



Town of New Paltz Planning Board

Meeting Minutes of Monday, February 28, 2022

7:00 PM via Remote Access

Available on YouTube: <https://youtu.be/-J38gv64Y4s>

Present: Adele Ruger, Chair

Lyle Nolan, Deputy Chair

Adrian Capulli

Matthew DiDonna

Amanda Gotto

Jane Schanberg

Jennifer Welles

Also Present: Ashley Torre, Planning Board Attorney

Andy Willingham, Town Engineer

Members of the public

Chair Ruger calls the meeting to order at 7:03 pm.

[1] ADMINISTRATIVE BUSINESS

Ms. Welles moves, Ms. Schanberg seconds to approve the February 14, 2022 meeting minutes as written.

7 ayes. The motion passes.

Ms. Schanberg moves, Ms. Gotto seconds to establish escrow for 350 N. Ohioville in the amount of \$5,000.00.

7 ayes. The motion passes.

Ms. Schanberg moves, Ms. Welles seconds to establish escrow for 9 Fredricks Lane/3 Fredricks Lane Subdivision in the amount of \$1,500.00 with a 50% replenishment.

7 ayes. The motion passes.

Chair Ruger moves to amend the motion to establish escrow for 350 N. Ohioville to include a 50% replenishment. Ms. Schanberg seconds.

7 ayes. The motion passes.

[2] PUBLIC COMMENT(S)

No one is present for public comment. Chair Ruger closes the public comment.

[3] PUBLIC HEARING

PB21-514: 89 S Ohioville Rd.

Applicant: Viking Industries

Zoning District I-1

SBL: 86.16-1-5.100

There is a brief conversation regarding an email received by the Planning Board which contained pictures of the current lighting.

Andrew Paino of Roma Place requests to comment after the Board has reviewed the project. Chair Ruger suggests the Public Hearing be kept open. Mr. Paino has concerns about the Light Industrial zoning and current operations on the site. Chair Ruger polls the Board to see who would like to keep the public hearing open. All members agree.

Ms. Schanberg moves, Deputy Chair Nolan seconds to adjourn the public hearing until March 14, 2022 at 7:00 pm.

Mr. Capulli: AYE
Mr. DiDonna: AYE
Ms. Gotto: AYE
Deputy Chair Nolan: AYE
Chair Ruger: AYE
Ms. Schanberg: AYE
Ms. Welles: AYE
The motion carries.

[4] CONCEPTUAL REVIEW

PBC22-72: 116 Canaan Rd. 2 Lot Subdivision
Applicant: Round House Farms, LLC
Zoning District: A-3
SBL: 78.3-3-4.100

Michael Bodendorf is in attendance on behalf of the applicant, as is applicant Daniella Guimaraes. This is a proposed 2-lot subdivision to create an additional single-family residential lot from the existing lot. Mr. Bodendorf reviews the sketch plan. A shared driveway is proposed. The proposed house is located in a Town wetland buffer due to efforts to maintain existing trees on site. Mr. Bodendorf asks for the Board's input.

Deputy Chair Nolan makes the following points: the driveway is not wide enough for emergency access; the wetland needs to be mapped by the wetland inspector; the new lot would only have 73' of road frontage where 100' is required; the proposed house, well, and driveway are all in the wetland buffer, the perc tests were not conducted close enough to the proposed septic area; and a right-of-way easement or shared driveway agreement would be necessary.

Mr. Bodendorf feels the frontage is adequate, notes the septic location, and asks if the project is feasible. Mr. Nolan replies that his best guess is it is not and refrains from further comment. Ms. Schanberg concurs with the importance of keeping any structures out of the wetland buffer. Ms. Gotto suggests the projected 100-year flood mapping be taken into consideration, as well as the environmental attributes of the site. She asks if any thought has been given to the possibility of a conservation easement. Ms. Guimaraes is open to considering it. Chair Ruger asks Deputy Chair Nolan to reiterate his previous points and asks the applicant to consider them before making an application, particularly in regard to the wetland buffer.

