

**VILLAGE OF NEW PALTZ PLANNING BOARD
WORKSHOP and REGULAR MEETING DECEMBER 16, 2008**

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

Members Present: Raymond Curran, Chair; Marion DuBois, Terence Ward, Linda Welles

Also present: George Sifre; Peter Mueller; Bruce Kazan; Richard Miller; Lawrence Wolinsky, Chris Watkins, Naomi Gaskin, Jane Bullowa, Liz Picket, Bob Havasy, Stacey Calta, Michael Sterthous, Drayton Grant, Erin Quinn, Reporter, NPT; Michael Zierler, Village Trustee and other members of the public.

Announcement from the Chair:

The Chair reviewed the order of the agenda and noted the following:

- Public Hearing: Victorian Square Site Plan/Special Use Permit. Although the application was approved by the Board last year, the permits from the Army Corps of Engineers have not been finalized and the approval from the Board is due to expire.
- Public Hearing: 175 Main Street/Special Use Permit for a grocery.
- Stoneleigh Woods Supplemental Draft Environmental Impact Statement (SDEIS) – The completeness review is only concerned with whether the SDEIS provides the information required by the scoping document; it does consider whether or not the project presented is acceptable on a substantive level. Once the SDEIS is deemed complete, the document will be distributed to involved and interested parties and available for public review. The public will have an opportunity to comment within a specified comment period and a public hearing will be held. The applicant must address all the comments in the DEIS and SDEIS in the Final Environmental Impact Statement.
- The Board will review the revised referral process to the Ulster County Planning Board (UCPB) and vote on accepting specific application exemptions requested by the UCPB.

Approval of Minutes

- A motion was made by Ms. DuBois to approve the minutes of October 14, 2008. The motion was seconded by Mr. Ward and carried unanimously by the Board.
- A motion was made by Ms. DuBois to approve the minutes of November 18, 2008. The motion was seconded by Mr. Ward and carried unanimously by the Board.

Applications with Public Hearings

PB04-16: Seakill Custom Home Builders. Victorian Square, LLC. South Manheim Boulevard (NYS Route 32). [SBL: 86.42-7-1-13 & 17 (R-2)]

Renewal to extend the time to begin construction of the site plan and special use permit for the construction of the approved 76 unit apartment complex.

Applicant Present: George Sifre, Seakill Custom Home Builders.

Planning Board: Drayton Grant, Attorney, Grant & Lyons; Dave Clouser, Engineer, Clouser & Associates.

Description of Project:

The approval for the Victorian Square project was granted on December 18, 2007 and valid for one year. Since the applicant is still waiting for final approval/permits from the Army Corps of Engineers (ACOE), a one year extension on the approval is requested.

Public Hearing:

Dr. Welles made a motion to open the public hearing. The motion was seconded by Ms. DuBois and carried unanimously by the Board. The vote was as follows: R. Curran – aye; M. DuBois – aye; T. Ward – aye; L. Welles – aye.

Mr. Mueller had no problems with the extension and asked about the time frame for completion by the ACOE. The applicant said the delay was due to a change in the mitigation site (approximately 8 months ago) which necessitated re-starting the entire ACOE process. Six months after re-filing, the ACOE conducted a site inspection and accepted the site. The applicant estimated the ACOE would complete their paperwork and issue the necessary permit(s) within the next 3 months. The applicant noted that originally there were two mitigation sites, one in New Paltz and one in Modena; now there is one site in Pine Bush. Ms. Quinn asked if it was legal to have a mitigation site outside of New Paltz. Ms. Grant confirmed it was legal as long as the ACOE accepted the site. Although the ACOE usually prefers to have a site closer to the project, Ms. Grant conjectured that perhaps they found a site that better suited their standards.

There were no additional comments from the public. A motion was made by Ms. DuBois to close the public hearing. The motion was seconded by Mr. Ward and carried unanimously by the Board. The vote was as follows: R. Curran – aye; M. DuBois – aye; T. Ward – aye; L. Welles – aye.

