

**VILLAGE OF NEW PALTZ PLANNING BOARD  
SPECIAL MEETING OCTOBER 3, 2006**

**Call to order:** The meeting was called to order at 7:10 p.m.

**Members Present:** George Danskin, Chair; Ray Curran, Marion DuBois, Ruth Elwell

**Consultants Present:** David Clouser, Clouser & Associates; Ted Fink, GreenPlan; Drayton Grant, Grant & Lyons; Al Wegener.

**Also present:** Michael Zierler; Village Trustee and Planning Board Liaison, and other members of the public.

**Announcements from the Chair:**

1. Two candidates applied for the recent Planning Board vacancy. Interviews with both candidates will be held following the meeting on October 17, 2006.
2. Following tonight's discussion on Woodland Pond, the Board will discuss its position regarding the Village Board's proposed extension of the moratorium.

**Pending Application:**

PB03-24: Kingston Regional Health Care System/New Life Management & Development Inc.  
Woodland Pond at New Paltz, a proposed Continuing Care Retirement Community,  
North Putt Corners Road. [SBL: 86.2-1-7; 86.2-1-2-112; 86.2-1-12.100 (PB and R-1)]  
Determination of DEIS "completeness."

Applicants Present: Frank Mandy, NLMD; Cynthia Rosenberg, KRHCS, Nancy Vlahoes, The Chazen Companies

Topic: Revised FEIS

Mr. Mandy introduced the recent significant revisions to the site plan including but not limited to the following: creating a "balanced site" (the original plan required @270,000 cubic yards of soil to be carted away); re-designing the health center into a one level "L" shape building; changing the parking layout by eliminating and relocating some spaces; raising the elevation of the entire project to 373'; compressing the site further from the wetlands; and replacing the bio-retention areas with a storm water pond in the southwest corner. He noted these changes met the Planning Board's objectives by creating no impact on village roads and reducing the expansion on the embankment. Mr. Mandy also described the replanting of the transition area to naturally connect to the undeveloped property.

Regarding the water/sewer route across N. Putt Corners via Henry W. DuBois to the Village pump station, Mr. Mandy said the Town Board wasn't prepared to approve the plan at their meeting; they wanted to investigate whether adjacent existing property owners and (future) potential commercial projects could connect to the water system.

Mr. Clouser was pleased with the revised plan and the reduced impacts. He noted some issues required additional information in the FEIS while others could be resolved during site plan review. The following required additional information in the FEIS: (1) the impact requirement regarding "time of year restriction of tree clearing," (2) the survey regarding the presence/absence of the bog turtle (per the US Fish & Wildlife); (3) the justification of additional proposed parking spaces based on the number of employees, employee shifts, and tenants; (4) an estimate of annual ambulance calls and (5) night time noise impact from traffic, air conditioning units and deliveries.

The following issues could be resolved during site plan review: (1) Pollutant Transport and storm water management system; (2) Water/Sewer Connection (if preferred route is not approved by the Town) and (3) the entrance Culvert located at the proposed wetland crossing. The creation of a pedestrian/bicycle path by expanding the shoulder on North Putt Corner Road would also be explored at that time.

Mr. Wegener expounded on the necessity to include his soil specifications into the FEIS as a requirement rather than a recommendation. Mr. Mandy reiterated his commitment to those standards and agreed to the language to be used in the FEIS. There was a lengthy discussion and Ms. Elwell reminded the Board that landscaping plans/soil requirements are site plan issues and would be reviewed during that phase of the approval process.

Mr. Fink listed and updated the status of the ten outstanding issues from the July 25, 2006 meeting concerning FEIS completeness.

1. Revised Grading Plan provides an essentially balanced site.  
Mr. Curran pointed out that the proposed embankment would be super imposed on the existing embankment (where all the significant trees are located) and would reduce the buffered area and alter the view from the preserve (more visibility of cottages). To protect the existing trees and embankment, he suggested creating an embankment about 50' to the east. He noted this would be at existing grade and improve the current embankment and the buffer between the cottages and the large expanse covered by the retention pond. Ms. DuBois said the applicant had a commitment to the Preserve and wanted the existing embankment and rock formation to remain. Ms. Elwell said the site needed to be balanced and this plan satisfied that concern. She

emphasized that although the Preserve is important, this project is not centered on the Greenway, noting that there will be no Greenway without this applicant. Mr. Danskin said balancing the site was an accomplishment and supported Ms. Elwell's view. He asked Mr. Clouser about the financial, environmental and practical feasibility of constructing a retaining wall to reduce the amount of fill placed on the embankment behind the cottages in the northwestern portion of the site (e.g. sufficient number of rocks on site, cost to construct the wall and remove excess fill). Since it will take time to conduct such a study and explore the environmental impacts, it was agreed that the Board would evaluate an alternative analysis incorporating the retaining wall as part of site plan review. A statement to such effect would be included in the Findings.