[5] SITE PLAN REVIEW

PB21-514: 89 S Ohioville Rd.
Applicant: Viking Industries
Zoning District I-1
SBL: 86.16-1-5.100

Ms. Schanberg moves, Deputy Chair Nolan seconds to assume Lead Agency status.

Mr. Capulli: AYE
Mr. DiDonna: AYE
Ms. Gotto: AYE
Deputy Chair Nolan: AYE
Chair Ruger: AYE
Ms. Schanberg: AYE

Ms. Welles: AYE
The motion carries.

Mr. Willingham reviews the Part II EAF and suggests the following answers:

1. *Impact on land: the proposed action may involve construction on, or physical alteration of the land surface of the proposed site.* Yes.

a. *The proposed action may involve construction on land where depth to water table is less than 3 feet.* No/small

b. *The proposed action may involve construction on slopes of 15% or greater.* No/small

c. *The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.* No/small

d. *The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.* Caren Lo Brutto of LaBella Associates is in attendance on behalf of the applicant and notes that they will be conducting a cut and fill analysis and will submit that. This question will be left open.

e. *The proposed action may involve construction that continues for more than one year or in multiple phases.* No/small.

f. *The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).* Small, due to the SWPP's mitigating effect on those issues.

g. *The proposed action is, or may be, located within a Coastal Erosion hazard area.* No.

2. *Impact on Geological Features: The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).* No.

3. *Impacts on Surface Water: The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).* Yes.

a. *The proposed action may create a new water body.* No.

b. *The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.* No.

c. *The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.* No

d. *The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.* No.

e. *The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.* Mr. Willingham feels there would be a moderate impact if it is not mitigated. The SWPP requires the applicant to enact erosion controls and implement a stormwater plan, and if done correctly, there will be a small impact. Ms. Gotto suggests it be classified as moderate.

f. *The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.* No.

g. *The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).* No.

h. *The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.* This is in a similar category to item e above, where effective mitigation would result in a small impact. Moderate.

i. *The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.* Moderate.

j. *The proposed action may involve the application of pesticides or herbicides in or around any water body.* Small.

k. *The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.* Moderate, because the septic system will process over 1,000 gallons per day. A properly-designed system will mitigate this.

Ms. Gotto asks for clarification on item j and wonders what the applicant's pest management practices entail. She references the liquid waste stream and asks what sort of containment system is used. Mr. Willingham notes that this is not discharged to a stream or groundwater but is taken off site. Ms. Gotto is concerned about potential leaks or spills on site. Applicant Rich Croce is present and states that the storage containers are double-contained within a separate area and that any spill would be contained on site. The tanks also operate with sensors. Ms. LoBrutto states that the processed ink wastewater is routed to a 250-gallon stainless steel mix tank, then the sludge is transferred to a filter tank. The treated water is recycled five times then diverted to the holding tank on site. The sludge is disposed of into dumpsters and removed to a licensed facility.

4. *Impact on groundwater. The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.* Yes.

a. *The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.* No.

b. *Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.* Small.

c. *The proposed action may allow or result in residential uses in areas without water and sewer services.* No.

d. *The proposed action may include or require wastewater discharged to groundwater.* Small.

e. *The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.* No.

f. *The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.* 1,100 gallons is the threshold for bulk storage, and there is no storage above those amounts. There is no aquifer on the property. No.

g. *The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.* No.

5. *Impact on Flooding: The proposed action may result in development on lands subject to flooding.* No.

6. *Impacts on Air: The proposed action may include a state regulated air emission source.* No.

7. *Impact on Plants and Animals: The proposed action may result in a loss of flora or fauna.* Yes.

a. *The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.* No/small.

b. *The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.* No/small

c. *The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.* No/small.

d. *The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.* No.

e. *The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.* No.

f. *The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.* No.

g. *The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.* No.

h. *The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.* No.

i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides. Small.

8. *Impact on Agricultural Resources The proposed action may impact agricultural resources.* No.

9. *Impact on Aesthetic Resources: The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.* No.

