



Town of New Paltz Planning Board
 Regular Meeting of Monday, March 22, 2021
 Live-streamed/Recorded Remotely at 7:00 PM
 Available on YouTube: <https://youtu.be/5nFV8decj4U>
APPROVED MINUTES

Present: Adele Ruger, Chair
 Amanda Gotto
 Jennifer Welles
 Amy Cohen
 Jane Schanberg

Absent: Lyle Nolan, Deputy Chair
 Matthew DiDonna
 David Brownstein, Town Board Liaison
 Stacy Delarede, Building Inspector
 Richard Golden, Planning Board Attorney

Also Present: Ted Nitza, EnCB
 Hope Nitza, EnCB
 Ashley Torre, Planning Board Attorney
 Andy Willingham, Town Engineer
 Alana Sawchuk, Planning and Zoning Secretary

Welcome

7:02

Chair Ruger opens the regularly scheduled March 22, 2021 meeting at 7:02 PM.

Administrative Business

- *Approval of March 8, 2021 Minutes*

Ms. Schanberg moves to approve the March 8, 2021 Minutes. Ms. Gotto seconds. 5 ayes.
 Motion carries.

- *Escrow: PB21-79, 400 N. Ohioville Road, Mid-Hudson Sporting Clays*

The Board discusses the escrow amount for PB21-79. Having reached out to the likely consultants on this project, the Chair is recommending an established amount of **\$7,000.00** with a replenishment threshold of **\$3,500.00**. Ms. Schanberg moves, Ms. Gotto seconds. 5 ayes.
 Motion carries.

- *Escrow: PB21-93, 215 Huguenot Street, Garvan's*

The Board discusses the escrow amount for PB21-93. Having reached out to the likely consultants on this project, the Chair is recommending an established amount of **\$4,000.00** with a replenishment threshold of **\$2,000.00**. Chair Ruger moves, Ms. Welles seconds. 5 ayes. Motion carries.

- *Town Board Updates*

Mr. David Brownstein is absent.

Public Comment(s)

7:06-7:11

Mr. Ted Nitza is in attendance on behalf of the EnCB (Environmental Conservation Board) to speak regarding PB21-79, 400 N. Ohioville Road and Ms. Hope Nitza is also in attendance on behalf of the EnCB to speak regarding PB20-08, 60 Jansen Road.

(PB21-79) “The applicant committed a serious violation of the Town’s Wetlands and Watercourse Law by constructing a gravel road through a large wetland without Federal or Town permits and allowing unpermitted lead discharges into the wetland during an unknown length of time until this violation was discovered in 2018. The extent of the violation disturbance is described in the November 27, 2018 memo from Mark Carabetta, Wetlands Inspector, to the Town Building Inspector and includes three impact areas totaling 0.31 acres of fill deposited into and along the edge of the wetlands.

The applicant proposes to mitigate the violation through creation of 0.55 acres of new wetland along the edge of the wetland. The EnCB finds this proposal unacceptable. The proposed wetland creation will not restore the hydrologic alteration of the wetland caused by the disturbance of the road now dissecting this wetland. More importantly, it would set a precedent that major violations of the Wetland and Watercourse Law will be allowed to remain. This would create an incentive for residents to simply break the law and seek forgiveness if caught.

Chapter 139-19 E states that the Town is empowered “to compel the restoration of the affected regulated area to its condition prior to the violation of the provisions of this chapter.” The unpermitted gravel road should be removed, and the disturbed portions of the wetland and wetland buffer area should be properly restored.”

(PB20-08) “EnCB believes Driveway Option 1 is the preferable option in terms of environmental impact. This option would result in 0.08 acres greater disturbance of wetland buffer area, but would avoid removal of 47 additional trees greater than 6” caliper. We believe the very small additional wetland buffer disturbance is acceptable to minimize tree clearing.

EnCB typically recommends 1 for 1 replacement of trees when granting tree removal permits under the Town’s Tree Conservation Law. We recommend the Planning Board consider requiring offsets as mitigation for tree removal. Options to explore include tree planting in the wetland buffer portion of the clearing where the cell tower will be located, or near the front of the property along Jansen Rd if it would provide additional visual screening. Alternatively, the applicant could contribute to a Town fund that could be used for tree planting in a different location.

It is important to ensure that all silt fencing along the access road is properly removed upon completion of the project to avoid hazards for migrating turtles and other small wildlife moving between wetlands on this site.

There was no further written or spoken comments from the public at this meeting.

Application Review

1. Simplified Site Plan

PB21-87: 257 Main Street

Applicant: Michele Harrington

Zoning District: B-2

SBL: 86.12-6-3.100

7:11-7:14

Mr. Andy Willingham is in attendance and provides a summation of his comments to the Board regarding this application. This applicant had appeared before the Planning Board about a year ago in order to convert office space. There was a third-floor apartment that they had left at the time but that they now want to become additional office space (about 560 square feet in size). Mr. Willingham believes that this application meets the requirements of SSP approval.

Chair Ruger moves to classify this project as a Type II action under SEQRA. Ms. Schanberg seconds. 5 ayes. Motion carries.

Chair Ruger finds that both the Building Inspector and Town Engineer have reviewed this application satisfactorily and finds that the wavier of Site Plan approval is appropriate.

There are no further comments from Board members.

Ms. Schanberg moves to waive Site Plan approval for PB21-87, 257 Main Street, Harrington. Ms. Gotto seconds. 5 ayes. Motion carries.

Mr. Lee Frizzell was in attendance to speak on behalf of this application should any questions have arisen from Board members.

