



**Public Hearing- “Trans-Hudson (BFB New Paltz LLC) Petition
to Extend Water & Sewer Districts”
Public Hearing- “Shawangunk Ridge CEA”
Town Board Meeting
December 16, 2021, 7:30 p.m.
Via Videoconference**

Present: Supervisor Neil Bettez, Councilwoman Alex Baer, Councilwoman Julie Seyfert-Lillis, Councilman Dan Torres, Councilman David Brownstein.

At 7:44 p.m. a motion was made by Supervisor Bettez to continue the public hearing on the Trans-Hudson (BFB New Paltz LLC) petition to extend water and sewer districts. Seconded by Councilman Torres, all aye votes cast, motion carried.

Public Input:

-Susan Stessin-Cohn read a letter in opposition of the petition.

-Emily Svenson, Attorney, read the following letter in opposition:

“I write on behalf of a group of New Paltz residents to oppose to the proposed water and sewer district extension to the property at 12 North Putt Corners Road (the “District Extension”).

The sole purpose of the District Extension is to facilitate the proposed BFB New Paltz development (the “Project”). The Project is a de facto Thruway rest stop, and it is wrong for the Town of New Paltz. The Town Board should not extend water and sewer infrastructure for it.

The Project poses many negative impacts

Among the negative impacts of the Project are the following:

1. Incompatibility with the Comprehensive Plan and Zoning Code

The Main Street Mixed Use district was designed specifically to “transition away from auto-oriented strip commercial development” and toward mixed-use, Main Street-style development. A year ago, this board reviewed waiver requests for the Project, including a request to bypass the law’s two-story requirement in favor of a traditional, single-story commercial layout. The Town Board rejected the waiver, making clear that the proposed Project is detrimental to the community’s plans. The December 17, 2020 minutes which include the waiver rejection are attached as Exhibit A.

The findings in the waiver rejection were detailed and definitive. The board quoted the MSMU goal to provide “opportunities for upper floor residential units that could offer the community much needed housing diversity and affordability.” The board determined:

The elimination of the second floor is contrary to the goals of the MSMU. Permitting one of the few undeveloped lots to be developed in a manner that is contrary to the Zoning Law will have a lasting impact on the character of the MSMU.

The MSMU requires density of people in a single location in order to concentrate development and fulfill the goals of smart growth. The Comprehensive Plan Amendment for the Route 299 Gateway Corridor and the stated Purpose section of the MSMU regulations set forth in the Zoning Law clearly indicate that concentrated development is a goal for the town. Concentrating development in certain areas eliminates vehicle trips, allows for shared parking which lessens environmental impact, and permits efficient design such as shared entrances/ egresses. The loss of these potential residents or additional customers will have a negative effect on the district.

The Project sponsor sought a variance to allow it to proceed despite the Project’s nonconformance with the community’s plans. The Project remains a single-story traditional commercial design that runs contrary to the town’s adopted goals, just as this board correctly found a year ago.

1. Emergency response

The location of the community’s first responders has changed since this Project was first proposed. New Paltz’s EMS, police and fire headquarters are all now located on North Putt Corners Road. The latest Traffic Impact Study predicts significant added delays for southbound traffic on North Putt, increasing from 64 seconds today to 104 seconds by 2026 once the Project is built. It also predicts regular traffic queues of 200 to 300 feet.

The impacts of congestion at this critical intersection on emergency response times must be carefully considered.

2. Wastewater capacity and housing needs

The Village of New Paltz wastewater plant is reaching capacity, with limited ability to accommodate new projects. Given the need for additional housing in New Paltz, remaining sewer capacity should be targeted toward residential construction. The Project would use the equivalent capacity of 25 residential housing units.

New Paltz should not squander its infrastructure capacity on a Project that primarily benefits Thruway travelers at the expense of the community’s housing needs.

3. Public safety

Serious concerns have been raised about the safety impacts of adding vehicle turning motions that conflict with the Empire State Trail. In particular, adding an entrance to the Project off Route 299 will worsen

bicycle and pedestrian safety. Also, earlier this month, the Planning Board’s traffic consultant called the internal site layout unsafe for cars and pedestrians.

Plans to move some of the Empire State Trail traffic off Route 299 to a connector trail do not justify making the Route 299 corridor less safe for cyclists and pedestrians. Additionally, current plans for this connector trail would remove a significant portion of a protective buffer along the Thruway, exacerbating noise and visual impacts.