10. *Impact on Historic and Archeological Resources: The proposed action may occur in or adjacent to a historic or archaeological resource.* Yes. The DEC mapper describes this as archaeologically sensitive.

a. *The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.* No.

b. *The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.* Small. A letter has been obtained stating that there are no archeological resources on site and is attached to the EAF report.

c. *The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.* No.

11. *Impact on Open Space and Recreation: The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.* No.

12. *Impact on Critical Environmental Areas: The proposed action may be located within or adjacent to a critical environmental area (CEA).* No.

There was a brief conversation noting that the Town has adopted the Shawangunk Ridge CEA.

13. *Impact on Transportation: The proposed action may result in a change to existing transportation systems.* The Board is waiting to get a report from the traffic engineer. This question will be left open.

14. *Impact on Energy: The proposed action may cause an increase in the use of any form of energy.* Yes.

a. *The proposed action will require a new, or an upgrade to an existing, substation.* No.

b. *The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.* No.

c. *The proposed action may utilize more than 2,500 MWhrs per year of electricity.* Ms. LoBrutto is still waiting to get those numbers and will confirm. This question is left open.

d. *The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.* No.

15. *Impact on Noise, Odor, and Light: The proposed action may result in an increase in noise, odors, or outdoor lighting.* Yes.

a. *The proposed action may produce sound above noise levels established by local regulation.* Mr. Willingham notes that the Town Code regarding noise is not particularly specific. Moderate. He feels this can be addressed during site plan review.

b. *The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.* No.

c. *The proposed action may result in routine odors for more than one hour per day.* No.

d. *The proposed action may result in light shining onto adjoining properties.* Moderate. Mr. Willingham notes that the current lighting is not dark-sky compliant and will need to be fixed, however, the new lighting plan is dark-sky compliant. He feels this can be dealt with through the site plan.

e. *The proposed action may result in lighting creating sky-glow brighter than existing area conditions.* Moderate.

16. *Impact on Human Health: The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.* No.

17. *Consistency with Community Plans: The proposed action is not consistent with adopted land use plans.* Yes. Variances are needed for the loading dock and parking.

a. *The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).* No.

b. *The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.* No.

c. *The proposed action is inconsistent with local land use plans or zoning regulations.* Small.

d. *The proposed action is inconsistent with any County plans, or other regional land use plans.* No.

e. *The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.* No.

f. *The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.* No.

g. *The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action).* No.

18. *Consistency with Community Character: The proposed project is inconsistent with the existing community character.*
No.

Mr. Willingham will resend the revised document for review.

Chair Ruger asks to review the photograph of the lighting submitted by neighbor Ken Casamento. She notes that the existing lighting will need to come into compliance with code. Ms. Gotto notes that there are 5-6 lights in the photo, where fewer than that have been identified on the site plan. Mr. Casamento is present and reiterates his objections to the existing lighting. Ms. Gotto suggests he contact code enforcement. Mr. Casamento asserts that this can be addressed during site plan review.

A site visit is arranged for Saturday, March 12 at 10:00 am.

Ms. LoBrutto offers to look into the lighting situation and will report back.

[6] SUBDIVISION APPLICATION

S21-282, 9 Fredricks Lane/3 Fredricks Lane

Applicant: Guy Gardner

Zoning District: R1

SBL:78.20-3-22; 78.20-3-21

William Stade of Praetorius & Conrad, P.C. is in attendance, as is applicant Guy Gardner. The lot line revision involves the transfer of a 50' x 405' strip of land (0.46 Ac) from the Gilbert parcel to the Gardner parcel. Mr. Willingham has reviewed the application and notes the following: the applicant's surveyor has provided a Waiver Request Letter, however it refers to the Subdivision Checklist instead of the Town Subdivision Code; the Waiver Request Letter should be redrafted to request waivers from any items missing from the Subdivision Map; the Short Form EAF should be signed by the Applicant or Sponsor; and the Subdivision Map should be stamped and signed by the surveyor.