2. Utilities: Two acceptable alternatives have been presented to the Board. Both Mr. Curran and Ms. DuBois preferred the one that did not go through the site and under the wetlands. Mr. Danskin pointed out that pipelines under wetlands are very common. In the event that the preferred alternative through N. Putt Corners is not feasible (approval is pending from the Town Board), the Village Planning Board could accept the alternative plan. Responding to the comments from Mr. Ruth (Brinnier & Larios) the applicant will also include FEIS text stating that they will fund all improvements to the Village water and sewer system necessary to supply water and sewer to the project.
3. Traffic: Although there were no additional comments from the Traffic consultant, Mr. Curran noted Mr. Chamberlin's recommendation that the "emergency/service" road be connected to the adjoining parcel for use as a full service road thereby providing additional access to and from the community and also serving as a potential connection to a future road system. Due to its proximity to the wetlands, Mr. Curran suggested that the road be made of permeable material. Mr. Mandy reminded the Board that the applicant did not own the properties north and south of the development. Ms. Elwell said the more exact location of potential future road connections would be explored during the site plan review.
4. Wetlands. Road Salt. The applicant committed to use the same environmentally friendly alternatives to road salt used by the Village, provided it effectively maintained safe roads and parking for the senior residents and staff.
5. Open Space/Millbrook Preserve -Greenway. Mr. Danskin felt there was no realistic possibility the applicants would fail to participate in the Greenway. Given the existing parameters of the situation, he expressed his opinion that they had made as much of a commitment as possible to insure that the designated area would never be developed, even if the Preserve never materialized. The Chair noted that there is no site plan, ownership, or governing board for the Greenway to date and felt it was unfair and unreasonable to ask the applicant to commit to an unspecified future arrangement. (He also noted that there must be a public entity to maintain and protect the preserve before it can even be open to the public.) Both Mr. Curran and Ms. DuBois still wanted further assurances. Ms. Elwell said such an arrangement was clearly beyond the purview of the Planning Board as it had nothing to do with either the EIS or site plan approval. She reiterated that the Board had no legal authority to demand a commitment beyond the permanent protection of the open space, which the applicant had agreed to already.

After some discussion about types of conceptual commitments including conservation easements, Ms. Grant asked to speak to the Board regarding potential litigation issues. Mr. Curran made a motion to go into executive session. It was seconded by Ms. Elwell and passed unanimously by the Board at 9:34pm. At 10:02pm, Mr. Curran made a motion to end the executive session. It was seconded by Ms. DuBois and passed unanimously by the Board. Ms. Elwell was not feeling well and left the meeting at this time.

The Chair said the Board was in agreement to assure not only the permanent environmental protection of the undeveloped parcel but also to the extent possible, the applicant's ongoing commitment to work with any formal/semi-formal public entity that takes the responsibility for developing a public park/greenway made up of many parcels (including this one). The Board agreed to the following alternatives: (a) Ms. Grant will review the letter from KRHS regarding the level of expressed commitment and if not deemed a commitment, recommend changes to make it a commitment. (b) The Board would include in the Findings a reference to a future/current requirement that at minimum the applicant/owner prepare a conservation easement for the parcel containing a list of conditions under which they would be committed to discussions/negotiations that would ensure the legitimate participation with the appropriate governmental agency. The Board preferred alternative B. Ms. Grant will review and determine if the conditions of a recent conservation agreement between David Lent and the Town of New Paltz is an appropriate prototype for this project.

The applicant agreed to include a statement in the FEIS to assure that the undeveloped land will remain as such into perpetuity. The two alternatives to be reviewed will be (1) a guarantee with legal standing and (2) a conservation easement with explicit conditions that would need to be met prior to the execution of the easement. Ms. Grant noted that the details of the issue need to be resolved prior to site plan approval.

