

Town of New Paltz Planning Board

FINAL Minutes

April 22, 2013

Agenda:

PB 2012-11, L. Vlamis, 143 S. Ohioville Rd., Subdivision/Lot Line Revision
PB 2013-03, S. Lerner, 555 Albany Post Rd., Subdivision
PB 2013-05, Bruno, 87 N. Ohioville Rd., Accessory Apartment
PB 2013-04, New Paltz Property, Inc./Shop Rite, 258-268 Main St., Simplified Site Plan
PB 2013-06, Novella's/Albatros, 2 Terwilliger Lane, Simplified Site Plan
PB 2010-06, K & E Beverage, 255 Main St., Site Plan
PB 2010-14, Wilmorite/SUNY Park Point, 141 Route 32 S., Site Plan

Present: Mike Calimano, Peter Muller, George Lithco, Lyle Nolan, Eileen Banyra, Tim Rogers, Dave Clouser, Tom Power, Lynn Bowdery (alternate)

Board Member(s) absent: Lagusta Yearwood

Chairman Calimano called the meeting to order at 7:03 pm.

MINUTES

April 8, 2013 minutes presented.

Motion to approve the minutes made by Tim Rogers.

Lyle Nolan abstains from voting.

2nd by Tom Powers.

All others present in favor. Motion passed.

PUBLIC COMMENT ON ISSUES OTHER THAN PUBLIC HEARINGS

None

OLD BUSINESS

Extension Requests:

PB 2010-06, K & E Beverage, 255 Main St., Site Plan

Bill Brosnan comes before the Board to discuss his site plan extension request, and give the Board a general schedule for work that is to be done. He gives the Chairman a schedule, and states how he

already met with the signage contractor. He intends to be done by July with the signage. The exterior will be completed by fall. The interior will be done over the winter. He will be sticking with the approved site plan, and anything that is not on the plan will be removed from the site. There is discussion on the cooler, and how it is part of his original site plan approval. Eileen Banyra states how October is a long way away, and the exterior is the main concern. She would like to see this move along quicker. A 90 day extension will be considered for now, and he will need to come back in July to validate his progress. There is also conversation about the paving of the lot and the landscaping needing to be done by the fall, as it can't be done in the winter.

A motion to grant a 90 day extension is made by Eileen Banyra.

2nd by Lyle Nolan.

All others present in favor. Motion passed.

PUBLIC HEARINGS

PB 2012-11, L. Vlamis, 143 S. Ohioville Rd., Subdivision/Lot Line Revision

A motion to open the public hearing is made by Eileen

2nd by Peter

All others present in favor. Motion passed.

Thomas Ankru wants to know what is going on with this subdivision.

The Lagatutta's are also present to question this subdivision.

Patti Brooks, representing the applicant, shows the plans for the subdivision and the lot-line revision. She shows the subdivision plans and discusses the agreement with the Town Highway department for the extension of Olev Lane. Mr. Ankru discusses his concerns with the roadway and the underground utilities that go to his apartment house. There is discussion on further subdivision of the Ankru lands. Patti Brooks states how it is more a matter of topography. He is concerned about the ability to sell his property at a later date. Ms. Brooks states how this now makes his property more valuable, as it gives it road frontage on a town road now, which it currently doesn't have; as well as a proper turn around for emergency vehicles. Eileen Banyra explains how this application is not to show whether or not Mr. Ankru can use/subdivide his property, that would require a conceptual on his behalf. Mr. Ankru also has a question on whether he needs to move his parking area. He does not need to move his tenant's parking area. Ms. Brooks states how the Highway Superintendant would not sign off on something like this if it created any type of hazard to another property. There is continued discussion on the underground utilities that run to his property. This will need to be marked to see where it actually is, and if it will need to be moved from the paved portions of the proposed street and cul-de-sac, which would be offered for dedication to the Town.

A motion to keep the public hearing open to the May 13 meeting is made by Mike Calimano.

2nd by Eileen Banyra.

All others present in favor. Motion passed.

APPLICATION REVIEWS

PB 2013-03, S. Lerner, 555 Albany Post Rd., Subdivision

Michael Vetere, the Surveyor representing the applicant, comes before the Board to present the application for subdivision.

