



Town of New Paltz Planning Board
 Regular Meeting of Monday, March 14, 2021
 7:00 PM via Remote Access (Zoom and YouTube)
 Available on YouTube: <https://www.youtube.com/watch?v=SVbf7iqR7dg>
APPROVED MINUTES

Present: Adele Ruger, Chair
 Lyle Nolan, Deputy Chair
 Amanda Gotto
 Jennifer Welles
 Jane Schanberg
 Adrian Capulli

Absent: Matthew DiDonna
 Alex Baer, Town Board liaison

Also Present: Richard Golden, Planning Board Attorney
 Andy Willingham, Town Engineer
 Carlito Holt, Traffic Engineer
 Brianna Tetro, Planning and Zoning Secretary

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

Chair Ruger thanks Ms. Stacy Delarede (Building Inspector) and Ms. Kathy Prescott (Assistant to Supervisor) for all of their help the last couple of months, as the Board did not have a secretary. She welcomes Ms. Brianna Tetro, new Planning and Zoning Board Secretary.

Administrative Business

- *Approval of February 28th, 2022, Minutes*

Ms. Gotto moves to approve the February 28th, 2022, Minutes. Ms. Schanberg seconds. 6 ayes. Motion Carries.

- *Town Board Update(s)*

Ms. Gotto asks Chair Ruger who the Town Board liaison is. Chair Ruger answers Ms. Alex Baer is the new liaison.

Town Board liaison was not in attendance, no comments, or updates.

Public Comment(s)

7:04

No comments were submitted in writing prior to the meeting nor was anyone in attendance to speak.

Application Review

PUBLIC HEARING

PB21-514: 89 S Ohioville Rd.

Applicant: Viking Industries

Zoning District I-1

SBL: 86.16-1-5.100

7:04-7:06

Ms. Schanberg moves to open the public hearing. Ms. Welles seconds. 6 ayes. Motion Carries.

There are no comments submitted in writing prior to the meeting nor was anyone in attendance to speak.

Ms. Schanberg moves to close the public hearing. Mr. Capulli seconds. 5 ayes. 1 nay. Motion Carries.

ULSTER COUNTY: NEW PALTZ VETERANS CEMETARY

7:06-7:11

Mr. Dennis Doyle (Ulster County Planning Board Director) is in attendance to discuss plans for the New Paltz Veterans Cemetery. He refreshes the Board on the project and states there have not been any major changes to the previously discussed plan. Mr. Doyle notes the one change that has been added in details for the plan was in the back area of the cemetery, towards Wallkill River. He explains there has been tremendous work put in for the archaeological and historical issues of the site and phase I and II archaeological work has been completed. Mr. Doyle says SHPO (State Historic Preservation Office) and the Tribes had wanted them to do a phase III and did not want any land disturbance before ground penetrating radar was done. The radar testing had been done, and a few anomalies had been discovered. Mr. Doyle says they asked SHPO and the Tribe for a no-adverse action, if the area was not to be disturbed and they agreed, so those areas had been delineated on the site plan. He states that all environmental work has been completed and there will be a March legislation meeting to address SEQRA in which a negative declaration is expected to be determined. One item that they are continuing to pursue, is the necessary highway permit for access on Plains Road, Mr. Doyle says. He says they have had conversation with the Town's Highway Superintendent and will have discussion with the Village's Highway Superintendent as well, as the line extends into the Village. Mr. Doyle states they anticipate going to bid on the project by end of the month.

SITE PLAN REVIEW

PB21-514: 89 S Ohioville Rd.

Applicant: Viking Industries

Zoning District I-1

SBL: 86.16-1-5.100

7:12-8:27

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

Chair Ruger states that the Planning Board's traffic engineer consultant Mr. Carlito Holt provided a review of the Applicant's site plan late Friday (March 11th, 2022). Mr. Holt, has gone through the study and has recommendations.

Mr. Holt goes through the study. Some issues raised are (i) providing more defined striping and traffic control measures on residential area, (ii) having signage for the telecommunications access stating it's only for authorized individuals, as well as gating the access point, (iii) having an actual count of traffic to generate an accurate trip rate for the new expansion, especially at the driveway, (iv) asking the Applicant for a left turn lane warrant review for their driveway, (iv) requesting an accident analysis be performed, (v) providing truck turning templates, (vi) adding pavement striping, and (vii) providing a parking analysis.

Ms. Schanberg asks for clarification on a comment Mr. Holt made. She says he stated he did "Aerial imagery" was done to analyze the site, and asked whether he has physically been to the site? Mr. Holt states he has not visited the site in person but used available mapping that was online. Ms. Schanberg asks if anyone who was used for preparation of this report had been to the site. Mr. Holt states no, no one has been to the site.

Mr. Willingham says that the applicant should respond point by point to the recommendations provided by Mr. Holt and how they will address the issues.

Ms. LoBrutto responds to a number of the recommendations in Mr. Holt's report along with Mr. Bardwell. They state that a quite a bit of the issues raised by Mr. Holt had been addressed and that they do not believe an enhanced traffic study is necessary.

