



Town of New Paltz Planning Board
 Regular Meeting of Monday, April 11th, 2022
 7:00 PM via Remote Access (Zoom and YouTube)
 Available on YouTube: https://www.youtube.com/watch?v=98_N7gFaZno
APPROVED MINUTES

Present: Adele Ruger, Chair
 Lyle Nolan, Deputy Chair
 Amanda Gotto
 Jennifer Welles
 Jane Schanberg
 Matthew DiDonna

Absent: Adrian Capulli
 Andrew Willingham, Planning Board Engineer

Also Present: Richard Golden, Planning Board Attorney
 Matthew Towne, Planning Board Engineer (in for Andrew Willingham)
 Brianna Tetro, Planning and Zoning Secretary

Chair Ruger Calls the meeting to order at 7:01pm.

Administrative Business

- *Approval of March 14th, 2022 Minutes*

Ms. Gotto moves to approve the minutes of the March 14h, 2022 regular meeting. Deputy Chair Nolan seconds. 6 ayes. Motion carries.

- *Establishment of Escrow: 64 N. Putt Corners Rd (Lagusta)/ 1 Old Rte. 299 (Farmer's Choice)*

Deputy Chair Nolan moves to set escrow in the amount of \$4,000.00, with a replenishment threshold of \$2,000.00 for 64 N. Putt Corners Rd. Ms. Schanberg seconds. 6 ayes. Motion Carries.

- *Town Board Update(s)*

There are no updates from the Town Board as the liaison, Alex Baer, is not present.

- *Return to In-Person meetings*

Attorney Golden explains that there was new legislation that came in the back door by way of a budget resolution in which the legislature passed a law affecting the open meetings law. He states it does not go in effect for 60 days (until June 8th) and therefore allows virtual meetings to continue until those 60 days expire, at which point virtual meetings for Board members will not be allowed, unless the Town Board creates a local law, and only in extraordinary circumstances.

Chair Ruger states that after Public Comments, Solar Generation will be on the agenda so that the Board can type the SEQRA action. She says the April 25th, 2022 meeting will be held in person at the New Paltz Courthouse.

Public Comment(s)

7:03-7:05

There are no comments from the public and no written comments were received prior to the meeting.

SOLAR GENERATION:

7:05-7:06

Ted Nitza is present on behalf of the application.

Chair Ruger says they are going to type the application without a site plan review as the applicants had been in front of the Board before. She states it is going to be a Type II action.

Deputy Chair Nolan moves to type Solar Generation as a Type II action for SEQRA. Mr. DiDonna seconds. 6 ayes. Motion Carries.

SITE PLAN REVIEW

PB21-514: 89 S Ohioville Rd.

Applicant: Viking Industries

Zoning District I-1

SBL: 86.16-1-5.100

7:06-7:13

Rich Croce (applicant), Caren LoBrutto and Kyle Bardwell (LaBella) are present on behalf of the application.

Ms. LoBrutto explains their most recent submittal was in regard to traffic comments that they had received from DTS provident. She says they responded to all the comments and received a letter back that day where it stated that there were no additional comments. She explains the changes to the site plan involve the items requested by Carlito Holt and includes adding a stop bar, etc. Ms. LoBrutto says they submitted material this week that ties together the additional lighting changes that they intended to do all along and they'll be prepared to discuss those

changes at the meeting of April 25th, 2022. She explains they weren't looking for any particular action from the Planning Board this evening.

Ms. Schanberg says she knows the applicant had a deadline for this month and wanted the Board to be refreshed on what that deadline was.

Ms. LoBrutto explains that they were trying to start construction in October or November and they were attempting to keep things rolling to ensure that they could begin the construction then, but at this point they were hoping for a conditional approval at the April 25th, 2022 meeting.

Ms. Schanberg asks about the waiver the Board had requested for the parking. Ms. LoBrutto says that was why they went in front of the ZBA, to obtain a variance. Ms. Schanberg says Ms. LoBrutto refreshed her recollection and that she has no further questions.

There is a discussion regarding having a finalized plan in completed and available by the April 25th, 2022 meeting. Ms. LoBrutto confirms there will be.

There is no further discussion.

SITE PLAN REVIEW

PB22-103: 64 N Putt Corners Rd.

