

**VILLAGE OF NEW PALTZ PLANNING BOARD  
SPECIAL MEETING AUGUST 15, 2006**

**Call to order:** The meeting was called to order at 7:05 p.m.

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

**Members Absent:** Laura Heady

**Members Late:** Ray Curran (9:10 p.m.)

**Planning Board Consultants Present:** Ted Fink, GreenPlan; Drayton Grant, Grant & Lyons

**Planning Board Consultants Absent:** Bob Chamberlin, RSG, Inc; Dave Clouser, Clouser & Associates;

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

**Pending Application:**

PB04-16: Seakill Custom Home Builders. Victorian Square, LLC. South Manheim Boulevard  
(NYS Route 32): Site Plan/Special Use Permit

Victorian Square FEIS: Board Discussion of Issues and Completeness

Applicants Present: George Sifre, Rick Sifre, Seakill Custom Home Builders; Barry Medenbach,  
Medenbach & Eggers, Engineers

**A. Bob Chamberlin's report regarding traffic/transportation was reviewed and discussed as follows:**

**Resolved Items**

1. *Formalize pedestrian access through the site, connecting Route 32 to Joalyn Road, as a public right-of-way for pedestrian travel.*

The applicant agreed to this recommendation and said he would accomplish this in any form or manner the Village required, whether it was a right of way dedicated to the town or an easement. Mr. Medenbach said from the very beginning of the project they had talked about making a pedestrian connection between Route 32 and Joalyn that would be open to the public, as well as to the residents. The applicant talked about the path of the pedestrian corridor and also creating an environmental trail for educational/recreational use. Details regarding materials etc. would be addressed during the site plan review process.

2. *Construct a pedestrian crosswalk across Route 32 to connect to sidewalks along the westerly sideline of Route 32; install appropriate advance warning signs.*

Although the applicant had always proposed a crosswalk across Route 32, he noted that a raised crosswalk would disturb the existing DOT paving. Since Route 32 is a state highway, he agreed to this recommendation pending DOT approval.

3. *Proposed Driveway Location.*

The applicant agreed with the recommendation to provide access to both adjacent lots. The Chair asked that the new driveway(s) be noted on the site plan and that the applicant approach the adjacent landowners (to the north and the south) regarding the inclusion of a legal provision allowing the neighbors to connect to/share the development's driveways if they wanted to. The Chair asked the applicant to advise the Planning Board of the outcome.

**Unresolved Items**

4. *Construct sidewalks from the site along the easterly sideline of Route 32 to connect other existing sidewalk network.*

The applicant is reluctant to bear the cost of the long sidewalk. He noted that this off-site improvement is already targeted for the Village and is situated 600' beyond his property in each direction. Although Chamberlin's report indicates this condition is to mitigate the impact of the additional traffic generated from the development, the applicant believes the actual impact will not be large enough to require such a substantial mitigation. Mr. Sifre said he understood the connection to Route 32 but this broader connection served the SUNY students and residents outside the development and pointed out that there are existing sidewalks across the street. He said the development would be predominantly seniors and noted that children in the development would walk on Joalyn to the Middle school.

Ms. Elwell agreed this was a village improvement and too high a mitigation for the traffic impact noting the sidewalk request was for @1200' when their property frontage was only

20.' She acknowledged the value and expense (\$50,000) of such a sidewalk connection and hoped there could be a compromise or some other funding source for the project. She questioned how much it would actually be used by the population and asked for a cause-and-effect clarification/demonstration from Mr. Chamberlin explaining how the traffic would be significantly/effectively mitigated by this sidewalk.

The applicant clarified that the sidewalk was actually from the SUNY parking lot sidewalk to Orchard Lane. The Chair stated his support for creating continuous sidewalks whenever possible. He suggested the applicant speak with the other property owners who would benefit from the sidewalk including SUNY and the rental properties along Route 32 to share in the cost as well as the Village Board (since the sidewalks would connect toward downtown).

5. *Provide annual operational support to Ulster County Transit for serving the site.*

The applicant said UCAT could not make any assurances until there was a firm commitment or an approved project. According to the applicant, UCAT told them they could change their routes if the site could physically accommodate the buses and their budget. However, there is no indication whether UCAT actually reviewed the plan.

Although it is designed with many pedestrian friendly (sidewalk) features, Mr. Medenbach reiterated that the development was vehicle dependent. And though they will try to accommodate appropriate turnarounds for public bus service, he did not believe it was a necessity. Ms. Elwell pointed out that it was a requirement if they were asking for a senior density bonus, noting that the lower number of parking units required presupposes that some of the residents would not be driving (or that their will be only one car). She explained that senior housing law stipulates that some type of regularly scheduled transportation must be provided if the development is more that ¼ mile from shopping. If public transportation is not available, a private alternative must be provided. The Chair suggested they get a clear statement from UCAT concerning the feasibility to their route; whether they could utilize the layout and discuss any costs that would needed to be offset by the developer. After some discussion, the Chair said he would write a letter to UCAT introducing the project and asking for more detailed criteria concerning their ability to provide service.