Dave Clouser states how there were Covenants/Restrictions that were part of the original subdivision. Mr. Vetere questions if that means that there is then a restriction on where a potential buyer places the house, as it is predominantly overgrown fields. Dave Clouser states how this will all need to be shown on the plans, especially where the tree line is and whether a watercourse traverses a portion of the property. There will need to be an erosion/sediment control plan as well. The part where the development is going will need more than topography. Dave Clouser would also like a copy of the deed. Dave Clouser suggests he refer to section 121 of the code. Eileen Banyra wants to know if the property perks, and Dave Clouser states that they would need to do that through the Health Department before they can grant a subdivision approval. It also needs to be noted that there can be no further subdivision. Mr. Vetere asks for clarification on item #7 of Mr. Clouser's review memo.

Mike Calimano states how the Planning Board will now need to set up an escrow account to continue the review of this application. A notice of Escrow will be sent out to the applicant.

PB 2013-05, Bruno, 87 N. Ohioville Rd., Accessory Apartment

Mr. and Mrs. Bruno appear before the Board to present their application for an accessory apartment. It will be an apartment above the garage. Dave Clouser goes over his review of the application plans. The Building Inspector has reviewed it, they have their title, as well as UCHD approval. There is discussion on putting the lighting on the plans. Dave Clouser states how it does meet the parking requirements. The garage has water to it already. The applicants are given the SEQRA short form, and are requested to fill out and come back.

Mike Calimano addresses neighborhood residents who come late for the public hearing regarding the Vlamis subdivision.

Mr. and Mrs. Bruno come back before the Board with their SEQRA Short Form. They go over their answers to the questions. Dave Clouser indicates that the proposed action would be an Unlisted Action, and goes over the criteria of significance and the applicability of those criteria to the proposed action. Based on the answers, this could be considered a negative declaration.

A motion for a negative declaration is made by Tim Rogers.

2nd by Peter Muller.

All others present in favor. Motion passed.

A motion for approval is made by Peter Muller.

2nd by Lyle Nolan.

All others present in favor. Motion granted.

PB 2013-04, New Paltz Property, Inc./Shop Rite, 258-268 Main St., Simplified Site Plan

Dave Clouser goes over the application for asbestos abatement for the portion of the plaza that is vacant. There are plenty of state regulations for asbestos abatement. This doesn't affect the current site plan at all. There is no change to the foot print, parking, or anything else.

A motion to declare this a Type II SEQRA is made by Mike Calimano.
2nd by Lyle Nolan.

All others present in favor. Motion passed.

A motion to waive site plan is made by Lyle Nolan.
2nd by Peter Muller.

All others present in favor. Motion passed.

PB 2013-06, Novella's/Albatros, 2 Terwilliger Lane, Simplified Site Plan

Dave Clouser goes over this application for this interior only renovation. There is no need for additional parking. The DEC guidelines for occupancy of catering hall verses restaurant is not much of a change. It has no affect on the environment or the community.

A motion to declare this a Type II SEQRA is made by Eileen Banyra.
2nd by Lyle Nolan.

All others present in favor. Motion passed.

A motion to waive site plan review is made my Lyle Nolan.
2nd by Peter Muller.

All others present in favor. Motion granted.

PLANNING BOARD ADMINISTRATIVE MATTERS DISCUSSION

Discussion by Dave Clouser of new regulations proposed for Access Management for new developments that access State Highways in Town and South Putt Corners Road. He presents the April 15, 2013 Review Draft of the Access Management Overlay District Ordinance for the Town of New Paltz. He states how George Lithco looked at the variance section, and found some concerns that require clarification. This will be revised so that the Town Board can look at this at their meeting on Thursday. Tim Rogers is wondering if the Town and Village are communicating enough in their business district plans, as the Village is looking into the commercial development of the Route 32 N area. Mike Calimano states how they are two different zones. Eileen Banyra states how the S. Putt development corridor is an Industrial zone, which is completely different than the Villages commercial development district. Mike Calimano suggests that the members read this, as the Town Board will be formally referring the proposed district to the Planning Board for their review and comments.

Lyle Nolan Leaves the meeting. Lynn Bowdery sits in for him.

APPLICATION REVIEWS CONTINUED

PB 2010-14, Wilmorite/SUNY Park Point, 141 Route 32 S, Site Plan

Jim McKenna, Mike Moriello, Tom George, Bruce Boncke and Tim Frateschi attorney appear before the Board with respect to the Park Point application.

