



Town of New Paltz Planning Board  
 Regular Meeting of Monday, June 13th, 2022  
 7:00 PM via Remote Access (Zoom and YouTube)  
 Available on YouTube: <https://www.youtube.com/watch?v=VwL7y6cJm-w>

### ***APPROVED MINUTES***

Present: Adele Ruger, Chair  
 Lyle Nolan, Deputy Chair (7:13 pm)  
 Amanda Gotto  
 Jennifer Welles  
 Jane Schanberg  
 Matthew DiDonna  
 Adrian Capulli

Absent:

Also Present: Ashely Torre, Planning Board Attorney  
 Andrew Willingham, Planning Board Engineer  
 Brianna Tetro, Planning and Zoning Secretary

### ***Call to Order:***

Chair Ruger calls the meeting to order at 7:00pm.

### ***Administrative Business***

- *Approval of May 23<sup>rd</sup>, 2022 Meeting Minutes*

Ms. Welles moves to approve the minutes of the May 23<sup>rd</sup>, 2022 regular meeting. Mr. Capulli seconds. 6 ayes. Motion carries. (Deputy Chair Nolan was not present for this motion).

### ***Town Board Update(s)***

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

***Public Comment(s):***

There are no comments from the public.

***Application Review:******SITE PLAN REVIEW***

PB22-103: 64 N Putt Corners Rd.

Applicant: Lagusta Yearwood

Zoning: I-1

SBL: 86.8-5-35

*Mr. DiDonna recuses himself from the application at 7:01pm.*

Mr. Mike McGregor is present. Mr. John Andrews is present as the Town's Engineer.

Ms. Schanberg refers to Mr. Andrews regarding a point made in his memo to the Board dated June 10<sup>th</sup>, 2022 ([see here](#)). She states in point #2 of his memo he referenced a legal agreement is required, which is in the section where they have a waiver about the asphalt and gravel and she wants to know what that legal agreement is referring to. Mr. Andrews comments that it is referring to a waiver that the Board granted to the applicant in which they did not have to pave the parking lot, save handicap spots, but they were still required to enter into an agreement that they will pave the parking lot within a certain period of time upon receiving written notice should the requirements should the Board, down the line, require the paving of the parking lot.

Ms. Schanberg states that Ms. Stacy Delarede, Building Inspector, provided the Board and applicant with a memo that day ([see here](#), dated June 13<sup>th</sup>, 2022) which is about the signage. She indicates approving the schematics of the sign design is the only thing still needing to be approved by the Board in order for the application to receive a resolution of approval. There is a discussion about adding more vegetation to the front of the property. Ms. Schanberg notes that the Ulster County Planning Board (UCPB) did not require the addition of more trees, rather that the trees will require maintenance. The discussion goes back to signage. Mr. Andrews notes he did read Ms. Delarede's memo and there were a couple of items he addresses; 1) the newest submittal shows the sign on the North Putt Corners Rd to be 10 foot from the front property line and he believes it should be 15 foot but he will refer to Ms. Delarede, 2) the measurements should be more clearly indicated on the site plan as the 12 foot height is insufficient and the diameter of the circle needs to be added, and 3) colors for the sign have not indicated. Ms. Schanberg says there is a note on the site plan that says the signs are not to scale, but that they do need to be shown to scale.

Mr. McGregor says they will be doing the sign the same way that the Board had already approved for their current chocolate shop and will be in compliance. He states he has had plans made to address the issues Ms. Delarede brought up in her memo, and he will submit ASAP. He says he

hopes the Board can grant a provisional approval so they can begin the building permit process and there are only two tiny details to address, which have been addressed in his most recent set of plans yet to be submitted. Ms. Schanberg corrects Mr. McGregor and states that this Board has never approved any sign for any business in which he's associated with and Ms. Yearwood's shop is in the Village not the Town and that is a completely separate planning board. She also notes that he is not the first to ask the Board for a provisional approval to obtain a building permit, but the Board can't change their procedures. She says this has been a challenging application.

The Board goes through the outstanding items that need to be addressed by next meeting in order for the applicant to obtain a resolution. Items requested are: sign information including color and scale drawings, discrepancy in landscaping details need to be cleared up, lighting plan details need to be submitted completely (sheets 2 and 3 are missing in the latest submission), and the methodology (type of equipment) was used when performing the noise study to justify the results.

The Board discusses the recommendations given by the UCPB in which they stated the tree line needed to be expanded on top of being maintained. The Board agrees that the word "expanded" should be taken out and only the word "maintained" should remain.

