



Town of New Paltz Planning Board  
 Regular Meeting of Monday, April 25<sup>th</sup>, 2022  
 7:00 PM at the New Paltz Courthouse and via Remote Access (Zoom and YouTube)  
 Available on YouTube: <https://www.youtube.com/watch?v=knS6O21tXn0>  
**APPROVED MINUTES**

Present: Adele Ruger, Chair  
 Lyle Nolan, Deputy Chair  
 Amanda Gotto (via Zoom)  
 Jennifer Welles (7:16pm)  
 Jane Schanberg  
 Matthew DiDonna  
 Adrian Capulli

Absent:

Also Present: Richard Golden, Planning Board Attorney  
 Andrew Willingham, Planning Board Engineer  
 Brianna Tetro, Planning and Zoning Secretary

Chair Ruger calls the meeting to order at 7:05pm.

***Administrative Business***

- *Approval of April 11th, 2022 Minutes*

Mr. DiDonna moves to approve the minutes of the April 11th, 2022 regular meeting. 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.

***Public Comment(s)***

Ms. Kitty Brown speaks about the Trans-Hudson application:

“Dear Planning Board,

I’ve been reviewing the connector trail discussion concerning the Trans Hudson project and today was able to view the new drawings. As best I can see, there are two connections shown, a pedestrian route leading from the proposed ADA ramp on the south side, that passes the drive-thru, to the land banked parking lot at the North end. This is consistent with section “**§140-22.2. Main Street Mixed Use District which states**

**(d) Pedestrian and bicycle connections through parking areas shall be provided.**

Wouldn’t making this the **only** route be less confusing for pedestrians and cyclists? By designating this as a pedestrian route the developer has already factored in safety enhancements and the only additional construction would be a short distance to the north of the vehicular exit. Why not just modify it to accommodate bicycles as well?

**Section E. states: The development shall provide for bicycle and pedestrian travel and amenities within the site.**

At your September 9, 2019 meeting “Chair Ruger also noted an upcoming meeting she will be attending on September 17th with Supervisor Bettez, New Paltz Bike/Ped, DOT and Trans-Hudson to discuss ways to incorporate the bike trail into the Trans-Hudson property.” I’m not sure what plans emerged from that meeting, but at the January 13, 2021 ZBA meeting Mr. Frelich of TransHudson stated “that in early stages of the planning process, the bike path was constructed through the parking lot. Various local officials felt it should be relocated.”

However, today, looking at the most recent drawing, it appears that this is what is actually proposed which would be a great way of providing cyclists and pedestrians with easy access to the on-site amenities.

I hope you will consider **eliminating** any eastern connector route and that efforts to finalize the connection route will focus on what appears to be a ready made solution.

Thank you for your consideration, Kitty Brown”

There are no other comments from the public.

### ***SITE PLAN REVIEW***

PB21-514: 89 S Ohioville Rd.

Applicant: Viking Industries

Zoning District I-1

SBL: 86.16-1-5.100

Caren LoBrutto (LaBella) and Rich Croce (Applicant) are present.

Ms. LoBrutto explains the most recent submission given to the Planning Board, which included the tree clearing schedule. She notes the previous tree clearing schedule would be limited to the period between October 15<sup>th</sup> and March 31<sup>st</sup> to ensure no potential harm to bat species, and they would like to add a sentence of that which says alternative means and methods (i.e. dusk) emergence surveys will be utilized to ensure that tree clearing during active months avoid take of bat species. She adds they are asking for that because they are currently coordinating with the US Fish and Wildlife service to determine if minor clearing can occur in the area of the building and in the area of the access road in advance of the tree clearing open period that is to begin October 15<sup>th</sup> and an emergence survey could potentially permit that. Ms. LoBrutto says they received information from the New York State Department of Transportation (NYSDOT) as to accidents between January 2019 and March 2021 and at the site there were two accidents that were both caused by the driver's failure to yield, there were no injuries or fatalities and no causal relationship between the type of collisions and the existing roadway and site access conditions. She states the traffic information was sent to Carlito Holt, the Board's traffic consultant, and he said the accident rates from the report are well below the statewide averages and any recent accidents were minor and resulted in zero injuries and fatalities. Ms. LoBrutto says this is her final comment with respect to the accident data and although the Board got two sets of plans in a short time, the second set was essentially to address the change to comments about tree clearing.