Applicant: Lagusta Yearwood

Zoning: I-1

SBL: 86.8-5-35

7:13-7:50

Ms. Lagusta Yearwood and Mr. Mike McGregor are present. Mr. John Andrews is present as the Town's Engineer.

Mr. DiDonna recuses himself at 7:13pm.

The Board has a discussion about the need for an alternate member. Chair Ruger says they can speak about it later in the meeting.

Ms. Yearwood explains her projects. She states the building will be used for chocolate production, no retail and there will be very minimal renovations. She adds that because she was on the Planning Board that she knows that this is what they love to hear and that due to the timing of the chocolate schedule of the year she's in a bit of a hurry and trying to do everything the Board needs as fast as possible. She repeats that is very minimal renovations that are needed and that the memo from Mr. Andrews was extremely helpful, and they are already working on the recommendations that Mr. Andrews had mentioned in the memo.

Mr. Andrews goes through the former mentioned memo. He says the EAF Part 1 that they submitted was unsigned and that needs to be remedied, the site plan they submitted was confusing as it appears they used a portion of the original survey and a previous site plan on top of the additions of their current application and it needs to be cleaned up and reference only the

applicable items of the current project. He adds that since there is a mention a future tenant may be added to the site, that needs to be shown on the plan as well. Mr. Andrews says overall there needs to be a lot of clarification between what is proposed and what was on the original plan.

Ms. Yearwood states she's upset her plan was so messy and she will get it fixed. She adds the additional tenant will not be a separate entity, rather another chocolate "arm" that is still owned by herself.

Deputy Chair Nolan says the property goes back several ownerships to where they had a site plan and had a storm water management drain retention basin behind the building and he doesn't think it was completed as well as other outstanding items that have not been finished.

Mr. McGregor says they did have the Army Corps of Engineers come out and they verified that the stormwater retention pond is legally constructed. He adds there are three drainage basins that are put throughout the property and they have twelve inch pipe which seems to meet all the applicable codes.

There is a discussion regarding the former site plan submitted by the previous owner, but there had never been approvals from the Planning Board on that site plan and now there are violations that will need to be remedied. There is a discussion about the parking and Mr. McGregor says they are hoping to keep it gravel as it is currently and that will be in the next round of plans that the Board will get.

Ms. Schanberg has several questions. She says the first is that Ms. Yearwood's narrative is confusing as it states there will be another tenant in the building as Mr. Andrews had touched on, and if it is going to be the same company why is it mentioned? Does it need a separate entrance? More parking? She is just confused as to why it's there and what it means.

Ms. Yearwood says their plan is to have a CBD chocolate line but there are a lot of New York state regulations, and it does include separate entrances, bathrooms, etc so that's why it's mentioned.

Ms. Schanberg says if they're adding doors near the new parking spaces, it needs to be on the site plan. She asks how many initial employees will be there and then what is the expected number of employees going to be once the second business is completed.

Ms. Yearwood answers it is seasonal and in the summertime they have maybe twelve to fifteen employees and in the winter it will be between twenty and twenty-two. She says the CBD side is going to be ramping up more slowly so in the beginning it'll be between probably one employee and then up to eight once it starts going and not everyone will be working at the same time.

Ms. Schanberg states she was asking because Ms. Yearwood was looking at adding parking spaces so there are standards and procedures that need to be addressed. She says another issue she found in the narrative is that there was mention of using the Town's water and sewer and in order to get that the applicant needs to apply through the Town. She states another applicant tried to do this and it was hundreds of thousands of dollars.

Ms. Yearwood says they decided not to pursue that because it seems like it'll be so much work.

Ms. Schanberg says there needs to clarification on the site plan about the planting around the well as it doesn't say there will be raised plantings and that is required and needs to be noted. Ms. Yearwood says they'll add it.