Chair Ruger moves to modify the recommendation of the UCPB by removing the word "expanded". Deputy Chair Nolan seconds. Roll Call:

Chair Ruger- Yes	Ms. Schanberg- Yes
Mr. Capulli- Yes	Ms. Welles- Yes
Ms. Gotto- Yes	Deputy Chair Nolan- Yes

6 ayes. Motion Carries. (Mr. DiDonna is recused)

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

PB 22-102: 1 Old Rte 299

Applicant: Farmer's Choice Dispensary, LLC

Zoning: I-1/GB/GH

SBL: 87.9-1-12

*Mr. DiDonna returns to the meeting at 7:30pm. Mr. Willingham comes back in as the Planning Board engineer.*

Mr. Paul Larios (Engineer for applicant) and Mr. Sam Dilehay (architect for applicant) are present.

Mr. Larios explains the application. He states they initially appeared in front of the Board in April and have since submitted a revised set of plans to address the comments in Mr. Willingham's April memo. Mr. Larios notes they have also submitted a traffic memo, stormwater report, and a revised EAF.

Mr. Willingham went through his memo comments:

*The 2.51 acre property currently contains a single family residence, which will be removed. A commercial building with a footprint of 5,000 square feet is proposed with 3,000 square foot of marijuana dispensary retail space and 2,000 square feet of storage on the first floor, with an additional 2,000 square feet of office space on the second floor. The property is located in three separate zoning districts, which include the Gateway Hamlet (GH) Industrial (I-1) and Gateway Business (GB) Districts. However, a petition is under review by the Town Board to rezone the full*

*property to Gateway Business (GB). For the purposes of this review, zoning standards of the GB District are assumed to apply.*

*We have conducted a review of the documents and offer the following comments for the Board's consideration:*

#### *Site Plan*

- 1. The Minimum Parking Required column in the Parking Requirements Table on sheet 3 should not include handicap and Electric Vehicle parking spaces as and additional requirement (Required Parking Spaces should be 24).*
- 2. At the April Planning Board meeting, the Applicant discussed potentially reducing the amount of parking, however it remains at 37 parking spaces (13 more than required).*
- 3. Per §140-22.3 (D)(1)(h) a minimum of 10% of the parking lot shall be comprised of landscaping. It appears that landscape islands will need to be added to meet this requirement.*
- 4. §140-22.3 (D)(1)(c) requires a minimum landscape buffer of 15 feet consisting of native plantings that provide year-round screening along property boundaries adjoining a residential zoning district.*
- 5. Per §140-22.3 (D)(1)(e), all trees seven inches DBH or greater should be shown on the plan and considered in the site design. Site Plans should indicate which trees will be removed and which will remain.*
- 6. Per §140-22.3 (D)(1)(k) upper-floor signage is not permitted for ground-floor uses. (Detail #1 on Sheet PB-1 shows upper-floor signage)*
- 7. All plan sheets in the Site Plans should be coordinated. As an example, the bike rack, privacy fence and bench on Sheets 3 and PB2 differ between drawings.*
- 8. The Board should review the building design to determine if the architectural requirements in the GB zoning district are met (See §140-22.3 (D)(2)).*
- 9. Show snow storage areas on the Site Plans and coordinate with proposed plantings.*
- 10. The Applicant has provided a Traffic Generation Letter. We recommend review of the Letter by the Board's Traffic Engineer.*

#### *Long Form EAF*

- 11. Part B (a) should be marked "yes" and Part (B)(c) should be marked "no". Rezoning is through the Town Board.*
- 12. Part D.2.r – The Operation will generate solid waste similar to any retail operation. Provided tons per year and modify ii and iii accordingly.*
- 13. Part E.3.e – EAF indicates the potential for a nearby Historic or Archaeologically sensitive site. A letter from the NYSPRHP has been provided indicating that the project will have no impact to historic or archaeological resources.*

#### *Stormwater*

- 14. Consider larger culverts than 8" and 10" diameter to drain parking areas for added capacity and to prevent clogging. Alternatively, calculations may be required to verify*

capacity.

15. Rain Garden and Bioretention details should specify layout and spacing of underdrains.

16. Bioretention and rain garden areas need more plants as well as a greater diversity of plant materials contained within the planted areas. The greater distance between the plants creates more area for weeds to grow and these areas become more difficult to maintain. Plug plants spaced 8 to 12 inches apart will cover the areas quicker and should out-compete the weeds. A mix of perennials, grasses and shrubs would be most effective. Please refer to NYSDEC recommendations for plant varieties to increase diversity in these planted areas.