Mr. Willingham says he has minor comments, the first being the 50,000 gallon storage tank for fire suppression and it was not clear it was going to be above or underground. He states it is recommended that the cedar fence indicates no gaps below or in between to help with sound mitigation and the trees along the fence need to be rearranged so they are not too close to fence. As far as the lighting plan, Mr. Willingham indicates, there are big improvements; including replacing all the lighting with down shielded, a motion sensor schedule which is a more restricted schedule on the southern portion of the building, but it needs to be more clear to specify the lights that would impact the neighbors. He adds they still need a maintenance agreement which is required by DEC for storm water.

Attorney Golden says he has not seen the report from the UCPB. Ms. Gotto says UCPB said there was no county impact. Attorney Golden comments on the request that was made in the previous Friday's submission in reference to an emergent study. He states he does not think it is appropriate for the Board to make a determination, but they can rely on the US Fish and Wildlife in order to approve the requirement. He says if the Board feels comfortable, the Board could authorize the drafting of a resolution of approval.

Ms. Gotto asks who will be conducting the emergent study. Ms. LoBrutto states it will be a certified biologist from La Bella and they have already begun coordination with the US Fish and Wildlife to determine whether they'll allow it to happen. Ms. Gotto asks if the motion detector (the light motion sensor) that is to go on between 9:30pm and 4:30am, was going to be set at a certain height, as in something as large as a truck and not by something the size of a deer. Ms. LoBrutto answers that she doesn't have a level of understanding about how the light sensor functions but she assumes it has to be triggered by a bulky mass. Ms. Gotto says she has a third

question in regard to the trees being planted, as there had been suggestions on mixing in oaks with evergreens, and she wonders if that would be appropriate since they're trying to screen, and she thinks evergreens make a better screening agent. Mr. Willingham states there is a full row of evergreen so its fully screen and about 5 oaks and the idea is to make it look more natural.

Deputy Chair Nolan voices his support of the emergence study but feels the planning board should be hiring a consultant to look at the study. The Board discusses and agrees that would be a good idea.

Mr. DiDonna motions to ask the Planning Board attorney to draft a resolution with conditions. Ms. Schanberg seconds. 7 ayes. Motion Carries.

### ***SITE PLAN REVIEW***

PB22-103: 64 N Putt Corners Rd.

Applicant: Lagusta Yearwood

Zoning: I-1

SBL: 86.8-5-35

Ms. Lagusta Yearwood and Mr. Michael McGregor are present. Mr. John Andrews steps in as the Planning Board engineer. Mr. DiDonna recuses himself at 7:30pm.

Mr. Andrews refreshes the Board on the fact that they typed this application as a Type II for SEQRA. He states the architect did clean up the site plan but was overzealous and in return, dropped off some items that could potentially be helpful for the review and will need to go back and revisit the plan to ensure all necessary information is properly indicted. Mr. Andrews says he spoke with the Building Inspector, Ms. Stacy Delarede, and there was information that is germane to the application discussion, and it goes to the information the Board had requested at the applicant's first appearance and that he identifies as still missing. He states the last approval granted for the site was when it was Mac's Ironworks in which a site plan had been approved and variances from the ZBA had been granted reducing the number of parking spaces from 13 down to 6 and waiving the requirement to pave the parking lot, based on how it is going to be used (a change in use), he is not sure how applicable those matters are but they explain a lot about what is now shown on the site. He says its going to be one of the things they Board's going to have to make a determination on in the parking areas not being paved, as it was a code requirement (the parking spots being paved. He states he is not sure the variances received would apply to this situation, and either the applicant must request a waiver or they need to pave the parking spaces. He states the applicant shows a charging station in the parking, the Board will need to make a determination whether they want one or not, and for the dumpster location there is not an enclosure proposed and the Town code is not clear but it seems to require an enclosure. He explains the narrative needs to be expanded, foot candles need to be noted on the landscaping plans, and his discussion with the building inspector suggest that there's openings needing to be closed.

Mr. McGregor says they were not aware they needed to apply for a waiver in order to keep the parking lot gravel. Ms. Yearwood states she thinks the Board needs to ask for a waiver from them. Ms. Schanberg says the handicap spaces must be paved as that is in the code. Ms. Gotto adds that waivers need to be requested in writing with the justification as to why they are being requested. Mr. McGregor asks if not wanting an impervious surface would be an acceptable reason. Attorney Golden says that in the code, it is based on circumstances, he thinks if they have a lot of traffic in and out, with keeping the proposed gravel, that may not be appropriate but if there is less traffic it may be more appropriate to have gravel, it's more than just the impervious nature of it, its making sure its safe. Ms. Schanberg says she feels like they are handling details before the big picture has been presented and states that according to her recollection, they were to have an engineered plan and not a plan done by an architect. Attorney Golden clarifies that the first plan was just a survey and the architect had attempted to modify that particular survey's plan, which is illegal, but now the architect has submitted his own plans and they are correct and able to be reviewed. Mr. McGregor comments they have hired an engineer for the septic system.