Chair Ruger asks the Board if they believed an enhanced traffic study is necessary or if the presented plans were sufficient. She asks Ms. LoBrutto what points from the traffic study completed by Mr. Holt, was she comfortable with.

Ms. LoBrutto goes through the items Mr. Holt recommended and thinks are reasonable. Mr. Bardwell states they reached out to Mr. Cory Wirthmann (from New Paltz Fire) and had added a fire truck turn around. Ms. LoBrutto continues going through the traffic study.

Mr. Willingham asks if there would be an increase of traffic activity during peak hours for the project.

Ms. LoBrutto responds that at this moment there are 52 am peak hour drivers and 57 pm peak hour drivers. She adds that this project would change to 83 am drivers and 90 pm drivers for peak times.

Chair Ruger asks again if the Board believes there needs to be an enhanced traffic study done. Mr. Willingham suggests the applicant and Mr. Holt discuss the issues brought up and how to remedy them. He says they can then come back to the Board with something they have agreed on.

Mr. Croce clarifies that this project is not a retail space, it is expanding an existing business. He states the traffic increase is based on employees, not customers.

Attorney Golden says the applicant cannot move forward with obtaining an area variance with the ZBA without the Planning Board making a determination on SEQRA. He states the outstanding issues may be addressed by the site plan review, they do not have to be addressed through the SEQRA review.

Mr. Willingham went through the EAF Part II.

Deputy Chair Nolan moves to have a Negative Declaration for SEQRA. Ms. Gotto seconds. 6 ayes. Motion carries.

Mr. Willingham adds that the SEQRA should be sent to the ZBA as they have a special meeting on March 23rd, 2022 for this applicant's requested area variances.

Chair Ruger states there will be a visit to the site on March 19th, for Board members.

There is no further discussion.

SUBDIVISION APPLICATION

S22-67, 331 & 350 N Ohioville Rd.

Applicant: Stefan Bohdanowycz

Zoning District: A-3

SBL:79.3-4-38 &39

8:27-8:40

Patricia Brooks (Representative for Applicant) is present on behalf of the application.

Ms. Brooks explains the project. She says there are two existing parcels of land with a 9.94-acre lot and a 33.7-acre lot that extends on both the east and west sides of North Ohioville Rd. They want to take the 9.94-acre lot and reduce it to 6.65 acres while taking the remaining land and creating two lots on the east side and three lots on the west side of North Ohioville Rd. She states there are regulated wetlands on the property which will need to be delineated.. She said she received a comment letter from Mr. Willingham, in which she has no concerns or issues, except the comment about the gun club that is nearby to the property.

Mr. Willingham adds that there is a gun club next door and although it is more of a buyer beware situation, he asks if a map note should be added.

Ms. Brooks answers that a map note regarding the nearby gun club is plausible, as they add notes now when it comes to agricultural operations. She says she is not aware of how the club operates but is not opposed to a note being added on the map.

Deputy Chair Nolan asks about the 100ft. buffer near the wetlands in reference to creating a driveway on one of the lots. He isn't sure there's enough room in creating a driveway that would keep within the required 100 ft. buffer for regulated wetlands.

Ms. Brooks states she needs to look at the wetlands code a bit more.

Mr. Willingham notes what is needed going forward: Wetland delineation, clearly identify existing buildings on the property and if the buildings are going to be torn down or if they aren't, to make sure they meet the setback requirements. He adds that the plat should show sight distance on each driveway, dug well needs to be noted to be abandoned, according to the Health Department (County). He also said it isn't clear if lot 4 and 5 are sharing a driveway or not, that the plat should show the septic location for the existing house. He noted further that, soil testing may be done at the Board's discretion, but it will be needed for the septic system design for the health department. Mr. Willingham says setback lines must be added, to the plat to show the house meets the setback requirements, as well as grading. Also, a Storm Water Prevention Plan (SWPP) must be submitted, paperwork must be completed for the 50-ft right of way offer of dedication, and that any necessary waiver requests regarding site plan elements must be put in writing.

Ms. Brooks says she will work on the additions to the map and be back for the May meeting. She asks who does the wetland delineations for the Town?

Attorney Golden answers the applicant will need to delineate the wetlands and then the wetlands inspector will go out and make comments.

Ms. Gotto adds that with the size of the subdivision, when the more complete application comes back the EnCB will review it and provide comments.

Deputy Chair Nolan says he'd like to see the topographical contours be extended beyond the boundary lines for the subdivision.

Attorney Golden comments that the applicant signed their own individual name for purposes of the owner authorization, but the land is owned by an LLC. With the resubmission there needs to be an Owner Authorization signed by the LLC as the property owner. He adds the bulk table should show the proposed requirements as well as the minimum requirements; right now it only shows the minimum requirements, and that he agrees with Mr. Willingham about the 50-ft right of way dedicated to the Town, noting that it will adjust the setback lines and lot coverage, which will need to be taken into consideration when drawing the lines.

There is no further discussion.