PB08-139: Bruce Kazan, 175 Main Street. [SBL: 86.144-1-10 (B-1)]

Special Use Permit: for a grocery to sell artisan bread and related goods.

Applicant Present: Bruce Kazan, Owner; Richard Miller, Architect; Larry Wolinsky, Attorney.

Planning Board Attorney: Drayton Grant, Grant & Lyons.

Description of Project:

To use approximately 800 s/f as a grocery to sell artisan bread and related goods.

Public Hearing:

Ms. DuBois made a motion to open the public hearing. The motion was seconded by Mr. Ward and carried unanimously by the Board. The vote was as follows: R. Curran – aye; M. DuBois – aye; T. Ward – aye; L. Welles – aye.

Mr. Watkins (Millrock Road) said neighbors of the project had filed a legal action requesting judicial relief (due to the applicant's failure to comply with the approved site plan without re-submitting changes to the Planning Board for approval) and expected a decision on a preliminary injunction by next month or February. Based on this information, he felt the Board should delay any further decisions in respect to this property. Ms. Gaskin (Millrock Road) said the site plan filed with the application had insufficient parking spaces and asked the Board to review this issue. In addition to the issue of on-site parking, Ms. Bullowa (Millrock Road) said she did not understand the reference about 200 parking spaces within the vicinity of the property. She stated there at least a dozen or more cars consistently parked on the street, often 3 or 4 cars per house. Ms. Picket (Millrock Road) was also concerned about potential increased traffic and parking on the street resulting from the catering kitchen site plan approval; she said emergency vehicles cannot access the road when cars are parked on both side of the street.

The Chair read two letters from neighbors in support of the project. The first was from Roger and Lilyan Spool, and the second from Allan and Judy Cooper. The former noted the property was commercially zoned, located on a major retail road, a quality take-out addition for the community and voiced confidence that the Board would be able to find a creative solution to increased traffic on Millrock. The latter included a personal and professional recommendation for Mr. Kazan and said the Main Course was an enhancement to the local economy and believed another business opportunity by Mr. Kazan would benefit the community.

In response to the Spool letter, Ms. Gaskin said B-1 districts are not commercial districts since they abut residential districts and as such, B-1 districts need to maintain the desirability of those adjoining residential neighborhoods.

There were no further comments from the public. A motion was made by Dr. Welles to close the public hearing. The motion was seconded by Ms. DuBois and carried unanimously by the Board. The vote was as follows: R. Curran – aye; M. DuBois – aye; T. Ward – aye; L. Welles – aye.

PB04-16: Seakill Custom Home Builders. Victorian Square, LLC. South Manheim Boulevard (NYS Route 32). [SBL: 86.42-7-1-13 & 17 (R-2)]

Renewal to extend the time to begin construction of the site plan and special use permit for the construction of the approved 76 unit apartment complex.

Applicant Present: George Sifre, Seakill Custom Home Builders.

Planning Board Attorney: Drayton Grant, Grant & Lyons.

Discussion and Vote

The Chair confirmed the length of the extended approval would be one year. Ms. DuBois was concerned about the location change for the mitigation/creation of wetlands, outside of New Paltz. The applicant said they found the Pine Bush site while they were looking for an additional site, in addition to the two original locations, to fulfill the shortfall of the mitigation requirement. The ACOE felt this was a better site since it abuts existing wetlands and also satisfies the entire mitigation requirement at one location. He said it's a sizable farm, a 150 acre parcel, which includes a large wetland section on which they will expand.

The applicant said the information concerning wetlands mitigation was originally given to the ACOE years ago, even before he owned the property.

Ms. Grant noted that standards require this application to be approved since there has been no new development/information from the time of the approval and the applicant is being delayed by another regulatory agency. In response to Mr. Clouser's question, the applicant confirmed the location of the on-site wetlands remained the same. The Board agreed with Mr. Clouser's recommendation to have the applicant forward all correspondence related to the ACOE to the Board.

A motion was made by Dr. DuBois to grant the time extension of the approval for up to one year. The motion was seconded by Mr. Ward and passed unanimously by the Board. The vote was as follows: R. Curran – aye; M. DuBois – aye; T. Ward – aye; L. Welles – aye.

