

Town of New Paltz Planning Board

Final Minutes

August 22, 2016

Agenda:

**PB 2016-03, Libolt, 290 Old Kingston Rd., Lot Line Revision**  
**PB 2015-20, OSI, Route 299 W., River to Ridge Trail Site Plan**  
**PB 2015-14, Panessa/Ferris Woods Apts., 22 Brouck Ferris Blvd., Site Plan**  
**PB 2016-06, Bolder Architecture/Masters Touch Church, 159-161 Route 208, Site Plan**  
**PB 2016-05, Twin Star Orchards, 155 N. Ohioville Rd., Agricultural Site Plan**  
**PB 2013-15, Trans-Hudson Mgt./CVS, 12 N. Putt Corners Rd., Site Plan**

**Present:** Mike Calimano, George Lithco, Dave Clouser, Lyle Nolan, Lagusta Yearwood, Amanda Gotto, Amy Cohen, Adele Rugar, Tom Powers

**Board Member(s) absent:** none

**Others Present:** Carol Knapp, Rhode Engineering

Chairman Calimano called the meeting to order at 7:00 pm.

**REVIEW AND APPROVAL OF MINUTES**

The July 25, 2016 minutes are presented.

Motion to approve made by Lyle Nolan

2<sup>nd</sup> by Amanda Gotto.

All others present in favor. Motion passed.

**PUBLIC HEARINGS, CONCEPTUAL REVIEWS AND BRIEFINGS**

**PB 2016-03, Libolt, 290 Old Kingston Rd., Lot Line Revision**

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

2<sup>nd</sup> by Amy Cohen.

All others present in favor. Motion passed.

No one is present to comment on this application.

The applicant is still waiting for their surveyor to finalize their survey maps.

Motion to continue the public hearing to September 26, 2016 is made by Mike Calimano.

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

All others present in favor. Motion passed.

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

Chairman Calimano discusses the letter from the ZBA with regards to requesting the Planning Board to hold a public hearing on the proposed Masters Touch Site Plan application. The Board will hold a public hearing for this applicant on September 26, 2016. He would prefer that anyone who wants to comment on this application do so at the public hearing in order that their comments be part of the official public record.

Ira Margolis makes a statement to the Board asking them all to recuse themselves from the review of the CVS project based on the fact that things have happened that he feels makes them biased.

Miriam Strouse speaks to the Board about her concerns with the CVS project, she feels it needs a full EIS.

Judy Mage speaks to the Board about her concerns with water pollution and air pollution, especially with regards to the CVS project construction. She would like to see a full EIS on this project.

David Porter speaks to the Board about his concerns with the CVS project. He would like to see a full EIS on this project.

Aidan Coley speaks to the Board, with a group of friends in song, about doing an EIS on the CVS project.

Seth McKee, Duzine Road resident, speaks to the Board about his traffic concerns with the CVS project. He hopes they do a full EIS.

Maryann Loshe of Mountain Rest Road speaks to the Board about her concerns with the CVS project. She would like to see a full EIS done.

Laura Denay of the Town ENCB speaks to the Board with regards to the CVS project, her Board would like to see a full EIS as well as a tree inventory. She would also like to make some comments on the Panessa Apartment project, as this seems to be a small parcel with a lot of wetlands.

Michael Zierler speaks to the Board about the determination of significance on the CVS project. He believes there are several adverse environmental impacts, and that this proposal warrants a full EIS, or an expanded EAF part 3.

Joel Oppenheimer is here representing SEED. They have many concerns with the CVS project. He believes there should be an EIS.

David Gilmour, Village of New Paltz Planner, speaks to the Board with regards to concerns that their Planning Department and Mayor have with the proposed site of the CVS project.

Chairman Calimano also reminds the audience that any comments can also be submitted in writing or by email, and they will then be forwarded to all Planning Board members.

## **APPLICATION REVIEWS**

### **PB 2015-20, OSI, Route 299 W., River to Ridge Trail Site Plan**

Peter Karis, Nina Peek, Tom Baird and Theresa Bakner come before the Board to discuss this application.

