Engineering and Ken Wersted, Creighton Manning

Vice Chairman Nolan called the meeting to order at 7:04 pm.

**REVIEW AND APPROVAL OF MINUTES**

The January 11, 2016 minutes are presented.

Motion to approve the minutes is made by Adele Ruger.

2<sup>nd</sup> by Tom Powers.

Lagusta Yearwood abstains from voting.

All others present in favor. Motion passed.

**PUBLIC HEARINGS, CONCEPTUAL REVIEWS AND BRIEFINGS**

**PB 2014-04, Mohonk Preserve, Butternut Rd., Subdivision**

**PB 2014-25, Mohonk Preserve, Route 299, Site Plan**

Motion to open the public hearing for tonight is made by Lagusta Yearwood.

2<sup>nd</sup> by Adele Ruger.

All others present in favor. Motion passed.

George Lithco notes that it might be best if the applicant comes before the Board, before public comments, in order that they may discuss their revised submission.

Glen Hoagland of the Mohonk Preserve discusses their revised submission that was submitted on January 20, 2015. He discusses that this is truly a land conservation project. He also points out site plan changes on the visuals that they brought. They have changed some site design elements in the parking lot based on input from the Historic Preservation Commission (HPC). He continues to discuss items such as the changes to the parking and road to the Hasbrouck House. He also discusses some adjustments based on some public concerns that were brought to light in the public hearings. They will also be presenting a peak day parking event. It is noted that they have agreed to allow about a 1.5 mile loop of their land to be incorporated into OSI's River to Ridge Trail. They have also decided to eliminate the small education area by the man made pond on the site, thus reducing the scope of the project as there will be no lean-to or vault toilet. They are still working on the Emergency Access plans. Mr. Hoagland also notes that they did submit additional information including the deer management programs and the vault toilets.

Ted Kolankowski of Barton & Loguidice discusses more information with regards to design intentions of the project. He mentions that the intent is to provide managed access to the lands. He discusses changes to intersections such as the old Warwarsing Turnpike.

Dan Rourke of Barton & Loguidice discusses the supplemental accident analysis and traffic sensitivity analysis. This includes the stretch of Route 299 from the Carmine Liberta Bridge to the old Warwarsing Turnpike. He notes the accident rates at each of the intersections through this area as well. The sensitivity analysis takes into account the proposed Wildberry Lodge, CVS and the Hampton Inn.

Andi Weiss-Bartyczk, Gardiner resident, speaks to the Board regarding her concerns with this project, including traffic and accidents.

Irwin Sperber, Gardiner resident, speaks to the Board regarding his concerns with this project. He reads his letter requesting to ask Michael Zierler to recuse himself from voting on the requiring of an EIS for this project.

Lou Cariola, New Paltz resident, comes before the Board to discuss his concerns with this project. He presents a letter, visuals, and a police report of a recent accident along this stretch of Route 299 near Jacob's Lane.

Ron Stonich, New Paltz resident, speaks to the Board about his concerns with this project.

Dan Torres, Town of New Paltz resident, and Town Board member, speaks to the Board about the discussion of recusal. He quotes actual Town Code. He also mentions that the Town does have an Ethics Board, and if people do feel that there is an issue, they can always make a referral to this Board.

Motion to close the public hearing for the night is made by Tom Powers.

2<sup>nd</sup> by Adele Ruger.

All others present in favor. Motion passed.

Michael Zierler discusses the request for him to recuse himself. He would be happy to discuss with anyone his ability to act equitably. He wants to note that he is not a Village representative on the Town

Planning Board, he is simply a member of the Town Planning Board as well as a Chairman of the Village Planning Board. He also notes that the Village Board may have noted their support to the Mohonk Preserve project, but that was made by the Village Board and not the Village Planning Board.

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

Eric Stutt, Town resident, comes before the Board to address his issues with a current project before the Planning Board. He has many issues with the LP Builders Subdivision and Steep Slopes applications.

Kevin Borden, Town resident, speaks to the Board with regards to his concerns with the CVS project. He would like to see the public hearing reopened.

Joel Oppenheimer, New Paltz resident, speaks to the Board about the CVS proposal. It seems that there is so much time and energy being wasted. He would like to see this entire proposal withdrawn by the applicant.

Michael O'Donnell, Gardiner resident, speaks to the Board about his concerns with the CVS project. There are still many issues on their EAF.

Kitty Brown, Town resident, speaks to the Board with regards to her concerns with the CVS project. She also mentions some issues with the Wildberry Lodge project.