Attorney Golden says the application will need to go to the Ulster County Planning Board (UCPB) when it is deemed complete. He notes the owner's affidavit needs to be corrected as it is signed individually and their LLC needs to be listed as the owner, and that there is an issue with the site plan. He states no one is allowed to modify a surveyor's site plan and the only ones who can modify surveyor's plans are other surveyors and engineers, not architects. Attorney Golden adds they need to submit an engineered site plan for this Board and he believes it will take away many of the issues that were mentioned by Mr. Andrews. He notes they also need to look at parking regulations (as there will be square feet calculations for both production and an office) and include the new use expansion so they will not need to come back for a new consideration, dimensions of the parking spaces need to be added, and any signage that is purposed because it needs to be reviewed by the Board. He states that there are different performance standards for the light industrial district and in their application specifically, it is prohibited to have any noise perceptible beyond the boundaries of the property, and they will need to show that the machinery in use will not have any noise perceptible beyond the property line. Attorney Golden says that all areas of the land not occupied by buildings, parking, driveways, walkways, or storage, need to be landscaped with trees, shrubs, or other plant materials while buildings, parkway, parking, and driveways all need to be landscape with lawn materials.

Ms. Yearwood says she doesn't understand why it needs to go to the UCPB. Attorney Golden explains that its because there is more parking being requested than what is presently at the site, so the UCPB needs to review it.

Deputy Chair Nolan says the lights need to be changed to dark sky compliant as the current lighting is far too bright. Ms. Yearwood says the current lighting will be switched out and she thinks its on the plan. Mr. Andrews says there's a note on the plan that says all existing lighting are dark sky compliant, but that's not what was just indicated it was said they will be changed out to make them compliant and those were some of the inconsistencies in this site plan that was submitted and need to be cleared up. Deputy Chair Nolan notes that he sees there is only one bathroom proposed and possibly up to twenty-two employees, with a thousand gallon septic tank and he is not sure that will cut it, and it needs to be referred to the county health department. Ms. Yearwood says there is actually three bathrooms, but she understands it needs to go to the Ulster County Department of Health.

Ms. Schanberg motions to type the application as a Type II action for SEQRA. Deputy Chair Nolan seconds. 6 ayes. Motion carries.

There is a discussion about sending the application to the UCPB. The Board agrees it is not ready to be referred to UCPB at this time. Attorney Golden notes a public hearing is not required for this application and its at the discretion of the Planning Board to have one. Ms. Yearwood wants

to know if everything gets submitted in time if they could receive a conditional approval at the April 25th, 2022 meeting. Deputy Chair Nolan says the Board can't say for sure if an approval will happen or not. Ms. Schanberg says that the Board is asking for an engineer in addition to the architect to work on the application. The Board gives Ms. Yearwood to the end of the week to get items in, even if it is a few days past the deadline, but after the end of the week, it'll be considered late.

There is no further discussion.

SITE PLAN REVIEW

PB 22-10: 1 Old Rte 299

Applicant: Farmer's Choice Dispensary, LLC

Zoning: I-1/GB/GH

SBL: 87.9-1-12

7:50-8:18

Paul Larios, (Engineer for applicant) and Sam Dillehay (Architect for applicant) are present on behalf of the application.

Mr. Larios explains the application. He states they intend to demolish the existing building and replace it with a retail marijuana dispensary and a thirty-seven space parking lot while utilizing the existing well where test holes have been performed as well as percolation tests to design a subsurface absorption trench system for sanitary wastewater. He adds there are two rain gardens are shown on the plan for storm water management. Mr. Larios confirms he has spoken with Mr. Willingham and have addressed a lot of his comments already on a new set of plans to be submitted.

Mr. Towne states that Mr. Willingham has spoken with Mr. Larios. He comments the applicant is building a 5,000 sq ft footprint commercial building with a 3,000 sq ft marijuana dispensary, a 2,000 square ft storage on first floor and an additional 2,000 sq ft of office space in the second floor. He states the property is in three zoning districts: gateway hamlet, industrial, and gateway business and goes through some items to be addressed including: analysis of floor space, location of neighboring wells, two foot contours should be shown 50 feet beyond the property line, hours of operation, bulk table for each zoning district, and information regarding the 37 parking spaces which is 15 beyond what is required.

Mr. Larios says it is 7 now due to the extra 2,000 sq ft office space to consider and they have 30 required with 4 handicap spaces and 3 charging spaces, to equal 7 extra spaces. He adds there will be no on street parking and that can aid in traffic concerns.