Ms. Gotto notes there are structures in the Gilbert parcel that do not meet the setback requirements. Mr. Stade states that the fence will be removed. Ms. Gotto asks for clarification on the location of the road relative to the lot lines. Deputy Chair Nolan notes that the road does not meet current design standards as private roads are not allowed in the current code and this subdivision does not have a street, stating that once a proposed subdivision comes before the Planning Board, this issue needs to be addressed, referencing Section 121-23, part E., which states, "Lots fronting on existing private streets shall be deemed acceptable only if such streets are designed and improved and the lots serviced in accordance with these regulations. No new private streets will be allowed." Ms. Torre will look into it further. Possible solutions are discussed and the property map is reviewed. There is a right-of-way on Mr. Gardner's deed for the road. Lot 17.21 owns the road, which is approximately 12' wide.

There is a conversation regarding whether this is a shared driveway or a private road. Mr. Nolan notes that the street sign says, "Private Road." Subdivision maps may help provide clarity. Ms. Schanberg asks if Mr. Gardner might apply for a privacy fence rather than a lot line revision. Ms. Gotto notes there is a setback issue. Mr. Gardner has no plans to install any structures but was hoping to move his shed. Potential changes to the lot line are discussed. The three houses were built in 1940, 1958, and 1993. Mr. Stade reviews the deeds and rights-of-way. Ms. Torre suggests researching building permits as well. It is possible the road may need to be brought up to code; Ms. Torre will consult with Planning Board Attorney Rick Golden and Code Enforcement Officer Stacy Delarede.

Mr. Willingham suggests that in the course of review, it should be determined whether the proposed lot line revision will make the situation worse or better in regard to the non-conforming use. He concurs with Ms. Gotto that the existing structures in the setback will need to be addressed. Mr. Stade notes that the road is located on a ridge, which would make alterations difficult. There is a discussion regarding the driveway right-of-way and whether an additional easement from Ms. Gilbert would be necessary. Ms. Torre feels that may help clarify issues.

[7] APPLICATION REVIEW

PB22-69: 10-100 Clearwater Road

Applicant: Solar Generation Projects, LLC

Zoning District:A-3

SBL: 78.2-3-6

Brendan Boland of Sunlight Solar is in attendance. The proposal is for a 3-megawatt solar array on the Town Landfill on Clearwater Road. The parcel is approximately 190 acres and the project area consists of approximately 8 acres. No access road is needed.

Chair Ruger feels the application is not complete. Mr. Willingham requests the applicant review Section 140-52 B and add information as appropriate. Mr. Boland states that that information is attached to the narrative and asks for specific feedback. Mr. Willingham would like to see a more detailed site plan in terms of topography, panel design, existing utility location, drainage, and stormwater. Mr. Willingham will send Mr. Boland the DEC guidance on stormwater treatment for capped landfills and solar farms. Chair Ruger would like to see an engineer's plan incorporating Mr. Willingham's suggestions. Zach Schrowang, COO of Solar Generation, is in attendance and offers to do so. He notes that SWPP has not been required for previous projects he has undertaken unless there was a disturbance of greater than one acre but he is happy to take a look at it.

Ms. Gotto asks for more detail on the ballasting process and whether an access road, conduits, or lighting will be needed. No lighting is proposed. Mr. Boland offers to refine the site plan. Ted Nitza of the Landfill Solar Task Force notes that this is a Type 2 action under SEQRA. Ms. Torre concurs, and offers the Board the opportunity to declare this a Type 2 action under SEQRA. Deputy Chair Nolan feels that would be best to once the application is complete. Chair Ruger offers the opportunity to do so at the next meeting.

Ms. Gotto asks if there was any consideration for landscaping. Mr. Boland feels that given the location, screening is unnecessary. The fencing will be wildlife-friendly. The capped landfill is currently mowed by UCRRA, however, maintenance of the fenced area will be the responsibility of the solar provider. The applicant offers to submit a decommissioning agreement.

Ms. Welles moves, Mr. Nolan seconds to adjourn. 7 ayes. The motion carries.

The meeting adjourns at 9:13 pm.

Respectfully submitted,

Kathy Preston

Assistant to the Supervisor