



Town of New Paltz Planning Board
 Regular Meeting of Monday, May 24, 2021
 Live-streamed/Recorded Remotely at 7:00 PM
 Available on YouTube: <https://youtu.be/roTm26bp-cE>
APPROVED MINUTES

Present: Adele Ruger, Chair
 Lyle Nolan, Deputy Chair
 Matthew DiDonna
 Jennifer Welles
 Jane Schanberg

Absent: Amy Cohen
 Amanda Gotto
 David Brownstein, Town Board Liaison
 Richard Golden, Planning Board Attorney

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

Welcome

7:01

Chair Ruger opens the regularly scheduled May 24, 2021 meeting of the Planning Board.

Administrative Business

- *Approval of May 10, 2021 Minutes*

Ms. Schanberg moves to approve the May 10, 2021 Minutes. Mr. DiDonna seconds. 5 ayes. Motion carries.

- *Escrow Establishment for PB21-183*

Chair Ruger recommends establishing a \$2,000.00 escrow account with a \$1,000.00 replenishment threshold. Mr. DiDonna moves, Ms. Schanberg seconds. 5 ayes. Motion carries.

- *Town Board Updates*

Mr. David Brownstein is absent.

Public Comment(s)

7:02

No comments were submitted by the public nor was in anyone else in attendance to speak.

Application Review

1. Subdivision

PB21-40: 525 Albany Post Road

Applicant: Mark Albrecht

Zoning District: A-1.5

SBL: 86.3-1-6.200

7:02-7:25

Mr. Mark Albrecht and Mr. Robert James are in attendance to speak on this application.

Board members are in receipt of a Draft Resolution provided by the attorneys.

Ms. Torre comments on the required sidewalk waiver. Ms. Schanberg recalls that Deputy Chair Nolan had mentioned the sidewalk waiver at the previous meeting and a motion was made to waive it.

Ms. Schanberg reads the Specific Conditions included in the Resolution:

1. Prior to the signing of the plat, the Applicant must provide proof to the Building Department that it has paid to the Town Clerk in full the recreation fee for the additional lot created by this subdivision.
2. Prior to the issuance of a building permit for the newly created lot: (i) all approvals necessary for a septic and well for said lot shall be secured, and (ii) if after April 26, 2022, the property owner must request that the NYS DEC re-evaluate potential impacts to bald eagle nests, per DEC email dated April 26, 2021, a response from the DEC must be received by the Building Department, and construction may proceed only in accordance with the DEC response.
3. In accordance with a February 26, 2021 email from NYS Parks, Recreation & Historic Preservation, there shall be no disturbance east/southeast of the existing stone wall to the Stony Kill Brook to avoid potential impacts to archeological resources, unless prior authorization for such disturbance is secured from NYS Parks, Recreation & Historic Preservation.
4. Prior to the signing of the plat, a note shall be added to the plat as follows: "The property is located in an archeologically sensitive area. Any future disturbance east/southeast of the existing stone wall on the vacant lot (Lot 2B) that is east/southeast of the proposed residential structure and sewage disposal area to the Stony Kill Brook shall require prior review and approval by the Town of New Paltz Planning Board and the New York State Office of Parks, Recreation and Historic Preservation, Division for Historic Preservation."
5. In accordance with the NYS DEC, no blasting or similar loud construction noise shall occur on the subdivided lots to avoid impacts to Pied-billed Grebes in the area.

Mr. Albrecht asks a question regarding Condition #2 and the timeline for when the applicant needs to check-in with the DEC. Ms. Torre adjusts the language in this condition to reflect conversations that were had at a previous meeting. Mr. James requests some minor changes be made to the Resolution as drafted. Attorney Torre reviews the changes made during discussion.

Ms. Schanberg moves to approve the Resolution for PB21-40, 525 Albany Post Road as amended.
Mr. DiDonna seconds.

Adele Ruger, Chair: AYE;
Lyle Nolan, Deputy Chair: AYE;
Matthew DiDonna: AYE;
Jennifer Welles: AYE;
Jane Schanberg: AYE;
Amy Cohen: ABSENT;
Amanda Gotto: ABSENT.

5 ayes. Motion carries.

Ms. Schanberg asks the applicant how he felt about the Planning Board process. Mr. Albrecht feels that much of the process made sense to him, but did find some of the process to be a “punishment” due to the size of the lot; as well as confined by the legal restrictions.

2. Site Plan

PB21-120: 271 Main Street

Applicant: Tesla

Zoning District: B-2

SBL: 86.12-6-5.100

7:25-7:32

Mr. Edward Noseworthy is in attendance to speak regarding this application.

The attorney’s office has provided a Draft Resolution for this project. There are no questions from the applicant regarding the Resolution.

Chair Ruger requests a motion to approve the Resolution as drafted.

Deputy Chair Nolan refers to a letter published in the local paper regarding this application and the specificity of these charging stations (i.e., to be used by Tesla’s only).