*[Secretary's Note: 8/08/06 minutes reflect Mr. Zierler, co-chair, Open Space Committee felt the applicant had made it clear that the land would never be developed. The consultants for the Open Space Committee would make a presentation to Kingston Regional and discuss how the land might be conveyed. He felt this issue was premature since the consultants were recently hired and KR has received no information to date. Mr. Zierler said the O.S. Committee will negotiate with Woodland Pond and advise the Planning Board on its progress.]*

6. Building Materials: Mr. Curran was concerned that the 12-15' roof tops would have a visual impact on the community. Ms. DuBois also questioned if the roofs could be reduced. After reviewing various roof designs, Mr. Mandy said they strongly opposed a flat roof (due to winter weather) and wanted something aesthetically pleasing for the residents. Ms. Elwell reminded the Board of the extensive aerial balloon studies conducted from a number of local sites early in this process and that the results showed there would be no negative visual impacts from heights much greater than the proposed buildings. Mr. Danskin was satisfied with the roofline and said any additional discussion could be held during site plan review. Although Mr. Curran felt that this was an EIS issue, the rest of the Board agreed it was a site plan issue.
7. Trees and Landscaping: Mr. Danskin asked the applicant to adopt Mr. Wegener's soil recommendations as a condition of the FEIS, noting that any contingency plan(s) would be reviewed if and when the situation arose. The Board agreed that the landscaping plan will be revised and details of soil testing/tree planting finalized during site plan review.
8. Wildlife and Vegetation: As requested by the Board, the applicant agreed to use 2.5 to 3 inch caliper trees instead of the height specified in the FEIS. They will also include responses to the US Wildlife's inquiries regarding the Indiana bat habitat and bog turtle habitat.
9. Visual Impacts: (See Building Materials) Roof configurations will be reviewed during site plan.
10. Imperious Surfaces: The Board agreed to review the use of grass pavers during site plan review.

Rather than voting on the FEIS this evening, the Board agreed to wait until these final revisions were incorporated into the document. Ms. Vlahoes said the revisions would be submitted by Friday and Mr. Mandy said they would like to return for a vote next Tuesday, October 10, 2006.

**Other Business:**

1. Three Month Extension of the Moratorium: The Chair had recently submitted a memo to the Village Board (VB) requesting a three month extension on the moratorium (on restaurants) since the parking study hasn't been completed and consequently, there has been no change in the code. The issue is on the VB agenda for tomorrow. Since one of the Trustees pointed out that the memo was from the Chair and not from the Planning Board, the Chair asked if the Board would like to endorse this recommendation. A motion to endorse this request to the Village Board was made by Mr. Curran, seconded by Ms. DuBois and carried unanimously by the Board.
2. Applicants for Planning Board Vacancy. The Chair reminded Board members two applicants will be interviewed after the October 17, 2006 meeting. Copies of their resumes will be distributed to Board members and the Mayor. The Planning Board's recommendation will be presented to the VB as soon as it's completed.
3. Updates from Michael Zierler  
Modifications to the Density Bonus for Senior (Age Restricted) Housing. To date, the VB had only been concerned with the extent of density. They had proposed repealing the bonus but not the law. The proposed modification is now worded to change all of the bonuses (regardless of district) to either 30% or 50%. The VB will then proceed with a more comprehensive review of both affordable housing and senior housing incentives, taking into consideration many of the Planning Board's suggestions.

Wetlands/Watercourse Protection Law: The VB will again be discussing the Wetlands/Watercourse Protection Law. They are waiting for the preliminary Wetlands maps; the final version should be received by October 27, 2006.

Public Hearing on Special Use Permit Code 212-39B. The VB will be holding a public hearing to make the following administrative changes to the Special Use Permit: (a) the number of days for the Planning Board to review material will be extended from 45 to 62 days and (b) the default condition if the PB fails to comment will be removed. The Chair explained that these changes will make the Village Law conform to the New York State law.

**Adjournment:**

A motion to adjourn was made by Ms. DuBois, seconded by Mr. Curran and passed unanimously by the Board at 10:42 pm

Respectfully submitted,

Alison Shestakofsky

Secretary to Village Planning Board

Copies to: Trustee Michael Zierler Drayton Grant, Attorney

David Clouser, Engineer

Ted Fink, Planner

Bob Chamberlin, Traffic Engineer