Mr. Town continues that he knows Mr. Larios spoke with Mr. Willingham and discussed the storm water report should be provided and it is forthcoming. He adds year-round screening should be considered between the parking area and existing residential areas to the east, a traffic

generation letter to determine what the potential traffic impact is possible (this item is forthcoming as well), the Board may wish to have their architect consultant review the building design to determine if the requirements in the GB zoning district are met due to existing property line configuration. Mr. Towne states the Board may want the proposed sidewalk, which is currently shown in front of the building, to be placed along the road as it is set back far to be within the property. He adds the proposed lighting is 18 ft poles but due to the proximity of the residential area 15 foot high may be a better option, and that the EAF indicates there is a potential for a nearby historic or archaeologically sensitive area so that may have implications on the project.

Mr. Larios states they have filed with the state CRIS system and that information is underway.

The Board discusses the application, specifically the sidewalk logistics, and will discuss it more at next month's meeting as a few members state they will go by the site to have an actual visual of what it entails.

Attorney Golden comments that the EAF needs more work before it is considered adequate and able for the Board to type it and it will be an unlisted action. He continues the EAF will need to be circulated for coordinated review as there is state licensing required and the applicant needs to provide the Board with the identity of said licensing board, and a GML should wait until the EAF is in proper form. He adds the application does not require a public hearing. Attorney Golden says there is a problem with respect to the zoning as the parcel is a split zoned parcel and although it happens from time to time it is not ideal as it creates zoning problems with regard to which use is a part of which zone on the property. He says that he believes the parking is in a zone that does not permit the dispensary itself and that is an issue. He states that he spoke with Ms. Delarede (Town Building Inspector) that day and there is an issue about whether or not a parking lot can service a use in a zone that it is not permitted and this is something Ms. Delarede will be looking at and making a determination on as well as any other complications that arise with respect to the split zone nature of this property. Chair Ruger says they should officially request something from Ms. Delarede. Attorney Golden says that should happen right away because it may require the applicant needing to go for a variance in front of the ZBA and a motion is most likely in order to ask the building inspector to opine on the split zone nature of the parcel and how that affects the uses being purposed on the site plan. He states that going to the Town Board to rezone the parcel is another option should it be necessary.

Ms. Welles moves that a request be made to the Town Building Inspector to analyze this project's split zone nature and address any complications that may arise. Mr. DiDonna seconds. 6 ayes. Motion carries.

Mr. Larios asks for a timeline on how long that analysis may take as they have completed a lot of the revisions from the engineer's comments and were hoping to resubmit as soon as possible. Chair Ruger says that can't be answered but they'll ask Ms. Delarede tomorrow, the secretary will forward the request but she doesn't know her schedule.

The Board discusses 140-7 Interpretation of Justice Boundaries. Attorney Golden says that will be something Ms. Delarede considers in her analysis. Mr. Dillehay asks if it's possible to have a

timeframe if they go for rezoning. Attorney Golden states it could take a couple of months, but it could take longer, it depends on if the Town Board was intent on doing it. Chair Ruger asks if the applicant can keep coming to the Planning Board, at their own risk, and move forward if it does go to the Town Board for rezoning. Attorney Golden says they can continue to come to the Planning Board during a rezoning in front of the Town Board as well as Ms. Delarede's review.

Ms. Gotto points out that this project had not had an escrow set earlier in the meeting. Chair Ruger says they need to set escrow.

Deputy Chair Nolan moves to set the escrow amount at \$8,000.00 with a replenishment amount of \$4,000.00. Ms. Schanberg seconds. 6 ayes. Motion Carries.

Mr. Dillehay asks if this application could be conditionally approved contingent on the zoning being corrected. Attorney Golden answers that it cannot be approved, as the Planning Board cannot approve anything that is not compliant with the present zoning and if it is determined from Ms. Delarede that what the applicant is asking for is not compliant with the zoning in a manner that can be rectified by an adjustment in the plan, then the Board cannot do anything until it is remedied in another manner or a rezoning.

The Board discusses the application further. Chair Ruger states when the determination from Ms. Delarede comes, that it will be forwarded to the applicant as well. There is no further discussion.

Other Matters:

Chair Ruger announces that the April 25th, 2022 meeting will be Attorney Golden's last with the Planning Board and Ms. Ashley Torre will be stepping in as Planning Board attorney.

Adjournment

Ms. Schanberg moves to adjourn the April 11th, 2022 meeting. Ms. Gotto seconds. 6 ayes. The meeting adjourns at 8:19 PM.

Respectfully submitted by,

Brianna Tetro
Planning and Zoning Secretary