17. Cinnamon Fern is a part shade to shade plant and will not withstand the full sun that the rain gardens and bioretention areas will receive.

18. The sizes of all plants should be specified as well as what type of root should also be noted in all the rain garden and bioretention plant schedules.

19. The soil depth for Rain Garden #1 should be deeper to accommodate the proposed trees.

20. Add the note for bioretention area mulch: "The mulch layer should be standard landscape style, single or double, shredded hardwood mulch or chips. The mulch layer should be well aged (stockpiled or stored for at least 12 months), uniform in color, and free of other materials, such as weed seeds, soil, roots, etc. The mulch should be applied to a maximum depth of three inches. Grass clippings should not be used as a mulch material" as noted in Appendix H of the NYSDEC Stormwater Manual.

#### *Landscape Plan*

21. Proposed trees shall be a minimum 3" caliper per §140-22.3 (D)(1)(h).

22. A planting plan showing specific locations of plants should be provided. This will ensure that the areas are planted according to the plan.

23. Generally, the proposed planting areas appear to be sparse. More plants to fill the spaces is recommended.

24. The sizes of all plants to be utilized as well as what type of root should also be noted in all the plant schedules.

25. Sycamore trees should be reconsidered and substituted for this small area due to their mature height of 75 to 100 feet.

26. Trees and shrubs should not be located over rain garden or bioretention underdrains.

27. Crabapple and flowering dogwood trees should not be specified in bioretention or rain gardens. Consider Shadblow Serviceberry, River Birch or other species.

28. Add the proposed tree clearing line on Sheet PB2.

4

29. The shrub planting detail should be revised to remove any mulch on the crown of the plant.

30. Pennisetum setaceum is not cold hardy in our zone, please select another Fountain Grass.

31. Consider additional density of plantings and adding shrubs between the north side of the building and parking lot.

32. Sheet PB2 General Notes, add: "All plant materials shall be watered a minimum of one inch per week. If inadequate rainfall does not equal this amount, supplemental watering shall be provided to all plants to equal this amount."

Ms. Schanberg states she'd like to have a site visit to better understand the property. There is a discussion about the waiver process for 140-22.3 (D) (1) (h). Attorney Torre notes the waiver will need to be requested in writing and tells the applicant to look at 140-22.1 (G) (4) (A) to assist with the request. Chair Ruger states the application should be sent to the Board's architectural consultant for review. Mr. Willingham adds that the applicant's traffic review should be sent to the Board's traffic consultant for comments. Mr. Larios asks if the application can be sent to the UCPB and notes that the Town Board did pass their re-zoning request.

There is a discussion about parking, specifically the number of spaces. Some Board members believe the expansion of the parking lot is ideal as the business could draw a lot of customers. Deputy Chair Nolan states he thinks differently and is concerned that expanding the parking can have adverse effects on the wetlands. Mr. Willingham says the traffic engineer would know what is and is not the right amount of parking for the site. The Board discusses the gateway district and the minimum amount of parking required plus the concerns they have. Mr. Larios discusses the way they are mitigating some of the concerns and notes that there are no wetlands on the property. Mr. DiDonna states that he feels they are digressing into a conversation about opinion and getting away from fact. He states this project is one of three dispensaries he knows of being proposed in New Paltz, meaning there is no way to know just how many people are going to be there and how often and he suggests the Board goes by whatever data the traffic study brings back.

The Board discusses sending the application to the UCPB for review.

Ms. Schanberg moves to type the application as an unlisted/uncoordinated action for SEQRA. Mr. DiDonna seconds. 7 ayes. Motion Carries.

Ms. Gotto moves to send the application to the UCPB for their review and comments. Mr. DiDonna seconds. 7 ayes. Motion Carries.

Any board member who wishes to visit the site is directed to speak with Ms. Tetro to reach out to the applicant and set up a date and time to visit.

### ***SITE PLAN AMENDMENT***

PB22-197: 111 Henry W. DuBois Rd.

Applicant: New Paltz Storage

Zoning: I-1

SBL: 86.8-5-36.121

Mr. Andy Loyer is present.

Mr. Loyer explains he is in front of the Board to amend the approved site plan from 2020. He states that due to covid, he needs to change the building design from a 3-story building to a one story structure.

There is a discussion among the Board about the building changing so drastically from what was approved and concerns about the trees being cleared out and how that will affect the amendment. Some members are concerned about the new look of the building due to the fact that so much work had been put in to make the three-story building look nice and enhance the area. Mr. DiDonna states the applicant is simplifying what the Board had already approved, including the trees removal, and if that is already approved and the applicant was already moving forward, he just ran into marketing issues. He states that the applicant is trying to reduce the size of the building but he's keeping the more landscaping he designed to hide the 3-story building and instead since there is going to be just a single-story building, the landscaping that will be put in place will hide the entirety of the new building.

