

**VILLAGE OF NEW PALTZ PLANNING BOARD
WORKSHOP and REGULAR MEETING OCTOBER 14, 2008**

Call to order: The meeting was called to order at 7:04 p.m.

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

Also present: Denis McGee, Paula McGee, Rick Brook, Bruce Kazan, Richard Miller, Bob Havasy, Stacey Gibson, Michael Sterthous, Michele Greig, David Porter, Rachel Lagotka, Michael Zierler, Village Trustee and other members of the public.

Announcement from the Chair:

The Chair reviewed the order of tonight's agenda.

Approval of Minutes

- A motion was made by Ms. DuBois to approve the minutes of August 19, 2008. The motion was seconded by Mr. Ward and carried unanimously by the Board.
- A motion was made by Mr. Ward to approve the minutes of September 9, 2008. The motion was seconded by Dr. Welles and carried unanimously by the Board.

Preliminary Discussion

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

Special Use Permit: Artisan Bread Bakery

Applicant Present: Bruce Kazan, Owner; Richard Miller, Architect

On February 19, 2008, the applicant received approval on a site plan and a special use permit to construct a commercial kitchen for restaurant catering at the above referenced site. The applicant was returning to discuss another special use permit for a potential tenant. Although he originally anticipated renting the vacant space in the building for professional office use, he now had a unique opportunity to lease a small portion of the building to a doctor interested in baking and selling artisan bread and related specialty items (e.g. homemade dips and butters). The renter would use the commercial kitchen at night, when it was not in use by the catering business. The applicant would allocate approximately 800 s/f on the first floor for this purpose and lease the remaining 2,200 s/f as office space. Mr. Kazan felt this use was representative of the Hudson Valley and also complimentary to his catering business. If this venture was successful, the applicant asked if it would be possible to expand the range of products.

The Board discussed the definition of "grocery," noting that the special use permit could include restrictions. There was a brief discussion outlining potential impacts on the neighborhood regarding noise, traffic and odors. The applicant believes the traffic impact will be less from the bakery than from professional offices. For next month's meeting, the applicant will provide a traffic study and related information on potential impacts and the Chair will review the inclusively and exclusivity of the code definition for "grocery."

Application with Public Hearing:

PB08-124: Dennis & Paula McGee. 40 Plains Road [SBL: 86.041-1-25.1 (R-2)]

Subdivision Sketch Plan: to subdivide a 5.77 acre parcel into two building lots, one of 2.17 acres with an existing 2-family dwelling and one of 3.6 acres to be improved with a residential dwelling.

Applicant Present: Denis McGee; Rick Brook, Land Surveyor

Description of Project by applicant.

A sketch plan of the subdivision was reviewed by the Planning Board last month. The requested documentation was received including information on special venting, a health and safety plan to be used for construction, photos of the test holes, and copies of DEC's July 13, 2007 letter detailing their concerns, and approval letters from Department of Environmental Conservation (DEC) and the County Health Department.

Mr. Brook described the application showing the boundaries of the property, the existing house, and the creation of the new lot, which complies with the required density. He noted that a burn center/landfill site (for metals, plastics, and fly ash) existed on the property prior to 1961, and showed the requested documentation indicating approval from both the DEC and the Ulster County Health Department. He also referenced that David Clouser, the Board's engineer, had reviewed and approved the plans for the septic tank. Mr. Brook said the stream that crosses Plains Road and flows into the Walkill River was not shown on the plan because it had no impact on the septic system; the stream is included on the location map.

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.

There were no 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.

Discussion and Vote

Dr. Welles voiced concerns about worker safety. Mr. McGee said DEC provides instructions regarding the excavation and placement of contaminated soil and a specific plan of what to do in the event that toxic/foreign material is uncovered to insure workers' safety. Over the past ten years, 50 holes have been dug on the property three to four feet deep. The findings were primarily glass and ash; no toxic materials were found. Mr. McGee said that since this former landfill/burn site was closed in 1991, it did not include much plastic or disposable products. There was some further discussion regarding toxicity testing of the soil and changes from the sketch plan to the final plat (notification of title and filing were added). Mr. McGee reiterated that he currently lives in the existing house on the property and intends to move into the new house on the newly created lot.