The Board go through and discusses the plans with the applicants. There is a discussion about the current loading berth. Mr. McGregor states the loading berth could be moved to another location than where it is right now, if it was going to be an issue. Deputy Chair Nolan suggests they move it as it will be a problem. Attorney Golden states even if it is currently there, it doesn't mean it was approved, somebody may have just put it there without approval. Chair Ruger states the loading berth had never been approved for when Mac's Ironworks was in the building. Ms. Yearwood voices her extreme frustration with the planning process because they have been trying since March to find out precisely the violations of this parcel. According to Ms. Yearwood, they've spoken to Ms. Delarede, and it is very difficult to figure out what the Board wants them to do but when they are at their second meeting in front of the Board and are being told that certain things on their site are part of existing violations, it is frustrating. Ms. Schanberg explains that the Board would be happy to approve a plan if the whole thing was presented, but the violations were clear and they had picked a property that hadn't been completely explained and it now fell on them to correct the outstanding issues.

The Board and applicants had a back-and-forth discussion in regards to the planning board process for review. In reference to Ms. Yearwood's continuing to voice her frustration with the Board and the process, Deputy Chair Nolan reminds her that the Board is not making laws, they are interpreting what is in the laws.

Chair Ruger states its her understanding that the tenant space would be best addressed later or tell the Board exactly what the space is going to look like (doors, etc.). Mr. Andrews comments it would be helpful to have a building plan of the interior as it does relate to how the outside building functions and it would help him understand what is going on in the project, so they need to make sure their next submission is complete and thorough as possible so there is no "guesswork" involved as has been the case with the applicant's previous submissions. Ms. Yearwood asks if the Board could refer the application to the UCPB. The Board agrees it is not

complete. Ms. Gotto states if the UCPB receives the application as it is now, they will send it back and ask to re-refer it when its complete.

The Board discusses with the applicant items that were in the setback of the property including: parking, a shed, and other items that needed to be moved out of the setbacks. There is a discussion about the number of parking spaces coinciding with the number of employees, as well as a discussion about landscaping. Mr. McGregor comments that they have hired Bloom landscaping, who has done a lot of work for the Board and will be planting pollination and natural landscaping.

Attorney Golden goes through four requirements for the Light Industrial district that the applicant needs to comply with: 1) noise perception, it can't be detectable beyond the property boundaries, 2) No discharge of any waste material into septic except in accordance with governing body rules, 3) All areas of land not occupied by buildings, parking driveways, walkways, or storage shall be landscaped detractively with long tree shrubs or other plant materials and 4) proper adequate water supply. He adds details of any signage must be provided to ensure requirements of 140-100.

Ms. Yearwood once again voices her frustration with the planning review process. Chair Ruger comments that it is not the Planning Board's fault that Ms. Yearwood is not able to move forward quicker, it is the violations on the property, that had been on the property when Ms. Yearwood purchased it, have brought her to where she is at this point.

Deputy Chair Nolan wants to comment that the applicant had mentioned that Bloom Landscaping was doing the landscaping work on their property and had mentioned that they had done a lot of work for the Board, and he wants to make it clear that the Board does not have affiliation nor endorses them in anyway. He adds they have nothing bad to say them either, but he does not want it on the record that the Board has endorsed them or recommended them or anything else or that the applicant used them because they thought it might create favor with the Board.

### ***SUBDIVISION***

PB 21-229: 192 Mtn. Rest Rd.

Applicant: Christopher Sheuer

Zoning: A-3

SBL: 78.3-1-8

Mr. DiDonna returns to the meeting at 8:10pm. Mr. Willingham rejoins the meeting as the Board's engineer at 8:10pm.

Mr. Kif Sheuer (applicant) and Mr. Daniel Koehler (Hudson Land Design, applicant's engineer) are present.

Deputy Chair Nolan takes the lead on the discussion. He asks if the applicant could brief the Board on what has changed since the application was last seen by the Board as he has not seen many, if any, changes.