George Lithco discusses the draft site plan resolution.

Chairman Calimano would like to start with the SEQRA negative declaration. It is noted that the ENCB had no recent comments on this project. Karol Knapp notes a change with regards to flood storage being 8". Nina Peek notes that there is no evidence of prairie wet grass or habitats. This will be noted in writing.

Chairman Calimano would now like to review the site plan resolution. The Board will also need to accept the GML recommendations, as well as the site plan waivers.

Motion to accept UCPB GML 239 modifications is made by Lagusta Yearwood.

2<sup>nd</sup> by Amy Cohen.

All others present in favor. Motion passed.

Motion to grant site plan waivers, as requested in writing by the applicant, is made by Lyle Nolan.

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

All others present in favor. Motion passed.

There is discussion on a "mutual aid" agreement with Mohonk and OSI. The Planning Board would like a copy of this proposed easement. There is continued conversation on how this was drafted by Mohonk and is not an actual OSI document. There is concern that OSI can't control what Mohonk does.

Chairman Calimano would still like to see them both work together on this. Theresa Bakner is just concerned that this is not controlled by them, and there is no reason for it to be part of the resolution.

George Lithco notes that he discussed the crosswalk design with the Highway Superintendent, and he is concerned that this will require maintenance that the Town does not have the ability to maintain. Peter Karis states that OSI will do the crosswalk in whatever the Town Highway Department suggests.

Lagusta Yearwood asks for clarification on the free loop being free in perpetuity.

George Lithco handed out a revised SWPP document. There is a conversation on run-off and silt fencing.

There is a discussion on construction bonding.

Karol Knapp notes some other changes with regards to treated vs untreated wood and its maintenance.

George Lithco notes that he will go over the permitting requirements with the Building Inspector. He also notes that all the work in the village portion would need to be done before a CC could be issued.

Motion to grant conditional site plan approval as noted in the draft resolution document, and modified tonight, is made by Lyle Nolan.

2<sup>nd</sup> by Mike Calimano.

Amanda Gotto wants to be sure that the Chairman will still have final purview over the finalized document before signature. He states that he will.

All others present in favor. Motion passed.

#### **PB 2015-14, Panessa/Ferris Woods Apts., 22 Brouck Ferris Blvd., Site Plan**

Karol Knapp leaves the table. Dave Clouser comes into the meeting. Dave Clouser introduces Mike Welti of the Newburgh office who did the actual initial review of this project.

Pete Cetera of Morris Engineering comes before the Board to present this application. It is proposed for 60 units, each with two bedrooms in five buildings. It is on 143 acres with 216 parking spaces. This is their first major presentation, and they know that with Board input they will need to add to the plans. He also discusses all of the work done so far on this project. He discusses the flagging of the wetlands that was done by the DEC as well as their own wetland's inspector, and that the Town wetland's inspector was also involved in the review of these wetlands. He mentions the meetings with the people from local emergency services. They will have an emergency access road via an agreed upon easement with the owners of the car wash.

Mr. Cetera continues to review the site and site plan. He mentions that they have a preliminary SWPP that complies with regulations.

Mr. Cetera then discusses architectural renderings of proposed building design that includes cedar shingles and cultured stone and shutters. This is just a starting point.

He is hoping to get feedback tonight on their initial proposal.

Dave Clouser mentions that they need copies of any easements on the property. They will also need to know what the plans are for the existing SFR. They will also need some trip generation numbers, daily and not just peak.

There is a conversation on the 100' and 200' buffers with regards to proposed infrastructure.

Lagusta Yearwood states that she feels that this is a large project that may not be viable for that sight. She wonders if it could be scaled down. Mr. Cetera notes that then it just would not be a viable project.

There is a conversation on whether or not test wells have been done. Mr. Cetera states that can't do test wells yet. There is no official hydrogeologist report yet.