**APPLICATION REVIEWS**

**PB 2013-15, Trans-Hudson Mgt./CVS, 12 N. Putt Corners Rd., Site Plan**

Charles Bazydlo, Attorney for Trans-Hudson Mgt., comes before the Board to discuss his application.

Lagusta Yearwood questions why the Board can't reopen the public hearing. George Lithco notes that if the Board finds that there is new information, that wasn't previously available, they would then reopen a public hearing. She really feels that new information has come to light.

Lagusta Yearwood makes a motion to reopen the public hearing at the next meeting.  
2<sup>nd</sup> by Michael Zierler.

Tom Powers asks if they can only allow the public to comment on new information, and limit them from commenting on the same things that they comment on all the time. Lagusta Yearwood feels that new things have come to light at even tonight's meeting, and because it is not a public hearing, it is not part of the official transcript. Michael Zierler agrees that there is an advantage to making these new comments part of an official transcript. Charlie Bazydlo questions what the new information is, as no new information has been submitted by the applicant. He just doesn't want the public to be confused.

Lagusta Yearwood and Michael Zierler vote in favor of the motion.  
Adele Ruger, Lyle Nolan and Tom Powers vote nay.  
Motion failed.

Mr. Bazydlo discusses information that was brought up at their meeting with the Town Engineer, the Planning Board Chairman and Michael Zierler, in order to bring Mr. Zierler up to speed. One item they discussed was dropping the elevation of the site.

Dave Clouser mentions that he spoke with Justin Dates of Maser Consulting stating that they could only drop the elevations by one foot. He is not sure why it can't come down more than one foot. He would like this explained further by the applicant's engineer.

There is also a discussion on land banked parking.

Lyle Nolan agrees that dropping the elevation only one foot doesn't seem like much. It would mean only a slight reduction in the amount of fill. It is agreed that more details are needed on this. Mr. Bazydlo will have the engineer contact Dave Clouser with regard to this issue.

Michael Zierler notes that this drop in elevation might actually balance the sight.

There is further discussion on the subsurface systems. The project Engineer will need to really go through this information with the Town Engineer.

Mr. Bazydlo states that it is feasible to land bank 12 parking spaces. He points out where these spaces are being removed. It is noted that shared parking may not work at this sight, as parking demands would be in the same time frames.

Mr. Bazydlo mentions that they also really spoke about the proposed architectural design of the building. Lagusta Yearwood notes that pictures were sent to the applicant over the years of other design styles. Mr. Bazydlo is hoping these photos can be re-sent directly to him.

Lagusta Yearwood mentions the letter from Susan Blickstein with regards to architectural styles and alternative signage options.

George Lithco mentions the architectural analysis that was done by the Hampton Inn. He hands out the visual impact resolution from the Hampton Inn project, in the hopes that something like this can be incorporated into this project.

Mr. Bazydlo mentions that the applicant is Trans-Hudson Management, and that CVS will be tenant. Therefore, they can't determine if CVS would be open to these architectural recommendations. Adele Ruger questions the Five Guys store. Mr. Bazydlo notes that they have more flexibility, but would be included in the design phase.

Lagusta Yearwood feels that some type of design standard should be incorporated into the SEQRA decision. Charlie Bazydlo agrees that something like that would be good for them to be able to present to their tenant to see if this is something that they could do. She also notes that this seems to be an endless loop. Mr. Bazydlo agrees, and that is why they need a SEQRA determination.

Michael Zierler questions what the direction is for this project for the evening. He did submit a draft of his changes to the draft of the EAF part 3. Dave Clouser mentions that Ken Wersted is here this evening, and so it would be wise to discuss traffic tonight.

Ken Wersted discusses his review of the CVS traffic study. There is a discussion of the easement for the proposed future bike path by Lagusta Yearwood. There are some comments from Adele Ruger on the actual traffic counts and studies, and how relevant they actually are, or if they are enough. Tom Powers discussed the need for all projections of all future projects. The applicant did use the traffic studies for the Hampton Inn as well as the proposed Wildberry Lodge. Lyle Nolan also questions this traffic interaction between projects. Michael Zierler notes that the traffic study was done very early on, and he wonders if it included the third pad site. Ken Wersted states that this was considered in the second analysis. Michael Zierler also notes some other traffic issues that he feels warrant further study. He then questions the meeting between the applicants and the Emergency Service agencies. He notes that there were some letters from these Emergency responders, but he doesn't feel that the potential impacts of these service responders heading through this intersection was thoroughly sought out. He would like to see more detailed responses from these Emergency responders. George Lithco states that possibly Maser Consulting could put together a memo summarizing the exact conversation and items discussed at these meetings. Mr. Zierler was wondering if someone from the DOT could come to speak to the Board about their suggestion to remove the slip lane. George Lithco notes that there was a conversation at the UCPB meeting with the DOT about all improvements along the Route 299 corridor. Lyle Nolan states that maybe they could draft a memo posing all of their questions.