The District Extension is not in the public interest and must be rejected

The decision to establish or extend a district lies squarely within the discretion of the Town Board. A proposed expansion may only be approved if four criteria are met. One of these is “whether it is in the *public interest*” to grant the extension.

Town Law directs that if a town board determines it is “not in the public interest” to extend a district as requested, “the town board *shall* deny the petition.” The Appellate Division has made clear, “in determining the petition, [the town board] is *required* to consider the public interest in general.” Both state and federal appellate courts have rejected suggestions that only limited technical criteria may be considered.

Accordingly, the Town Board must not limit its inquiry to technical issues but must carefully consider whether extending the community’s infrastructure serves the public interest.

A town’s decisions about infrastructure are one of the most direct ways the town guides growth and should reflect the community’s plans and goals for development. Here, the Town Board made findings just a year ago determining that the Project would have a lasting negative impact on the community’s plans for this area. To now hold that the District Extension is in the public interest would be arbitrary and irrational.

Even within the context of water and sewer service in particular, the District Extension would not serve the public interest. As described above, it would squander the community’s limited remaining sewer capacity on non-essential businesses instead of supporting the construction of needed housing.

The serious negative impacts on emergency response times and bicycle/pedestrian safety further underscore the failure of the District Extension to serve the public interest.

Because the District Extension would thwart the community’s carefully crafted goals and smart growth policies, it is contrary to the public interest and must be rejected.

The negative impacts of the District Extension warrant a positive SEQRA declaration

The Board should not issue a SEQRA negative declaration for the District Extension. The District Extension must be considered in the context of the Project it facilitates. One of the criteria for determining significance is “the creation of a material conflict with a community’s current plans or goals as officially approved or adopted.” Here, the Board’s own findings have held that the Project would conflict with the town’s plans and laws.

Furthermore, the emergency response and bicycle/pedestrian safety impacts described above have evaded any SEQRA review in the context of the Project because conditions changed after the Planning Board’s negative declaration.

SEQRA regulations “specifically authorize an agency to take into account changes in projects, new information, and changed circumstances affecting a project” at any point before approval.

The regulations also impose a mandatory duty to rescind a negative declaration and issue a positive declaration when changes in circumstances result in the potential for a significant adverse environmental impact.

Conclusion

For all the reasons herein, the Town Board should reject the proposed District Extension. To issue a negative declaration and approve the request would directly conflict with the existing record. Thank you for your consideration.”

-Lee Bell read a letter on behalf of Lagusta Yearwood in opposition.

-Highway Supt. Chris Marx clarified his statement from the 12/2 meeting. His support of the petition is solely for purposes of upgrading the water and sewer districts, not necessarily for the proposed project.

-Dan Schniedewind read a statement in opposition.

At 8:10 p.m. a motion was made by Supervisor Bettez to close the public hearing. Seconded by Councilman Torres. Bettez, Torres and Brownstein voted aye. Baer and Seyfert-Lillis voted nay. Motion carried.

Public Hearing-Shawangunk Ridge CEA:

At 8:11 p.m. a motion was made by Supervisor Bettez to continue the public hearing on the proposed Shawangunk Ridge Critical Environmental Area. Seconded by Councilman Torres, all aye votes cast, motion carried.

Public Input:

Stana Weisburd spoke in favor of the proposed CEA.

At 8:13 p.m. a motion was made by Councilman Brownstein to close the public hearing. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

Town Board Meeting:

At 8:14 p.m. a motion was made by Supervisor Bettez to open the meeting with the pledge. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

Agenda:

A motion was made by Supervisor Bettez to adopt the agenda as written. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

The Board thanked Councilman Brownstein for all his hard work during his time on the Board.

Public Input:

-Edgar Rodriguez, asked of the Town has a 5 or 10-year facilities and maintenance comprehensive plan for its assets.

-Maggie Veve spoke about the 2022 Budget, indicated the Town has infrastructure needs such as the Youth Center and Town Hall.

Referrals from Police Commission:

A motion was made by Supervisor Bettez to approve the following. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

1. The promotion of Amanda Snyder to full-time police officer effective January 1, 2022, at the salary and step outlined in the Collective Bargaining Agreement.
2. The hiring of John Miller as full-time police officer effective January 1, 2022, at the salary and step outlined in the Collective Bargaining Agreement.
3. The acceptance of letter of resignation from Brianne Quigley effective December 31, 2021.
4. The acceptance of letter of resignation from Ryan Bulson effective November 27, 2021.