Other Matters

8:40- 9:03

Ms. Gotto asks if they need to reach out to Ms. Delarede in regard to proposed solar on the landfill, since there is not a section in the code that addresses whether a large solar array is a permitted use. She says that Ms. Delarede wants the Board to ask officially at a meeting, as a Planning Board, for her clarification.

Attorney Golden states they do not have to, but they can, make a motion to ask Ms. Delarede for clarification as to the type of use that a solar array system would be characterized under.

Ms. Schanberg moves the motion Attorney Golden stated. Ms. Gotto seconds. 6 ayes. Motion Carries.

Attorney Golden says he saw in his notes that at the last meeting there was discussion of also sending to Ms. Delarede a request for an interpretation of a subdivision regulation in the Town Code for the Fredrick's subdivision (PB22-64). He states he looked at that and because it is in the subdivision section of the Code, and not the zoning code, Ms. Delarede cannot give an opinion as it is outside her jurisdiction of interpreting only the zoning code. The issue is whether the adjoining private roadway must be improved to a better roadway. He says that if one looks at the provision in isolation it may support that interpretation. But if you look at the entirety of the whole subdivision regulations, the way he reads it is they're only asking for that improvement to be done when creating new lots. This also exists the similar situation when there are regulations in there when you have streets, but it is clear that they are talking about creating new streets. He continues that there are a number of provisions in there that relate to a typical subdivisions where there is a creation of new lots. Although a lot line is a subset of a subdivision, it doesn't mean that all the subdivision regulations apply to lot line changes. He says if the Board would like his input as how best to read that, it is that, in context with all the subdivision regulations, the provision only applies when creating new lots not when you are doing a lot line change.

Ms. Schanberg asks if that unsnarls some of the snarls they had with that plan, does it clean it up a bit.

Attorney Golden answers yes, if they go with the interpretation he suggested. But, if the Board does not adopt that reading, the Planning Board can waive or grant a variance under the subdivision regulations.

The Board and Attorney Golden further discuss.

Chair Ruger asks if the variance comes from the Planning Board or the ZBA.

Attorney Golden answers it comes from the Planning Board as there are two provisions in the regulations, one for a waiver and one for a variance.

Ms. Schanberg asks if the Board could reach out to the applicant and state, they received clarification or do they need to wait for the applicant to come back on their own.

Attorney Golden states you don't need to wait for the applicant to come back but he suggests getting a feel of what the Board believes is the preferred reading; either it doesn't impose a hurdle for them or you're waiving that requirement. You can ask anyone on the Board or the secretary to let the applicant know that the Planning Board does not think they have to increase the road requirements for that existing private roadway, so if they want to come back and discuss the remainder of their application with the Planning Board they're free to do so.

Chair Ruger says they had this discussion a little earlier and it is a good idea to get in touch with the applicant. She asks Deputy Chair Nolan his thoughts as he has concerns with the application.

Deputy Chair Nolan says he feels that the length of the driveway is a big issue, if a firetruck had to drive down it, how would the truck get out? Or, he continues, if people have to pass each other driving on the driveway, as there are two houses right now and it seems likely here will be another one at some point. He asks if the driveway is of their concern or if they need a shared driveway agreement.

The Board discusses the application and whether they should have them come back due to clarification on the interpretation.

Chair Ruger asks Attorney Golden if it is appropriate for the Board to put the application on the agenda for the next meeting and tell the applicant it will be discussed and they can come or not, more like a workshop for this specific application?

Attorney Golden states he thinks there are other issues with respect to the driveway other than whether or not the zoning regulations actually mandate that they have to better that road to the level of regular roadway standards, and he is not sure there is enough room to make some of the improvements, because in order to make those improvements they may need more land than what they have. He says the one issue has been resolved, but there seems to be items and issues with the application that doesn't sound like it is ready for the Board to have the applicant back.

Chair Ruger states there shouldn't be a discussion without the applicant present.

Attorney Golden says he only wanted to discuss the one item that evening, that was it. He states he thinks it's a good idea to bring the applicant back to discuss the other items the Board has concerns with, and that the applicant should be made aware that the Planning Board had resolved one of the issues and received clarification, but those weren't the only problems with the application.

The Board discusses the application.

Mr. Willingham adds he believes the applicant had received subdivision approval before, prior to the current subdivision regulations, as the map submitted was dated in the 1950s and the applicant needs to show the lots were created before these new rules and regulations were put into effect. He says the houses may have been built after that, but the lots existed. He says often when a driveway is constructed, they don't stake it out and it meanders off to the wrong lot

which happened with this application. He thinks it makes sense to get an easement in that spot so these owners don't get into a dispute.

Chair Ruger says she will ask Mr. Willingham to make a list of what the applicants will need to bring in order to appear in front of the Board again.

There is no further discussion.

Adjournment

Deputy Chair Nolan moves to adjourn the March 14th, 2022 meeting. Ms. Schanberg seconds. 6 ayes. The meeting adjourns at 9:03 PM.

Respectfully submitted by,

Brianna Tetro
Planning and Zoning Secretary