Village Mayor Tim Rogers speaks regarding the option of buying adapters for certain stations/cars. Mr. Noseworthy confirms that as it currently stands Tesla stations are only for Tesla's.

Ms. Schanberg moves to approve the Resolution for PB21-120, 271 Main Street. Mr. DiDonna seconds.

Adele Ruger, Chair: AYE;
Lyle Nolan, Deputy Chair: AYE;

Matthew DiDonna: AYE;
 Jennifer Welles: AYE;
 Jane Schanberg: AYE;
 Amy Cohen: ABSENT;
 Amanda Gotto: ABSENT.

5 ayes. Motion carries.

3. Site Plan

PB21-183: 130 DuBois Road
 Applicant: Trapani/Montessori
 Zoning District: R-1
 SBL: 94.2-1-12
 7:33-7:52

Ms. Brooks is in attendance as a representative of Whispering Woods, LLC, as well as the property owner, Ms. Trapani.

Mr. Willingham speaks regarding the memo he had provided to the Planning Board. The applicant is proposing to improve an existing private school. A 507 square foot addition is being proposed as well as an additional 143 square feet for bathrooms. Despite the increase in building space the school will remain at 45 student capacity (per Site Plan approved in 2015).

Mr. Willingham asks about a “flow rate” for the septic system as it was not included in the application, as well as written waiver request. Mr. Willingham notes a fenced enclosure located on the adjacent property, and the LLC is requesting an easement with the adjacent property owner (Ms. Trapani).

Mr. DiDonna agrees with the installation of a fence as opposed to an easement.

Ms. Brooks explains that both properties are owned by the applicant and this small portion is being utilized by the school.

Ms. Torre explains that the other property would need to be part of the Site Plan application.

Deputy Chair Nolan speaks to a similar issue that was before the Planning Board previously.

Ms. Trapani explains that during the pandemic they had setup tents in the yard, so they are utilizing every possible area that they have. If they are being required to move the enclosure they will, but they would prefer not to. Attorney Torre clarifies that if the LLC does not own both parcels then an easement is an option.

Mr. DiDonna asks if they’re considering joining the properties. Ms. Trapani confirms that no, they are not prepared to do that yet.

Board members are not averse to the easement as a solution. Attorney Torre recommends that the applicant's attorney draft up the easement.

This is a Type II action under SEQRA with referral to the UCPB required. Mr. DiDonna moves to classify this as a Type II action under SEQRA. Deputy Chair Nolan seconds. 5 ayes. Motion carries.

No Public Hearing is required for this application.

4. Subdivision

PB21-177: 200 Mountain Rest Road

Applicant: Village of New Paltz

Zoning District: A-3

SBL: 78.3-1-30

7:52-8:17

Village Mayor Tim Rogers and Ms. Caren LoBrutto (Senior Planner, Chazen) are in attendance regarding this application.

Ms. LoBrutto provides a brief presentation for Planning Board members concerning this application and its history.

This project involves the transfer of 2.42 acres of land from Mohonk Preserve Inc. to the Town of New Paltz. The applicant, the Village of New Paltz, will utilize the 2.4 acres of land to access an existing well that will supply the Village with an owned and operated water system.

Mr. Willingham explains that if this was not being applied for by the Village it would have required Site Plan approval; a Clearing and Grading Permit; and a Steep Slopes Permit. However, due to the applicant being the Village, the Town Board was able to waive these zoning requirements at their May 20, 2021 meeting. They cannot waive the Subdivision requirement, which is why the Village is before the Town Planning Board.

Mr. Willingham notes that the Village Board is the Lead Agency for SEQRA review, so Mr. Willingham's comments are related only to the Subdivision. Written requests for certain waivers are still required by the applicant.

Ms. Schanberg asks for specifics relating to why the Village Board is Lead Agency for this SEQRA review and not the Town Planning Board.

The Town Planning Board was not properly noticed about the Village Board's attempt to be Lead Agency due to a clerical error, so the Village Board has become Lead Agency by default after 30 days without a response from Involved Agencies. However, the Town Planning Board has no concerns with the Village Board acting as Lead Agency.

Chair Ruger requests a motion to consent to the Village Board being Lead Agency. Ms. Schanberg moves, Mr. DiDonna seconds. 5 ayes. Motion carries.

Ms. Schanberg asks about an access road for this project. Mayor Rogers refers to a pathway that does exist on site. Ms. LoBrutto notes that no blasting should be required for these well installations.

A Public Hearing is required but cannot be held until after SEQRA is completed. The Planning Board will set the Public Hearing at their June 14, 2021 meeting, assuming that the Village Board will complete SEQRA at their next meeting.

Adjournment

Mr. DiDonna moves to close the May 24, 2021 meeting. Ms. Schanberg seconds. 5 ayes. The meeting adjourns at 8:18 PM.

Respectfully submitted by,

Alana Sawchuk
Planning and Zoning Secretary