Lagusta Yearwood wonders if they can answer the issues in the ENCB letter.

Dave Clouser continues to address his initial review memo.

Lagusta Yearwood questions if there will be something more environmentally friendly other than just Energy Star 3 compliant, for example could it be LEED certified. Mr. Cetera notes that they are only required to do Energy Star 3, but that he would speak to the applicant.

There is a discussion on fair housing practice and this being an over 55 community.

Adele Ruger feels that they really should do more leg work and meet with the ENCB as well.

Chairman Calimano notes that though this is a tight fit, the same issues still exist.

Lagusta Yearwood notes that this is a good concept, and that there is a need for a housing project like this. However, there are issues with the wetlands that need to be worked out.

Chairman Calimano notes that the items in the Engineering review memo, as well as the ENCB memo, should be addressed, as well as an official wetland's inspection.

Mr. Cetera notes that the reason they picked the location of the emergency egress is that fact that the area is already used by Central Hudson to access their lines; it is already cleared as an access.

George Lithco mentions that this project will need to meet the zoning requirements for each of the zones it is in. He suggests also coordinating a meeting with emergency services.

Motion to act as lead agency is made by Lagusta Yearwood.

2<sup>nd</sup> by Amy Cohen.

All others present in favor. Motion passed.

#### **PB 2016-06, Bolder Architecture/Masters Touch Church, 159-161 Route 208, Site Plan**

Dave Toder and Janice Dixon come before the Board to discuss this application. Chairman Calimano discusses the results of the previous ZBA meeting. The ZBA requested that the Planning Board would like the Board to schedule a public hearing before the ZBA will act on the variance requests.

Motion to schedule a public hearing on September 26, 2016 is made by Amy Cohen.

2<sup>nd</sup> by Amanda Gotto.

All others present in favor. Motion passed.

Dave Toder goes over the site plan, and some issues that were raised at the ZBA meeting, with regards to landscaping as well as site distances.

There is a discussion on the speed limit, and the possibility of requesting DOT signage that states something about a driveway coming up.

The DOT has reviewed and approved the conceptual plan. They are now in the process of reviewing the full highway improvement plan.

The UCPB did like the idea of the island, as it channelizes the front of the property.

There is a conversation on the lighting.

There is also a discussion on sight distances and visibility of neighboring driveways.

Chairman Calimano gives the applicant a copy of a letter of concerns from a neighbor. He would like the applicant to review it and address the concerns.

Dave Clouser mentions that there was a hit on the EAF from SHIPPO. This needs to be addressed by the applicant. He also questions the wet area on the site. Dave Toder points it out, and asks if Patti Brooks could research this.

Amanda Gotto questions the non-conforming use and how it came to be. This means that it existed before zoning came into regulation.

#### **PB 2016-05, Twin Star Orchards, Agricultural Site Plan**

Patti Brooks comes before the Board to discuss this application with the Board. She mentions research she did with regards to agriculture law and special events. This will be a limited time frame. Amanda Gotto questions how many events per year they plan on having. Patti Brooks states that they currently have no plans, but it is a new business and they don't have a specific business model.

There is a discussion on the Town creating an event permit for agricultural uses.

Patti Brooks states that she did send letters to the neighbors that included the narrative and requested their feedback or if they have any concerns that they should contact her. She sent the letters on August 8, and has heard nothing back.

There is a discussion on how to best word the applicants need to give notice of special events at least one week in advance, as well as the applicant returning to the Board in one year, in September 2017.

The Board will need to address SEQRA. There is a discussion of how the applicant has met the required UCPB 239 GML modifications.

Dave Clouser goes over the SEQRA criteria:

1. No
2. No
3. No
4. No

5. No
6. No
7. No
8. No
9. No
10. No
11. No

Motion for a negative declaration is made by Adele Ruger.

2<sup>nd</sup> by Amy Cohen.

All others present in favor. Motion passed.