Discussion of proposals and authorization of prepay for Mitsubishi Super High Efficiency Heating, Cooling, Dehumidification and Air Purification system for Youth Center:

A motion was made by Supervisor Bettez to accept proposal #1 from RYCOR for 4 units at a cost of \$10,191.70. Seconded by Councilman Torres, all aye votes cast, motion carried.

Discussion-Trans-Hudson (BFB New Paltz LLC) Petition to extend Water/Sewer Districts-Establishment of Extension No. 1 of Water District No. 1 and Sewer District No. 1:

Kathy Zalantis, Attorney, and Justin Dates, Engineer, spoke about the petition and the project. They listed the benefits and indicated that the project has evolved over the years.

Following a discussion by the Board, a motion was made by Supervisor Bettez to adopt the resolutions for SEQRA Determination of Non-Significance declaring a Negative Declaration. Seconded by Councilman Brownstein, all aye votes cast. Councilwoman Seyfert-Lillis voted nay. Motion carried.

A motion was made by Supervisor Bettez to adopt the resolution establishing Extension No. 1 of Water District No. and Sewer District No. 1, to summarize, it states that (a) the petition is signed, acknowledged or proved as required by law and is otherwise sufficient; (b) That all the property and property owners within the proposed district extension are benefited thereby; (c) That all the property and property owners benefited are included within the limitation of the proposed district extension; and (d) That it is in the public interest to grant in whole the relief sought. In addition, it states that the construction and maintenance of a sewer system in said sewer district extension at "no cost" to the town as stated in said petition, is hereby authorized and approved. Seconded by Councilman Brownstein, all aye votes cast. Councilwoman Seyfert-Lillis voted nay. Motion carried.

Consent Agenda:

A motion was made by Supervisor Bettez to approve and/or authorize the following as part of the consent agenda. Seconded by Councilman Torres, all aye votes cast, motion carried.

- a. Approval of minutes: Town Board Meeting December 2, 2021
- b. Establishment of escrow for TB# 21-02; New Paltz Storage Water District Extension in the amount of \$2,500.00 with a replenishment threshold of \$1,000.00
- c. Acceptance of resignation effective December 22, 2021: Alana Sawchuk, Planning/Zoning Secretary
- d. Authorization for the replacement of 59 No. Putt Corners Road building cameras
- e. Authorization of additional pre-pay run on December 30, 2021 for 2021 payments

- f. Authorization of correction to Kris Klitzner hire effective 11/1/21: increasing to \$25.70 on 1/1/22, increasing to \$26.20 on 5/1/22, increasing to \$26.70 on 11/1/22 as per UPSEU union contract.
- g. Approval of final escrow authorization for PB#21-534, 4 S. Putt Corners Road, to be established at \$4,000.00 with a replenishment threshold of \$2,000.00
- h. Correction of budget modification of 10/21/21, to correct typo of "A 1910.400 Contingency" to "**A 1990.400 Contingency**" for a \$65,000 A fund transfer for cost overruns
- i. Budget Modifications:

TO:				FROM:			
A	7180.130	Moriello Pool, PS	260.00	A	7180.430	Moriello Pool, C.E.	260.00
TO:				FROM:			
B	1670.400	Central Printing & Mailing, CE	1,486.00	B	1680.400	Central Data, C.E.	1,486.00
TO:				FROM:			
DB	3310.100	Traffic Control, PS	4,630.00	DB	3310.400	Traffic Control, CE	1,233.00
DB	5140.400	Brush & Weeds, CE	1,652.00	DB	5110.100	General Repairs, PS	3,397.00
DB	9010.800	State Retirement	9,020.00	DB	5132.400	Garage, CE	1,652.00
DB	9061.800	Dental Insurance	1,172.00	DB	9060.800	Medical Insurance	<u>10566</u>
DB	9062.800	Vision Premiums Paid	340.00				16,848.00
DB	9730.705	BAN-INTEREST	<u>34.00</u>				
			16,848.00				
TO:				FROM:			
SSE	8110.100	Administration, PS	1,442.00	SSE	8120.400	Sewage Collecting Syst, CE	1,442.00

Warrant:

A motion was made by Supervisor Bettez to approve the December Warrant in the amount of \$961,513.50. Seconded by Councilman Torres, all aye votes cast, motion carried.

Personnel Update:

Supervisor Bettez indicated that the Town is looking for a replacement for the Planning and Zoning Secretary, but it will not be shared with the Village. One full-time position will be split between the Building Department and Planning/Zoning. The Assessor's Office is looking for a part-time Clerk.

At 9:22 p.m. a motion was made by Supervisor Bettez to adjourn the meeting. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Rosenkranse
Town Clerk