Tim Rogers asks where we are with regards to hiring a financial analyst. Mike Calimano states how he met with the Police Chief and the head of the Police Commission, as well as head of the Rescue Squad. He still needs to meet with the Fire Chief. They are going to come back to the Planning Board with some revised numbers with regards to anticipated expenses.

Tim Rogers is wondering when we will be hiring a financial analyst? Mike Calimano states how we will allow Wilmorite to use the new data we gather, and then we will get a peer review of their results. Dave Clouser states how we have several consultants that are willing to do the work, but the scope was originally large and they were concerned about completing all of the work in the time frames required by the RFP. Eileen Banyra wonders why we only had one response. Dave Clouser states how many consultants thought the scope was too large, and if we could narrow the scope, we could certainly get more submittals. Eileen Banyra is looking to develop a short list in order that they are ready to go when we have this financial information. It is confirmed that it is a Planning Board's decision as to who gets hired.

Tim Frateschi asks the Chairman to clarify this process. In other words, are we asking the Emergency Responder department heads to come up with a financial number? He states that he still doesn't understand why we are involving yet another third party. There is continued discussion with Tim Rogers and Eileen Banyra with the comfort level of the Board members and the community as a whole, and making sure that these fiscal impacts are accurate.

Bruce Boncke discusses the continuing process of putting together sections of the FEIS. For tonight's purpose, the ecology section was what they had wanted to discuss, though they wanted to be sure that Spider Barbour had sufficient time to review this section.

Bruce Boncke continues to go over the format of the FEIS, as there are no state laws determining the required format. They will be working with the Planning Boards comments on how to best format the FEIS. They took the Transportation section that they already submitted, and reformatted it with the original changes requested at the last meeting. They would like to present this reformatted section to the members, to see if they like the new formatting that they have asked for. This is a much more labor intensive way of doing it for the applicant, so it will be taking a bit longer for them to do this. He hands out the latest version, and explains the new format to the Board members. Tim Rogers states how this is exactly what they asked for, and that while it may have been time consuming to have to go back and revise what was already done, but as they move forward it should be less time consuming in the long run. Tim Rogers states that he believes it would be helpful to provide relevant sections of the DEIS into the format. He says that this isn't to make them do more work, but that it is in the long run, to make things easier and more stream lined. Mike Moriello disagrees with this.

Bruce Boncke would like to move on from formatting and field any questions regarding transportation, so that they can be done with that section. Mike Calimano would like to go through each page. He

would also like to go over any questions on the ecological section, so that Spider Barbour can address them at the next meeting.

The Board goes over each page starting at page 21. Lynn Bowdery has some questions on some of the responses that are complete changes as a result of discussions that were held. She is just concerned that this will be a static document. She commented that some of the responses (in italics) in the FEIS, to comments at the public hearing, reflected changes made to the plans since the DEIS was produced, in response to our ongoing discussions and review. Those changes should be identified, since someone looking in the DEIS would not find them.

Tim Rogers has a comment on page 22 regarding an environmental specialist visiting the site each year. He wants to know if this means during construction or after the construction is complete? It is for three the years after construction ends. George Lithco wants clarification if this will be the same for Phase 2. Jim McKenna states that it won't be, as the site will be mostly developed. Phase 2 will just be additional buildings on an existing finished site. There is discussion on who will pay for this. Tim Rogers questions why they aren't working with the college on a monitoring program involving faculty and students, as was suggested by Spider Barbour. Lynn Bowdery states how it is not good to be too specific, as then we may leave something out.

George Lithco has some comments regarding the intent of providing vernal pools as discussed on page 23. If pools are intended as mitigation, site plan condition will require that they be maintained. If they are intended as an enhancement of the wetlands, it may not be necessary to require replacement if they cannot be established or fail due to unanticipated conditions. This should all be addressed when Spider Barbour can be here to help answer these questions.

Peter Muller has a question with regards to the Wetland's Law not yet being adopted. There is continued discussion on how the applicant tried to work around this. George Lithco notes that the law was invalidated by the Supreme Court, Ulster County, but is being appealed. If the appeal reinstates the law, it appears that the law would apply, and the applicant would have to provide required buffers. If they want to reduce the buffer, they would need to demonstrate to the Board that the requirements of the Wetland's law for the reduction of buffers has been met.

Mike Calimano and Lynn Bowdery have some comments on page 26, though they will wait to discuss it when the Town Wetlands Inspector is present.