6. *Post a bond with the Village for repairing any local roadway infrastructure that deteriorates as a consequence of project construction and spoils hauling.*

The applicant said this was not appropriate since (1) they were not accessing any local village roads and (2) they were not removing any material from the site; any material removed for the restoration would be reused on site. He said some new material will be coming into the site. The Chair said he would clarify the issue with Mr. Chamberlin.

B. Brinnier and Larios' report was reviewed and discussed regarding infrastructure.

The Chair summarized that the Village engineers were satisfied with the applicant's responses regarding water supply and noted that the applicant will install a looped water system from Joalyn Road to S. Manheim Blvd. as an improvement to the Village system. Detailed engineering plans of the proposed connection to the Village sewer system will be submitted by the applicant during site plan review.

C. Ted Fink's report was reviewed and discussed concerning general planning issues

Resolved Issues

1. *Project Design.*

Mr., Fink discussed his concerns about the design elements and cited comments from County Planning including limited design alternatives, a lack of community character, and a design focusing on car/asphalt rather than usable open common space. He referenced previous discussions about reducing the footprint and making the buildings taller; noting that these alterations would/could increase construction and maintenance costs (for elevators/ sprinklers) and shared interior common spaces.

The applicant summarized the two year process that resulted in this particular design, including a long series of facilitated meetings with the neighbors (regarding building placement) and relocation/reconfiguration of the buildings to meet the requirements of the proposed wetlands law. Located between the tall buildings of the university and residential one and two family houses, the applicant preferred to keep the sightlines more aligned with the surrounding community. He had no desire to create a high-rise and though 100 units could be created by adding a 3<sup>rd</sup> story, the applicant chose to have the buildings remain at 2 stories with only 80 units since that would create less visual impact on the neighborhood.

The Chair and Ms. Elwell confirmed Board agreement on this design based on all the physical constraints of the land and the neighboring community (The buildings will be across the street from the university, close to the college parking lot, as far away from residential houses as possible with most of the land left open.) Ms. DuBois, who was not on the Board during that time, questioned whether the benefit of providing housing outweighs all the environmental impacts.

The Chair summarized the chronology of the project over the past two years emphasizing that the Board had almost issued a negative declaration rather than requiring an EIS. They felt that the necessary materials were basically completed and just required some “re-packaging” with some additional information regarding the impact on the ground water, the wetlands, the stormwater system, community character and transportation.

Design alternatives had been reviewed and the Board endorsed removing the housing from the eastern portion (Joalyn) despite the fact that professional planners, the applicant and the Board felt the project would be enhanced if they could connect to Joalyn road (which is prohibited by the annexation agreement). The Board had analyzed different parking schemes (in front, in back, head on parking, parallel parking) and this plan represents the least amount of land disturbance. Speaking from personal experience, the Chair said that tenants in such complexes like and value head on parking for ease and convenience.

The Chair stated that the Board must determine if this is practical, and avoids or minimizes to the extent practicable, not whether it is perfect. He felt that this location was eminently suitable for development due to its location: (1) directly proximate to the biggest employer in Ulster County, (2) located on a public road that will not burden existing homeowners with new traffic and (3) having sewer and water connection. It noted the project meets many of the criteria espoused by the Village government – density without sprawl and some level of affordability.

The Chair felt that the Board, as a body, and its decisions run longer than its members; and the Board did state what alternatives it would analyze. Although a high rise would reduce some impacts, he pointed out that after two years there is still no objective information indicating any long-lasting or significant impacts to the loss of these wetlands given proper mitigation. He is personally satisfied with the alternatives analysis. Ms. Elwell emphasized the first paragraph of SEQR legislation noting that it does not promote environmental concerns over other issues but that those concerns have to part of the discussion and balanced with other factors. She noted that this area is not a pristine site, the 10-1/2 acres are surrounded by development and blacktop, some of the wetlands had already been disturbed, and the area has a potential to become a species “sink” where species population are actually lost rather than protected (there are no delicate species here only common backyard wildlife such as raccoons, possums).

Ms. DuBois said environmental concerns must have a very high consideration, at least equal to building for humans. She said she didn't know if the sink situation applied to this area (that would require a great deal of study). She noted that the location of the wetlands mitigation on the Mohonk Preserve or along Rte44/55 does not help the wetlands or the stormwater system at this location. She acknowledged the on-site wetlands that would permanently protected but questioned the balance issue noting that she would prefer to see a smaller development to reduce impacts on the wetlands and stormwater system. The applicant felt this was the minimum number for financial feasibility and noted that most of the land has been left open.

Mr. Fink noted the tremendous county wide and community specific housing needs and the requirement to balance those social and economic necessities with environmental concerns. He felt that there was enough information to issue a findings statement if the Planning Board is satisfied with the applicant's alternative design and proposal.

Mr. Danskin felt that the applicant had met the charge of the Board; parking complies with the minimum requirement of the law (1.5 spaces plus one additional space), the wetlands will be mitigated.

Regarding community character, attractiveness and utility, the Chair said these factors would be insured through architectural and landscaping design during site plan review process. He also stressed that this development was secluded. There was no real view to the public; the only people who would routinely see this project would be the residents.