Mr. Koehler explains the application. He states there are 12.1 acres on the parcel and its in the A-3 zoning district and they had appeared in front of the Board in August of last year where the Board had expressed its interest in acting as lead agency (for SEQRA) and determined that this was an unlisted/uncoordinated action and had referred the project to the wetland inspector. He says from there, he had met with Mr. Cabaratta (wetland inspector) met with him at the site and prepared a memo, they returned in front of the Board in October of 2021 in which lead agency was declared and they were asked of stake out the driveway, house, corners, and septic for a site visit. A site visit occurred, Mr. Koehler explains, and at the request of some of the discussion that was had at the site, there have been some alternatives considered in regard to the driveway, and they have been able to tighten up the grading on the side of the proposed driveway to better protect the slopes following construction. He notes the driveway crosses the wetland area and they are proposing an erosion control matting that will help stabilize the side slopes until the vegetation has the chance to establish . He says what they determined when they changed the slopes, was that they had a disturbance of 0.159 acre to the wetland buffer and in the secondary layout where it uses the existing driveway and goes behind the existing garage then comes down towards where the new lot would be, they determined that there would be a 1.154 disturbance to the wetland buffer, nearly identical with either alternatives. He notes they did solicit comments from the NYS Office of Parks, Recreation and Historic Preservation and they provided a letter of finding that there was no effects.

Deputy Chair Nolan states that he saw a couple of things that came up when he was reviewing the plans, one being that on the short EAF it says the area of disturbance was .02 acres and on the other documents it says almost 0.2 acres and he is not sure what is the correct amount but it will need to revised. Another item Deputy Chair Nolan notes, is it doesn't seem that their stream crossing covers the minimum requirements of the DEC best practices and their stream culvert is entirely too narrow relative to the size of the stream. He adds that the impact on the buffer the flows into the village is concerning to him and he doesn't know why there is a wetlands law if the Board consistently grants release from it and they haven't had anything from the wetlands inspector saying he's letting the Board know what the conditions are but he isn't saying its not important.

Mr. Koehler states the wetland they are crossing is an intermittent release from the reservoir and he six feet was chosen based on the width of the crossing where they chose. He said the wetland inspector and himself met at the site and the inspector had found that it was the most appropriate place to cross because it was the skinniest portion of the channel there and they would least wetland buffer disturbances. Deputy Chair Nolan asks, why do it at all, and if they have looked at the DEC website about stream crossings? Mr. Koehler explains he did and that they have an open bottom culvert which is exactly what they ask for. Deputy Chair Nolan says he doesn't

understand how they can dig down and make the footing below the level of the stream and keep it undisturbed. Mr. Koehler says that he didn't state the stream wasn't going to get partially undisturbed and that is stated on the plans, there is minor disturbance to the wetland and they can do that kind of work in August or September when there is low flow conditions, the stream is intermittent it is not always there.

The Board discusses the wetland buffer disturbance further. Ms. Gotto says it is a big ask of the Board to grant. Mr. Koehler argues that the code doesn't say someone can't do it (disturb a wetland buffer) it has standards and he believes they have met those standards.

Mr. Willingham went through his comments memo. He states that in regard to the wetland issues, the applicant should provide a report that would be reviewed by the Board's wetland consultant to show they are meeting the Town's laws. Mr. DiDonna states that the driveway could go around the old house on the site and just disturb the buffer but not go through the stream at all. Ms. Schanberg says the property is very steep so that would be difficult to achieve. Attorney Golden says just because an applicant companies with certain acreage requirements that allows them to theoretically subdivide, the Board does not have to approve a subdivision if it does not believe that is a good subdivision to approve.

The Board discusses the application further. Chair Ruger asks Mr. Koehler if they'd be willing to go through the wetland laws and address all of the points and how they will be met or address what they're asking for and explaining their way of getting around and equalizing the damage. Mr. Koehler says he will speak with Mr. Scheuer offline about that suggestion because he thinks the right approach is to have the gentleman who did some of delineation also assist with the addressing of the wetlands law, his name is Norbert Windsor and he understands the qualities and the benefits of the wetlands, he is also reputable. Mr. Scheuer states if the Board's inclination is not to approve the subdivision because of the wetlands being disturbed, he'd like to know rather than go through another set of rounds to try to minimize the disturbance.