PB08-139: Bruce Kazan. 175 Main Street. [SBL: 86.144-1-10 (B-1)]

Special Use Permit: for a grocery to sell artisan bread and related goods

Applicant Present: Bruce Kazan, Owner; Richard Miller, Architect; Larry Wolinsky, Attorney.

Planning Board Attorney: Drayton Grant, Grant & Lyons.

Discussion and Vote

Summarizing last month's discussion of this application, the Chair said the Board found the proposed use acceptable and the main concern was the potential impact of traffic generation, specifically on Millrock Road. To that end, the Board brought in a consultant, Bob Chamberlin, RSG, to provide an in depth study of the proposed use to determine the impact. The Chair noted Mr. Chamberlin conducted a fairly in-depth study analyzing the traffic generation and parking needs of the site with the proposed use and determined how much of an impact it would/would not have. The Chair read the following conclusion from Mr. Chamberlin's report (page 5):

"In my opinion, the amount of traffic that the proposed mix of uses at 175 Main Street (PB08-139) will not present an adverse congestion, safety, or parking problem. However, we acknowledge that there are uncertainties regarding the traffic and parking demands of the proposed uses. If the Planning Board so chooses, they can commission a monitoring study, paid for by the Applicant, at the appropriate time (usually 6-9 months following the full occupancy of the building) to inform the Board on ongoing operations. If an engineering study determines that adverse conditions are occurring, the Board can at that time impose further conditions on the Applicant to address those conditions.

Regarding the question of access and egress streets, the Chair said Mr. Chamberlin maintained that the pattern approved for the catering kitchen site plan, showing access from Millrock Road and egress onto Main Street, was correct.

Mr. Wolinsky agreed with the Chair's conclusions but found the suggestion of possible future *monitoring* confusing considering the following baseline conditions:

- This building was originally approved for office uses – which traditionally generate more traffic than the proposed use.
- The recent catering kitchen site plan approval did not include any monitoring or traffic imposition.

Given the above, he did not understand how this application, for a substitute use of 800 s/f, could be subject to such a study, especially since this use would generate less than rented office space, especially a medical office.

It was agreed that if the building was fully occupied as offices, per the original intent, more traffic would be generated than by the proposed special use. The proposed monitoring study appeared not to be directed to this application but more for the cumulative effect of the building – which will vary based on tenant (type) occupancy.

The second issue identified by Mr. Chamberlin regarding access and egress concerned linkages as follows: “*We recommend that the Planning Board maintain jurisdiction on this application with regard to site circulation and parking if and when a use application is submitted by the neighboring property enabling a more optimal joint solution to site access to be devised.*” This was interpreted to mean that by adding/linking the neighboring property, the parking lot could be reconfigured to create more parking and better/fewer entrances onto busy streets, such as Main Street. This would not affect traffic on Millrock. The Chair noted this was a highly speculative idea about a future opportunity (maybe 5-10 years away) to improve traffic circulation by reducing the number of entrances on Main Street.

In response to Ms. DuBois concerns about public questions on knowledge of new information learned after the public hearing was closed, Ms. Grant discussed the preservation of due process and the role and rules of the public hearings in accordance with that process.

Noting the high volume traffic on Main Street, the ingress/egress issue, and the narrowness of Millrock, Dr. Welles said it looked like there were no solutions to improve traffic conditions on Millrock. She noted that the public issues voiced this evening were not really about this particular application but rather the entire building itself. Ms. Moniz, Building Inspector, said Millrock is currently under consideration by the Village Board for alternate side of the street parking.

The applicant said the traffic layout, with parking spaces organized to support that access/egress pattern, has not changed since the 1980s. The only related site change made by the applicant was the addition of a handicapped space. This traffic flow pattern was presented as part of the recently approved site plan/special use permit for the catering kitchen.