2. *Connection to the adjoining subdivision.*

Based on the annexation agreement, Village law prohibits any such connection to Cicero Ct.

3. *A. Additional Comments to be addressed in the section on land use and zoning.*

The applicant agreed to provide and discuss the general special permit standards dealing with location, size, intensity and harmony; the project's impact on development and use of adjacent lands; and the standards for senior citizen development

*Additional Issue*

The applicant agreed to change the existing deed restriction to a conservation easement.

Unresolved Issues

*3B Copies of the Army Corp of Engineers review and  
Comments from Dave Clouser's Report regarding the ACOE*

The applicant said they had met with ACOE early in the process, before this project application was submitted to the Board, to confirm their criteria. The applicant submitted an application with delineation of the wetlands, a jurisdictional determination; and the initial plan for Victorian Square. The ACOE said to complete the application the applicant must (1) establish a need for the project (2) locate the mitigation sites and (3) obtain local approval. The applicant proceeded to go through the planning board process, obtained sketch plan approval and identified some areas for mitigation. (The previous project had an ACOE permit; they did provide mitigation by purchasing some land that was given to the Mohonk Preserve which remains in effect).

The applicant understood that the lead agency needs to act first by granting local approval. The Chair said the Board tried (calls and emails) to get the ACOE to participate formally in the development of this impact statement and they had refused. Apparently they have only responded to correspondence from Dave Clouser.

When the Chair noted approval from the Planning Board may not be that important in obtaining approval from the ACOE, the applicant stressed that ACOE would not distribute the application to the necessary federal agencies for public comment until they receive some recognition of Village support for the project..

The Chair was uncertain about the next step since it appears the applicant is unable to get both approvals (PB and ACOE) on tandem tracks. He was clear that this was not the Planning Board's fault. Before taking any action, Ms. Elwell said she would be more comfortable if there was written documentation from the ACOE verifying their rejection pending local approval. The applicant said he was in a Catch 22 and requested a conditional approval from the Planning Board so the ACOE could move forward. Mr. Fink noted that the applicant could go through the entire EIS process, obtain conditional approval from the Planning Board and then find it was unacceptable to the ACOE and have to return to the Board.

The applicant said they are trying to schedule field inspections for the mitigation sites and anticipate those results would be in writing. Since the next step would be to update all the engineering details for the specific sites, the applicant is reluctant to do all that reengineering until the Board gives them some recognition of local support. The applicant suggested that after the Board gives a statement of findings; he would proceed to site plan review (subject to the condition of ACOE approval) and simultaneously submit information to the ACOE. If the ACOE requires any changes, they would return to the Planning Board.

To clarify the issues, the Chair gave the applicant a copy of the email between the ACOE and Clouser stating that (1) they hadn't heard from the applicant since 11/05, (2) there was no requirement that a local permit be issued prior to the issuance of a federal permit (3) there was no requirement tied to the SEQR process and (4) a permit cannot be issued until the water quality certificate is received by the state agency (The Chair noted that DEC cannot proceed until the EIS is completed.) The ACOE memo also said it had not gotten to the mitigation because the applicant owed them a full alternative analysis including an off-site alternative and other information. Regarding the role/procedure of the Planning Board, the memo stated that the COE process under the clean water act does not intertwine with any local procedures; therefore the Planning Board will not be holding up the process. The memo also noted that the existing jurisdictional determination expires February 2007.

Based on the information in this memo, the Chair recommended that the Planning Board focus on substantive information and not get involved in the ACOE procedures since only the ACOE has the responsibility for the off-site mitigation decision.

Mr. Fink's other comments regarding a commitment letter from UCAT and pedestrian access were discussed under Bob Chamberlin's comments and the "high rise-no wetlands impact" alternative was discussed under project design.

The Chair provided some editorial comments/corrections and advised the applicant to research the Village height requirements regarding any need for a variance for the 2-1/2 story buildings. The applicant will meet with Dave Clouser to review his comments (Mr. Sifre agreed with all the suggestions except the items related to the ACOE) and said he would contact the Chair if there were any problems.

***Other Business***

1. October Schedule:

A special meeting will be held for Woodland Pond on October 3, 2006. A workshop will be scheduled for October 10<sup>th</sup> and a regular meeting for October 17<sup>th</sup>. Based on the number of agenda items, the October workshop and regular meetings may be combined on October 10<sup>th</sup>.

2. Planning Federation

The Chair reminded members about the Federation Conference and noted an article in the publication about a recent law passed by the legislature requiring all members of local planning boards to maintain a certain level of proficiency by attending workshops, conferences etc. for a minimum of 4 hours a year.

3. Stoneleigh Woods

Due to the large community opposition to the project, the Board discussed possible next steps regarding the exchange of ideas from various stakeholders in the community and/or dialogue with the applicant (e.g. public workshops, facilitated meetings) to explore and assess possible modifications to development.

**Adjournment:**

A motion to adjourn was made by Ms DuBois, seconded by Ms.Elwell and passed unanimously by the Board at 9:25 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

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