Ms. Gotto says that it was a shame more Board members couldn't come to the site visit because she had walked away from it feeling uncomfortable about it and she thinks that in response to Mr. Scheuer's request on what the Board thinks, she says there are three board members who have voiced their strong reservations and she counts herself along with them and in fairness to the applicant the Board needs to give him an idea that if he goes out and spends thousands more dollars and comes back with a compelling amount of information that would help the Board feel better, if it would make a difference or not. Chair Ruger says that it will be the applicant's decision, Mr. Willingham had made a recommendation and the Board was not optimistic with that they have seen so far. Ms. Welles says she feels like they are trying to put a square peg in a round hole, and agrees the property seems to be difficult. Chair Ruger says the property is challenging and it doesn't seem like the Board is optimistic.



### ***SITE PLAN REVIEW***

PB 13-15 Route 299&N. Putt Corners Rd

Applicant: Trans-Hudson

Zoning: B-2

SBL: 86.12-4-5.1

Justin Dates (Colliers Engineering, Project engineer) is present in person, Via Zoom: Kathy Zalantis (attorney for applicant), Gary Kliesch (Architect), Mr. Ary Frelich and Mr. Borden are present. Mr. Kurt Sutherland, Architect consultant for the Planning Board, is present.

Ms. Zalantis explains they have finally received a response from the NYS DOT and as a result of this, they are able to finally address many of what were open concerns and issues of the Board and the public. She states they were able to finalize the site design and that Mr. Dates will go through that in detail. She notes that since they made their submission, they have further revised their architectural plans and Mr. Dates will go through that with them as well and he will point out the changes that were made with the understanding that there needs to be further details on the landscaping as noted by Mr. Willingham. Ms. Zalantis requests that at the end of the discussion that evening, that the Board considers asking its consultants to prepare an approval resolution for the Board's consideration after the next meeting.

Mr. Dates goes through the changes made to the site plan that had been changed with coordination with the NYS DOT and have responded to each and every one of those comments in their letter, and he also addresses the changes made to the architectural plans. (<https://www.youtube.com/watch?v=knS6O21tXn0> 1:31:00- 1:38:00) Mr. Kliesch goes through, in more detail, the changes made to the architectural plans (<https://www.youtube.com/watch?v=knS6O21tXn0> 1:41:29- 1:44:56) The Board likes the changes. Mr. Gotto says it looks like there is no glass on the right or the left side of building one. Mr. Kliesch says there are no windows on the driveway side, but there are windows where the building faces North Putt.

Mr. Sutherland says his impression is that the changes made to the architecture were all positive and make it feel like it belongs in the small town, the addition of the windows make the buildings feel less boxy, they're more inviting. Mr. Willingham says the parking still looks heavy to him, and the Board could do the 30 space reduction and have them do 92 spaces. Mr. DiDonna says he is concerned if the parking is reduced that much there will not be enough spaces, he is more comfortable going down 15 spaces and if more are needed it'll be addressed then. Chair Ruger suggests 102 spaces, after discussing with the Board, the Board agrees. Mr. DiDonna is concern with the traffic backing up when turning right onto North Putt Rd. Mr. Dates explains the decel lane and states it will actually help the traffic because people will get out of the lane quicker to get into the decel lane. The Board discusses. Deputy Chair Nolan explains that Lowe's has a similar deceleration lane and it seems to work. Ms. Gotto says building one

seems to have only a 5 foot setback on the westside. Mr. Dates states 0-10 feet is the setback. Ms. Gotto says she thought it required a 10 foot setback as it is a front yard. The Board discusses cyclists, Ms. Gotto thinks the bike lane and signage that will still be present will be confusing for cyclists, the rest of the Board disagrees. Ms. Gotto voices her concerns about the accident data and says there have been many rear-ends in that area. Chair Ruger states she believes that was due to the slip lane that use to there and no longer is, and she states the addition of the light has worked to make that area a bit safer.

Attorney Golden says this project has been going on for a long time and the most recently submitted plan has made a lot of changes. He believes the Board could authorize the drafting of a resolution now.

Deputy Chair Lyle moves to authorize the drafting to a resolution of approval prepared for the May 23<sup>rd</sup>, 2022 meeting. Mr. DiDonna seconds. 7 ayes. Motion Carries.

#### ***Other Matters:***

Chair Ruger announces this is Attorney Golden's last meeting. She says that Attorney Golden has improved the Planning Board's operations in the last 5 years, and the Board will miss him.

#### ***Adjournment***

Mr. DiDonna moves to adjourn the April 25<sup>th</sup>, 2022 meeting. Ms. Schanberg seconds. 6 ayes. The meeting adjourns at 9:30 PM.

Respectfully submitted by,

Brianna Tetro  
Planning and Zoning Secretary