There is a conversation on the drafting of the Part 3 of the EAF. Michael Zierler notes that there are certain sections of the draft that he doesn't agree with, and other items that need to be included. He wonders how the Board will address this. Michael Zierler asks if Dave Clouser and George Lithco have gotten a summary together that addresses the entire project to avoid the appearance of segmentation. Mr. Lithco notes that they are working on this and hope to have it ready for the next meeting. Mr. Clouser notes that he would really like to see other Board members put their comments and concerns together in writing and get them to him so he can revise the draft EAF part 3.

Lyle Nolan would like to tentatively put the applicant back on the agenda for February 8, with a back up date of February 22, if enough information is not available for the meeting.

#### **PB 204-02, LP Builders, 105 Route 208, Subdivision/Steep Slopes**

Mr. Eriole, attorney for the applicant, comes before the Board to discuss the application.

Lyle Nolan questions the Boards direction with regards to the lack of a motion at the last meeting. George Lithco discusses this with the Board.

Mr. Eriole wants to address the Board on behalf of the applicant. He doesn't feel the perceived issues are entirely their responsibility, as these issues existed before Mr. Pepaj purchased this property. They have mitigated these issues to the best of their ability. They have offered to put a covenant in the deeds that should the property change hands, all future owners know what needs to be done to maintain this system. They have offered to write this in and allow the town to have enforcement ability. They don't have to do the actual work, they would have the ability to have this work contracted out, and paid for by the owners. If there were periodic inspections, there would be no threat of catastrophic failure. They are willing to bond this maintenance. They have gone above and beyond with what is proposed for this project.

Lagusta Yearwood is torn between the business aspect of this project, and the issues of the existing homeowners. She doesn't feel that there is a need for any more information, as they already have received a sea of information.

Michael Zierler asks George Lithco about his previous comments with regards to completing SEQRA. Mr. Lithco stated that he was trying to get an idea if the Board even thought this was an approvable application. There is case law that notes that a negative declaration under SEQRA doesn't mean that a project will be approved, it simply means that an EIS won't be done, but that significant impacts can still be noted. Mr. Eriele reiterates what Mr. Lithco said. The question is whether or not you have enough information to make an environmental conclusion. Michael Zierler notes that if they make a positive declaration, they could then do a scoping session for the impacts that are found. He just wants to be sure that they still have a legally defensible stance if a project is denied even though a negative declaration was made. Lagusta Yearwood mentions that she is uncomfortable making a decision on something that may not be able to be mitigated. Mr. Zierler tries to summarize what he sees are the issues with this project. He is not comfortable with asking the Town to take on this responsibility decades into the future. He also mentions that they are not taking away the owners ability to utilize this lot for one single family home. Lyle Nolan states that this is a highly engineered system, on a very precarious lot. If there winds up being a different, larger number of people living in the home, that this system could inevitably fail. Adele Ruger discusses the proposed straw poll by Lyle Nolan.

Motion to make a negative declaration is made by Michael Zierler.

2<sup>nd</sup> by Lagusta Yearwood.

George Lithco notes that a negative declaration doesn't prohibit the denial or approval of this application. There should be a written resolution drafted with regards to SEQRA. Michael Zierler would like to go on the record that they do have an EAF part 3, and the Town is not in support of the mitigation being proposed. Our attorney agrees that there will be no new information with regards to further significant impacts. Michael Zierler wonders if it would be better to have a resolution drafted before they vote on this motion.

Motion amended to direct the attorney to prepare a resolution for a negative declaration based on the conversations that the Board has had this evening, and then voting on that resolution at the next meeting is made by Michael Zierler.

2<sup>nd</sup> by Lyle Nolan.

All others present in favor. Motion passed.

Motion to continue the LP Builders public hearing on February 8, 2016 is made by Lyle Nolan.

2<sup>nd</sup> by Adele Ruger.

All others present in favor. Motion passed.

#### **PB 2014-04, Mohonk Preserve, Butternut Rd., Subdivision**

#### **PB 2014-25, Mohonk Preserve, Route 299, Site Plan**

Ted Kolankowski, Mike Moriello, Dan Rourke and Glen Hoagland come before the Board to discuss their progress with this application.

Motion to submit this application to the UCPB is made by Lyle Nolan.

2<sup>nd</sup> by Adele Ruger.

All others present in favor. Motion passed.