2. Simplified Site Plan

PB21-98: 27 N. Putt Corners Road

Applicant: Bimbo Bakeries

Zoning District: L-1

SBL: 86.8-5-13

7:14-7:16

Mr. Andy Willingham is in attendance and provides a summation of his comments to the Board regarding this application. The applicant is looking to renovate pre-existing office space within the building. Mr. Willingham finds that this application meets the requirements for SSP approval as it will not result in structural changes to the building, parking requirements, site improvements, traffic, or water/sewer usage. This is a Type II action under SEQRA.

There are no questions or comments from Planning Board members.

Ms. Gotto moves to classify this project as a Type II action under SEQRA. Ms. Schanberg seconds. 5 ayes. Motion carries.

With no further objections or comments from Board members, Ms. Schanberg moves to waive Site Plan approval for PB21-98, 27 N. Putt Corners Road, Bimbo Bakeries. Ms. Cohen seconds. 5 ayes. Motion carries.

3. Site Plan

PB21-93: 215 Huguenot Street

Applicant: Garvan's

Zoning District: R-1

SBL: 78.19-1-5.221

7:16-7:50

Mr. Garvan McCloskey is in attendance to speak on behalf of his application. The applicant does not believe this to be a particularly large project. Outdoor dining was a big boost for his business the previous year. The business also reached an agreement from the State Liquor Authority to allow the restaurant to continue serving alcohol outside. Only the Garvan's portion of the business will be used for outdoor dining. The restaurant intends to stay at 50% capacity because they feel it's safer. With the additions they're planning to employ 30-40 people in the high season. The shed will be used for various accoutrements and assisting the waitstaff, so they don't have to walk all the way back to the kitchen for certain items.

Chair Ruger asks how big the shed is.

The applicant responds that the shed is 12'x10', approx. 120 square feet.

Ms. Schanberg clarifies with the applicant the nature of the submitted plans, including the permanency of the shed. Mr. McCloskey clarifies that it's a pre-fabricated shed that could be moved but will likely remain in the proposed location. The shed will be on a gravel base, not cement.

Mr. Willingham explains that some waivers would need to be granted by the Planning Board, some of which would be appropriate. However, it's up to the Planning Board to decide if they want a Site Plan with more information on it. The map provided is a hand-marked up version of an old survey and Mr. Willingham would feel more comfortable with a formal plan, especially as it pertains to seating and related requirements. Mr. Willingham asks if it will become a 150-seat restaurant with the additions, or will the 50 seats outside replace the seats inside? Is the Planning Board potentially approving a larger restaurant for half the year?

Mr. McCloskey responds in the negative, the restaurant is not adding more capacity.

Ms. Schanberg asks about the “café lighting” being akin to string lights. Mr. McCloskey responds in the affirmative.

Mr. McCloskey further explains that the restaurant rarely even meets their full capacity allowance. While they can have 175 people, they generally never go beyond 80 or 90 for small events.

Mr. Willingham discusses the waivers that the Planning Board would need to grant and will provide a written list to the Planning Board.

Mr. McCloskey intends to add about 50 seats outside.

Ms. Torre confirms that it would be appropriate to have a condition in the Resolution that the use of the outdoor space and the capacity of inside/outside seating cannot exceed what it presently is. This condition would be enforceable against this applicant and any future owner of the property.

Mr. Willingham advises that the applicant submit a more “put-together” site plan but ultimately defers to the Board on that decision.

Mr. McCloskey is fine with moving the shed so that he will not require any variances. The applicant clarifies that the owner of the property is granting *up to* 400 square feet for additions, but the applicant is only seeking about half of that.

The Planning Board requests a clearer/newer plan and list of Site Plan requirements that they may or may not waive.

Ms. Schanberg moves to declare this a Type II action under SEQRA. Chair Ruger seconds. 5 ayes. Motion carries. This application is exempt from referral to the UCPB.

4. Wetlands Permit

PB21-79: 400 N. Ohioville Road

Applicant: Mid-Hudson Sporting Clays

Zoning District: A-3

SBL: 79.3-4-40

7:50-8:04

Ms. Gotto takes the lead on this application and explains that the applicant has committed a wetlands violation and the Planning Board needs to review how that violation can be remedied. The applicant was required to submit a longform Wetlands Permit application, however certain items appear to be missing, including the SEAF.

Mr. Steve Meyen is in attendance along with the applicant’s wetlands consultant, Mr. Michael Nowicki. Mr. Nowicki intends to meet with the Town’s wetlands inspector at the site.

The applicant will need to submit a corrected Owner's Authorization Form (per the Town's attorney) in addition to the other missing items that the Planning Board requires.

Chair Ruger also mentions a number of other items that the Planning Board will need to address aside from the illegally installed road.

Ms. Schanberg moves to declare this application incomplete. Ms. Gotto seconds. 5 ayes. Motion carries.

Admin. Business (Cont.)

- *"New Paltz Apartments" Project*

8:05-8:10

The Planning Board discusses the annexation petition currently before the Town and Village Boards as well as the required SEQRA review. The Village Planning Board has declared themselves Lead Agency and issued a Notice of Intent. Attorney Torre clarifies that the Town Planning Board is an Interested Agency, so they have no approval powers and cannot contest to the Village Planning Board being Lead Agency.

Adjournment

Ms. Schanberg moves to adjourn the March 22, 2021 meeting. Ms. Cohen seconds. 5 ayes. The meeting adjourns at 8:16 PM.

Respectfully submitted by,

Alana Sawchuk
Planning and Zoning Secretary