The Chair summarized: (a) the application before the Board tonight is a special use permit, a substitute use for 800s/f of the building; (b) the traffic consultant's report considered the entire building, not just the “grocery” use and concluded there would be no significant traffic impact on either Millrock or Main Streets during peak hours (with the larger impact on Main) and (c) the pending litigation is a completely separate issue regarding the garage doors on a previously approved site plan.

Referencing the table on page 5 of Mr. Chamberlin's report, the Chair said the issue was whether the incremental increase represented by the change of use (which might be as much as 35 cars/day but probably less because there are no medical offices in the building), is significantly higher than what the Board had previously approved. He again stated the consultant's conclusion that such an increase was not significant.

There were no further questions or discussion by the Board. Mr. Ward said he was satisfied with the results of the traffic study and made a motion to approve the requested special use permit for a grocery store to sell artisan bread and related good. Dr. Welles said she was in favor of the application but asked if a future monitoring study could be included as a condition in order to honor the concerns of the community. Mr. Ward did not choose to amend the motion. The motion was seconded by Ms. DuBois and carried unanimously. The vote was as follows: R. Curran – aye; M. DuBois – aye; T. Ward – aye; L. Welles – aye.

Other Business:

Changes in Referral Process to Ulster County Planning Board (UCPB):

The Board had received a booklet explaining changes in the referral process to UCPB effective as January 1, 2009. Since many applications are deemed “no county impact,” the UCPB included an agreement between UCPB and the Village Planning Board exempting specific types of applications from that process. A motion was made by Dr. Welles to enter into a memorandum of agreement with UCPB accepting their list of applications and the exemptions. The resolution was seconded by Ms. DuBois and passed unanimously by the Board. The vote was as follows: R. Curran – aye; M. DuBois – aye; T. Ward – aye; L. Welles – aye.

At next month’s meeting, Ms. Elwell, the Village’s representative to UCPB will give a presentation on the changes and new requirements in referral process for planning boards throughout the county.

Changes to the Planning Board Meeting Schedule:

It was suggested that the Village Planning Board and Zoning boards change their meeting schedules in 2009 to better accommodate UCPB’s new deadlines. Mr. Ward made a motion to change the Planning Board’s general meeting dates to the first and third Tuesdays of the month effective as of January 2009. The motion was seconded by Ms. DuBois and passed unanimously by the Board. The vote was as follows: R. Curran – aye; M. DuBois – aye; T. Ward – aye; L. Welles – aye.

Pending Application:

PB07-07: Blue & Gold Development. Stoneleigh Woods @ New Paltz. [SBL: 86.021-6 (R-1 & R-2) Supplemental Draft Environmental Impact Statement (SDEIS): Determination of Completeness Applicant Present: Bob Havasy; Stacey Calta CLA; Michael Sterthous, Attorney. Planning Board Consultants: Ted Fink, Planner, GreenPlan; Dave Clouser, Engineer, Dave Clouser & Associates; Drayton Grant, Attorney, Grant & Lyons.

Project Summary: Mr. Fink summarized the history of this project noting the original scope/size of the development; the review/revisions of several iterations of the Draft Environmental Impact Statement (DEIS) before it was deemed complete; the public hearing and the significant number of community comments opposing the project; the applicant’s response of a voluntary hiatus to participate in a consensus building process with community stakeholders, resulting in a substantially different and downscaled project (from @300 to 116 units in a more traditional single family grid structure including an age restricted building and a community building). The applicant presented the new plans and a draft supplemental scoping document (to the public) which was adopted in November 2007. (In reviewing the scoping document, the Board determined that an environmental statement was required.) The initial SDEIS (Supplemental DEIS) was judged incomplete by the Board’s consultants. In response to the consultants’ questions and requests for additional information/ clarification, the applicant submitted 3 separate revisions. To allow for a more expedient review, track changes were included to highlight the revisions.