The Board continues to review the draft part 3 of the EAF. Lagusta Yearwood discusses Mr. Cariola's comments, and she is wondering if this is something that can be done. Mr. Hoagland notes that the sight distance was improved when the Town maintained the easement last year, as there had been previous issues with whose responsibility this was. This is part of the approved subdivision site plan for this neighborhood.

Glen Hoagland notes that they are in agreement, as is Highway Superintendent Chris Marx, that the Gatehouse Road entrance needs to be redone into a "T".

Michael Zierler wonders if the speed limit sign and caution signs can be relocated to improve the line of sight.

Tom Powers questions if the re-alignment of Gatehouse Road will make the sight distance for their parking lot entrance enough. He feels that the Town should commit to rectifying this before the project is approved.

Mike Moriello speaks to the Board about the plan that they have presented, and that it needs to stand on its own merit. Everyone would like to see the speed limit reduced, but that doesn't mean that it is unsafe.

Tom Powers notes that this is a residential area, and that needs to be taken into consideration.

Mike Moriello notes that the project was designed to take into account that this is a residential area. For example, placing the parking area out of the line of sight of residences, etc. The applicant can't mitigate issues that are brought on by the state with regards to the speed limits.

Michael Zierler questions if Tom Powers suggestion of a turning lane into the parking area is a feasible option. He agrees that this would benefit the safety issues along this stretch.

There is a discussion on stacking traffic into the lot, and how the entrance to the park actually works.

Lagusta Yearwood thanks the Preserve for making all of the changes the Board and the public have requested. She is just wondering if there is the ability to make the parking lot even smaller. Mr. Hoagland notes that they are trying to take into consideration removing all of the illegal parking along the main roads. They are trying to scale it to the right size. They have already dropped it down significantly from the original 130 spaces first presented. The County has even said that they should provide parking for 80% of peak use.

Tom Powers reminds the applicant that  $\frac{3}{4}$  of this project is in a residential area. Glen Hoagland notes that right now, this property is being used as a free for all property. They are trying to organize the use of this land so that it is structured to cause fewer impacts than there currently are on nearby homes.

Ken Wersted brings up the possibility of land banking some spots, not in the true sense, but that it could possibly have a section that would only be used on the weekends, etc. Like an overflow area.

Michael Zierler states that this will definitely have the appearance of a parking lot to those residents of Gatehouse Road. He questions the lighting of the site. Glen Hoagland notes that the park closes at sundown.

There is a discussion on having more parking at the Hasbrouck House site or the Pine Road site.

There is a conversation on how the Mohonk Preserve works to mitigate the traffic coming and going from their lots by giving alternate travel directions, as well as other local options of things to do when their lots are full.

Karol Knap states that she can have a revised EAF part 3 out to the Board members by the end of the following week. In that way, the members and the applicant have a chance to review all of it before the next meeting.

Ken Wersted mentions that he has spoken with Chris Marx about the straightening of Gatehouse Road. They are reviewing some options. There may need to be some land donated to the Town in order to create this new intersection.

Ken Wersted talks about the process of requesting the speed limit change. The Town Board creates a resolution and moves it to the County. If the County feels it deserves further consideration, they then move it along to the State DOT.

George Lithco states that the Planning Board would need to request the attorney and the Traffic Engineer to create a resolution to present to the Town Board, in order that they pursue the lowering of the speed limit on Route 299 through this corridor.

Glen Hoagland notes that the Preserve will provide the Board with all accident data for the entrance areas of all their trailheads.

Motion to have George Lithco draft a resolution to send to the Town Board to lower the speed limit is made by Lyle Nolan.

2<sup>nd</sup> by Adele Ruger.

All others present in favor. Motion passed.

## **OLD BUSINESS**

### **PB2015-02, Taliaferro, 187 Plains Rd., Subdivision – 90 Day Extension Request**

The applicant's engineer, Andrew Willingham, has requested a 90 day extension, as they are having problems finding someone to hold their conservation easement. Their current extension request expires on February 6, 2016.

Motion to approve a 90 day extension, beginning on February 6, 2016, is made by Adele Ruger.

2<sup>nd</sup> by Lyle Nolan.

All others present in favor. Motion passed.



**PLANNING BOARD ADMINISTRATIVE DISCUSSION**

Michael Zierler would like to have a conversation concerning some code issues, but has agreed to postpone this conversation until the next meeting due to the already late nature of the meeting.

Lagusta Yearwood would like to work on a way to shorten the length of these meetings.

Motion to adjourn the meeting is made by Michael Zierler.

2<sup>nd</sup> by Adele Ruger.

All others present in favor. Motion approved.

Meeting adjourned at 11:20 pm.

These minutes respectfully submitted by Kelly O'Donnell