Mr. Willingham goes through his memo: *"The site currently contains two self-storage buildings with an associated driveway network. The Applicant proposes the construction of an additional 1 story, 4,032 square foot self-storage building with additional driveways and parking. This is an amendment of a previously approved Site Plan (received Final Signature by the Planning Board Chair on 2/27/20). The previous approval was for a 3 story building. The sole amendment to the approved Site Plan is reducing the building from 3 stories to 1 story. The building footprint and all other elements of the site plan (parking, landscaping, utilities, grading, drainage, lighting, etc.) remain unchanged from the 2020 Approval. Per our review of the information submitted, we offer the following comments for the Board's consideration:*

*Site Plan 1. All of the site plan elements of the project, including parking, landscaping, grading, utilities, drainage, lighting, and zoning compliance remain the same as the 2020 approved Site Plan. We therefore do not have any comments related to those issues, since they were all addressed during the previous review. 2. The Planning Board should review the revised building design. 3. We defer to the Planning Board Attorney regarding the procedure to modify/renew the 2020 approvals to reflect the revised building."*

Attorney Torre goes through what the applicant needs going forward. She states the property had a lot line approval and a copy of the signed map and deed need to be provided to the Board., the negative declaration for SEQRA made by the Board for the approved site plan will need to be reaffirmed, and the Town Wetlands Permit needs to be checked to ensure it has not expired and if it has expired, a new one needs to be obtained.

The Board discusses sending the application to the UCPB.

Deputy Chair Nolan moves to send the application to the UCPB for review and comments. Ms. Schanberg seconds. 7 ayes. Motion Carries.

### ***LOT LINE ADJUSTMENT***

PB22-196: Cragwood Rd.

Applicant: Judith Johnson C/O Tom Johnson

Zoning: A-3 and FF

SBL: 78.1-2-15.200 and 78.1-3-8

Ms. Patti Brooks (Brooks and Brooks) is present. She explains the application, the applicant has no plans for the parcel that is to be changed.

Chair Ruger states that even though there are no plans for the applicant to build on the lot, there needs to be proof provided that the lot is buildable, due to Lot Lines being reviewed under the Subdivision code.

Mr. Willingham goes through his memo: *“As we understand, two parcels are included in the lot line revision - a 8.74 acre parcel (owned by Reed & Ilunga) located at 10 Cragwood Road and a 17.38 acre landlocked parcel (owned by Johnson) located south of the Reed/Ilunga. The lot line revision will result in the transfer of 0.47 net acres to Reed & Ilunga and will give approximately 407 feet of frontage on Cragwood Road to the Johnson property. The land to be transferred appears to be wooded from our review of aerial photos. No physical improvements are proposed. Per our review of the Application materials, we offer the following comments for the Board’s consideration:*

- 1. The Letter of Intent does not state the purpose of the subdivision. The Johnson parcel will gain frontage on Cragwood Road, however the lot will remain substantially encumbered by the 100 year floodplain and federal wetlands. Any future plans for the Johnson property should be discussed with the Board.*
- 2. If a waiver of subdivision plan requirements from §121-14(A) is required, the Applicant should provide a Waiver Request Letter for the Board’s consideration.*
- 3. The western portion of the properties are in the Town of New Paltz Shawangunk Ridge Critical Environmental Area. However, no physical improvements are proposed to the properties.*
- 4. The Short Form EAF indicates the potential presence of the threatened or endangered bald eagle, timber rattlesnake and northern long eared bat. However, no physical improvements are proposed.*
- 5. The Short Form EAF indicates a potentially archaeologically sensitive site. However, no physical improvements are proposed.”*

The Board discusses the application further with regard to the need for proof of the lot being buildable. Ms. Brooks offers putting a note on the plat that the lot is not to be built on. Deputy Chair Nolan states that they had approved a lot line in the past that did not need to provide proof that the lot was buildable. Attorney Torre states there needs to be more research on if the lot needs to be buildable for a lot line change or not.

### ***Adjournment***

Deputy Chair Nolan moves to adjourn the June 13<sup>th</sup>, 2022 meeting. Mr. DiDonna seconds. 7 ayes. The meeting adjourns at 9:07pm.

Respectfully submitted by,

Brianna Tetro  
Planning and Zoning Secretary