There is discussion on the conservation easement to protect the wetlands. The conditions of the Site Plan approval will also protect the undisturbed portions of the site. There is concern that the site plan could be amended. George Lithco notes that the Foundation expressed concern about making a "gift" of a conservation easement, but that if an easement was required by the conditions of approval, it would not be a "gift". Mike Moriello questions if George Lithco means that the Board could request the applicant to give a conservation easement. There is continued conversation on keeping areas undeveloped, and the means in which this can be done.

Tim Rogers has a question on Section E, Misc. A 59, which speaks about animals being driven out of this area, and that adjacent land owned by J.A.M. provides adequate land for their eventual relocation. Mike Calimano agrees that this needs to be addressed more clearly, as he believes the DEIS didn't come up with any animals that would be displaced.

There is discussion on the use of certain generic terms with regards to green infrastructure. Mike Calimano would like specific definitions. Eileen Banyra agrees that it needs to be defined.

George Lithco has some concerns with regards to parking and faculty housing, as well as club house parking, and whether the applicant could or would restrict parking in the same manner as proposed for student units. Bruce Boncke states how it is an overall computation of spaces needed. They will not be stating that certain spaces are for faculty, etc. , and that the reserved parking spaces are shown throughout the site. There will also be a fee to keep your car in the complex.

Tim Rogers has some comments on the mention of taking into account Spider Barbour's suggestions of mapping the trees. Lynn Bowdery points out that Spider Barbour had done this, and it is in one of the appendices.

Lynn Bowdery has some concerns on page 37 with regards to shared vehicles, and the placement of the hyphen. It changes the meaning, so it should be corrected. It also appears that the math is wrong here as well.

Eileen Banyra comments on the reference to the College President's letter with regards to deterring driving to campus, and anything else they may be doing other than moving the parking lots to the outermost corners of the campus.

Tim Rogers questions bike parking covered numbers. Jim McKenna states how all bike parking will be covered, other than the clubhouse bike parking.

George Lithco questions how the pavement markings will be with regards to the shared roadway markings. The college doesn't have similar pavement markings, because they have actual bike paths.

Mike Calimano comments on the last paragraph of page 42 with regards to an East-West connecting roadway between Rte 208 and Rte 32. There are currently 5 connecting roadways in a 5 mile stretch.

Mike Calimano wants more clarification of the measures mentioned on page 43.

Tom Powers has concerns on the peak traffic hours section. He would like more clarification on what they are saying here.

Mike Calimano would like them to go back and see what the DOT uses with regards to Friday and weekend traffic, because it is typically not triggered by college events, it is a general condition that may be associated with tourists or area residents, etc.

Lynn Bowdery has a question with regards to student population mentioned on page 44, she would like further clarification on this third paragraph.

There is conversation on the study of traffic accidents. Eileen Banyra and Tom Powers would like them to re-check those numbers and include the State Police as well as the County Sheriff's numbers.

There is conversation on the DOT requirements for post-construction traffic counts and analysis study. Eileen Banyra would like to see the wording on this change to reflect that this will be a condition of approval. George Lithco stated that there should be consideration of what actions would be required if

the studies show that the actual traffic conditions depart from the assumptions and conclusions in the pre-construction study.

There is conversation on some clarifications needed with regards to the bus system.

There is conversation on sidewalks being ADA compliant all the way through campus and connecting to this site, and Eileen Banyra asked whether the grade of the proposed sidewalk on the SUNY property south of the entrance to the administration building would be ADA compliant.

Mike Calimano feels that page 50 really needs a little bit of work in section J, Land Use and Zoning.

Lynn Bowdery has some questions on the 8 additional acres and their ownership, and if the additional acres will be merged with the original parcel and owned by the SUNY Foundation.

Eileen Banyra states that she hasn't had the chance to review the Land Use section, and that she may have comments next week if we continue to review it tonight.

Bruce Boncke thanks the Board for their comments, they too have had a long night and still have to drive back.

Tim Rogers still has questions concerning land banked parking. Would it be possible to put all of the parking to the South, so as to discourage the use of cars? Tom George states that most of the parking is in the South of the development. Bruce Boncke also states how the majority of spots that were land banked were taken from environmentally sensitive areas.

Motion to adjourn the meeting made by Mike Calimano.

2nd by Peter Muller.

All others present in favor. Motion passed.

Meeting adjourned by consensus at 11:00 pm.

These minutes respectfully submitted by Kelly O'Donnell