Motion for approval of the site plan, conditioned on the event plan as proposed by the applicant including at least one weeks advance notice to the Town Building Inspector of any special events; and this site plan is also conditioned of an annual review of this plan to be held on the first meeting of September in 2017, is made by Lagusta Yearwood.

2<sup>nd</sup> by Amanda Gotto.

Lyle Nolan abstains.

All others present in favor. Motion passed.

Patti Brooks would also like to address the Board with regards to the approval of the Mohonk subdivision. There is some concern with the proper wording for the resolution. George Lithco will send the revised wording back, if no Board members have issues with it, it will not need to be addressed at another meeting.

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

Chairman Calimano mentions that at the last meeting, he asked the Board to look at the draft EAF part 3 and come up with a listing of their issues of potential impacts mentioned.

Lagusta Yearwood would like to start with segmentation. She is concerned that potential uses of the third pad site could mean different traffic issues.

Tom Powers is just not sure what, if any, a 6,000 sf site would add to traffic. He doesn't believe this is segmentation.

Adele Ruger was put off when they said they didn't market it, but they did; but she is happy with the generic 6,000 sf potential structure. She feels that this is not segmentation.

Amy Cohen also believes this is not segmentation, as they do have an idea of what could possibly be there.

Amanda Gotto understands that the third pad has been discussed as a possibility, but had not found the traffic and SWPP reports that included the third pad's impact.

Chairman Calimano next wants to discuss clearing and grading.

Amanda Gotto refers to the Town Code on Clearing and Grading that gives the Planning Board the right and responsibility to assess the impact of site plans in these areas. She notes that the Code gives guidance by stating the goal is to preserve trees and natural topography, and she feels this project does neither. She would prefer to see a plan that retains a buffer of trees along all roadways and less fill.

Amy Cohen notes that any developer of that site will have to clear and grade that site. She did look at that site, and other sites nearby. She is hoping that possibly some trees could be left, as it would help aesthetically.

Adele Ruger wasn't as concerned with the types of trees coming down, though she does have concerns with the fact that every tree is coming down. She feels they are clear cutting and it is an impact.

Tom Powers feels that there should be some alternative solution to removing all of the trees.

Lagusta Yearwood has many concerns with removing all of the trees and the amount of fill that needs to be brought in. This is definitely a significant impact.

Mike Calimano agrees that clearing and grading is part of site plan, and would need a harder look, as there is the potential for other options.

Lyle Nolan notes that those trees were never there to begin with. It was clear cut for the thruway, and is second and third generation re-growth. He doesn't have a problem with clearing and grading.

Chairman Calimano states that the Board definitely needs more information on the fill.

Amy Cohen asks if the DEC could sign off on the fill.

George Lithco notes that he spoke with the Building Inspector, and that the type of fill needs to be noted in a report.

Chairman Calimano mentions alternate viable sites.

Lagusta Yearwood mentions that she has a list of options.

Lyle Nolan states that there are always alternate sites, but are they good options financially and with the neighbors? This just can't be gauged.

Mike Calimano notes that there are obviously other sites, but the applicant wants to build brand new, and the Town can't control that.

Tom Powers would like to take time to look at Lagusta Yearwood's list of potential alternate sites.



Adele Ruger believes there may be alternate sites, but it is not what the developer wants. The Board also needs to consider where they would want to see this type of structure.

Amy Cohen mentions that she went into realtor offices and looked at potential business rental locations. The locations and rents are prohibitive. She also is concerned about the current property owner who has been waiting a very long time to sell their property.

Amanda Gotto doesn't quite understand how alternate sites fits into the SEQRA process.

Chairman Calimano next goes over plants and animals. He wonders if the Board feels we have addressed this enough.

Amanda Gotto feels that this has been reviewed by our wetlands inspector and the report is complete as far as the presence of endangered species.

Amy Cohen feels that any animals that may be there now, if any, will move as they would with any development.

Adele Ruger and Tom Powers both feel that this is not an issue.

Lagusta Yearwood doesn't think we should just accept what the applicant tells us in the narrative. She feels that there are great impacts to plants and animals.