SEQR Process: Mr. Fink described the SEQR process noting that the Board’s determination of SDEIS completeness initiates the public review process for the revised project. “Completeness” is based on a review of the SDEIS determining whether all the issues identified in the revised scoping document are included and adequately addressed in the SDEIS; it does not imply the Board agrees with the substance of the document. The Planning Board has the sole jurisdiction to review completeness. Once the document is deemed complete, it will be distributed to all involved and

interested agencies and parties, a public hearing and a public comment period will be scheduled. The public hearing must be held within 60 days from the date the SDEIS is deemed complete, and must be advertised at least 14 days prior to the hearing. Mr. Fink emphasized that the SDEIS is the applicant's document and expresses the applicant's opinion as to the project's impacts. Mr. Fink assured the Board that SEQR allows for the inclusion of "new" information (unavailable at the time of scoping) regarding environmental impacts during the public comment period.

Although the lead agency requests the applicant to prepare the Final Environmental Impact Statement (FEIS) it is considered the Planning Board's document and as such, it is responsible for answering/addressing all the questions/ comments raised in the SDEIS as well as the original DEIS. There is no time restrictions for the completing the FEIS. After the FEIS is deemed complete by the planning board, Findings will be prepared and a final conclusion stated. If the environmental impacts are deemed to be adequately mitigated, the Board would proceed to review the site plan and special use permit and there would be another opportunity for a public hearing.

Completeness Review: Mr. Clouser identified each of the engineering issues in the initial SDEIS deemed incomplete. He summarized the applicant's changes/additions to the original text, listed technical issues that must be addressed in the FEIS, and explained that the revised SDEIS was now "complete." Since the Village Board determines whether they will assume responsibility for a new project's infrastructure on a case by case basis, Richard Ruth (Brinnier & Larios) reported he was concerned about the maintenance and ownership of this project's infrastructure. Ms. Calta said that the applicant would assume the responsibility and cost of water and sewer related issues, or present other options, if the Village did not take ownership of the infrastructure. Items included, but were not limited to water & sewer road way, water supply, extension of water main, improvement to pump stations along the rail trail, stormwater management, sanitary sewer, and roadway ownership.

Mr. Fink identified 46 inconsistencies and/or areas that needed additional information/clarified in the original SDEIS. He reported that all those items/issues had been rectified. He reiterated that the statements in the SDEIS concerning impacts are the applicant's opinions, not facts. Although there was not a significant reduction of wetlands disturbance in the revised plan, Mr. Fink pointed out that the original project did not have a lot of direct wetlands loss.

As the larger on-site wetlands is regulated by DEC and not being disturbed by the applicant, no permits are required from the State. Although it is not required by law, the applicant plans to include a buffer area as if the wetlands were regulated. The applicant continues to correspond and work directly with DEC on this matter.

Mr. Fink raised the issue of consistency and compatibility of the project with the Village Comprehensive Plan, noting that the architectural layout/design of single family houses were in a more suburban fashion than in character of the village.

There were some specific questions/comments from the Board on various issues including but not limited to flora and fauna, aesthetics of the development site, and alternative energy generation. Mr. Ward requested a full visual of the development within the context of the surrounding community. He noted that 3.6 of the scoping document (potential visual impact) does not specify viewscales of this 2-story development from areas beyond their immediate neighbors.

The Board discussed scheduling a public hearing on the SDEIS for Thursday, March 5, 2009, 7:00pm. at Deyo Hall and ending the public comment period by close of business on Friday, March 27, 2009.

A motion was made by Dr. Welles to accept the SDEIS as complete; schedule the SDEIS Public Hearing for March 5, 2009 and close the public comment period on March 27, 2009, close of business. The motion was seconded by Ms. DuBois and carried unanimously by the Board. The vote was as follows: R. Curran – aye; M. DuBois – aye; T. Ward – aye; L. Welles – aye.

Adjournment:

Ms. DuBois moved to adjourn the meeting at 9:55 pm; Dr. Welles seconded the motion, and all voted in favor. The vote was as follows: R. Curran - aye; M. DuBois –aye; T. Ward – aye; L. Welles – aye.

Respectfully submitted,

Alison Shestakofsky
Secretary to Village Planning Board
Copies to: Trustee Michael Zierler
David Clouser, Engineer

Drayton Grant, Attorney; Bob Chamberlin, Traffic Engineer
Ted Fink, Planner

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