Mike Calimano doesn't feel that this is a large impact based on the fact that it is a parcel that is locked in by three roads.

Lyle Nolan agrees that this is not a major impact.

Lyle Nolan doesn't feel that this area is a buffer to sound. Mike Calimano also agrees that there is no large change in sound to surrounding neighborhoods.

Lagusta Yearwood mentions that she spoke to a sound engineer with regards to adding to the sound floor. Though the buildings will help buffer the sound, there will still be traffic and parking noise additions. This is a large impact.

Tom Powers notes that there will be an increase in noise during construction. However, any development will increase noise in that corridor. He doesn't think this is significant.

Adele Ruger agrees with Tom, though it may require a bit more information.

Amy Cohen mentions that this is a known busy commercial intersection with the current two hotels, shopping center, catering hall, etc. She is not sure that this project will make a large difference.

Amanda Gotto doesn't believe there would be a large noise increase except during construction.

Chairman Calimano next discusses traffic issues. Amanda Gotto mentions the baseline traffic study that was done, as well as projection for a no build scenario. She is concerned that some of the underlying

assumptions used may have been incorrect. She is concerned that the traffic study was not comprehensive.

Amy Cohen believes that Rite Aid is a similar business model, and that there are no traffic jams caused by just them. Traffic will be caused in general by anything that is new. She doesn't feel that CVS will bring in any new traffic, as it will most likely be patronized by existing people in town.

Adele Ruger thinks that traffic definitely needs more study. It is a large impact.

Amy Cohen mentions that eventually we are losing the slip lane anyhow, especially with the development of the bike trails, etc.

Tom Powers feels that more work needs to be done on the traffic study. He also feels we need more clarification on what if there is a new emergency service location located on Henry W. DuBois. This really needs to be pre-planned.

Lagusta Yearwood feels that only an EIS will get us the traffic information that we really need. She is also concerned that Creighton Manning did work for CVS.

Lyle Nolan feels that the traffic studies are counter intuitive. There are limited traffic consultants available in the area to use.

Chairman Calimano next discusses community character.

Lyle Nolan doesn't believe there is a set community character, as the architecture varies greatly going down Main Street.

Mike Calimano notes that there is a lack of uniqueness in the Eastern end of town, which is different than the store fronts from the Village boundary headed west. He just can't defend a definitive community character.

Lagusta Yearwood believes that we still need to find something that fits that site and is more within the look of our community. She also notes that most of the community is requesting an EIS.

Tom Powers has no thoughts on community character at this point.

Adele Ruger feels that they really did not get to see what this building will look like. She feels that the applicant has taken too long to show the Board what they want to see. She believes that this is a large impact.

Amy Cohen notes that they have seen several versions of what this CVS will look like. She likes the latest idea with the stone work and siding. It would look nice in this area, as it would be similar to the Hampton Inn.

Amanda Gotto says that New Paltz does have a community character as a small college town surrounded by agricultural farmlands and nature recreation, with many unique small local businesses and that people don't come here for the chains. They come here for the rural small town feel. She doesn't feel that CVS/5 Guys is bringing us a benefit in this respect.

Amy Cohen would like to mention that there is also a positive impact to the jobs that they would provide. There are usually 26-30 employees per location. They are not just minimum wage employees. They are management, pharmacists, pharmacy techs... and they offer a good benefits package. There are a lot of people in our community who need jobs.

Chairman Calimano states that an EIS starts with a scoping document, and it needs to be very comprehensive and exact. He needs the Board to decide what exactly they need to make a decision. It needs to be very specific.

#### **OLD BUSINESS**

None

#### **PLANNING BOARD ADMINISTRATIVE DISCUSSION**

None

Motion to adjourn the meeting is made by Lagusta Yearwood.

2<sup>nd</sup> by Mike Calimano.

All others present in favor. Motion approved.

Meeting adjourned at 11:35 pm.

These minutes respectfully submitted by Kelly O'Donnell