A motion was made by Mr. Ward to approve the application as presented. The motion was seconded by Dr. Welles and carried 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 (SDESI): Determination of Completeness Applicant Present: Bob Havasy; Stacey Gibson CLA; Michael Sterthous, Attorney, Planning Board Consultant: Michele Greig, GreenPlan Inc.

Documents were received today from the Village Environmental Conservation Commission (EnCC), AFFIRM, and Save the Woods and Wetlands Association concerning the "completeness" of the SDEIS. The former was received via email during the day; the two latter documents were hand delivered at the meeting.

Clarifying some of the aspects of the SEQR process, the Chair stated the above referenced materials, along with the document submitted earlier by the Open Space Committee could not be included in the completeness review but would become part of the public record to be addressed/considered at a subsequent time in conformance with SEQR/NYS law. He explained that "completeness" is based

on a review of the SDEIS to determine whether all the items/issues stated in the revised scoping document are included and accurately and adequately addressed in the SDEIS. He emphasized that this was a technical review to insure that the SDEIS fulfilled the obligations of the scoping document, not a substantive review of the material.

It was further explained that once the SDEIS was deemed "complete," the document would be available to involved agencies, interested parties and the general public and a public hearing will be scheduled. There will be adequate time for review and comments/questions from all parties on the technical aspects of the document (e.g. the accuracy of analyses, substantiated conclusions). Ms. Grier said the responses to the public's comments would become the basis of the Final Environmental Impact Statement (FEIS). The FEIS is usually prepared by the applicant on behalf of the lead agency (Village Planning Board) then reviewed by the Planning Board for accuracy. The FEIS will address both substantive questions/issues and technical comments.

Completeness Review: The Board's consultants reviewed the SDEIS. Ted Fink, GreenPlan Inc. summarized their comments, differentiating technical comments required for completeness from substantive comments. In comparing the SDEIS with the scoping document, Ms. Grier said that four of the five consultants noted information that was missing and/or needed further exploration in their particular area of expertise. The consultants requesting additional information and/or clarification for completeness included Dave Clouser, Clouser & Associates; Ted Fink, GreenPlan, Inc.; Al Wegner, Landscape architect, and Richard Ruth, Brinnier & Larios. Bob Chamberlin, RSG, found the document to be complete from his vantage point.

In response to questions regarding the inclusion of new information (noted in the memos from AFFIRM and the Village EnCC) Ms. Grier said that, according to NYS law (SEQR), new items/information cannot be added to the scope at this point in time. If during the technical review of the project it becomes apparent that the Board was not aware of particular things at the time the scoping document was created, SEQR allows for the inclusion of "new" information relevant to environmental impacts. The SEQR criteria for including information not known at the time of scoping include (1) new information and/or (2) a change in project design. Ms. Grier noted that the applicant prepared a "supplemental" DEIS because the project design had changed.

There was a brief discussion about the definition of "new" information. The Chair felt this referred to information that was not known to anybody at the time of the scoping. Since the Board was unaware of such information, it was not included in the scope.

Ms. Grier noted that the criteria for a supplemental DEIS included issues not addressed or not adequately addressed in the DEIS that arise from (1) changes proposed for the project (2) newly discovered information or (3) changes in the circumstances of the project.

The Chair said there is a fairly open opportunity to work with new relevant information/reports, in terms of environmental impact (e.g. delineation of wetlands), that come to the Board's attention at a later time. He was confident that no issues of serious impact would be ignored by the Planning Board.

Regarding the comments in Mr. Fink's report stating that the SDEIS was not complete, Ms. Gibson suggested a meeting between the applicant and the consultants to differentiate substantive issues (which will be dealt with in the next stage) and the actual technical issues required for completeness (e.g. missing or inaccurate information based on the scoping document).

After a lengthy discussion about how best to conduct the next step to resolve the completeness issue, it was decided there would be a meeting with the Board's consultants and the applicant to resolve the omitted and/or inadequate material. The applicant would make the appropriate changes and Mr. Fink would forward an updated summary to the Board describing the resolution and/or outstanding items currently deemed deficient in the SDEIS. At the next Planning Board meeting, Mr. Fink will review the list of items and explain how each was/was not resolved. Other Board consultants will

also be in attendance to provide additional information and/or answer questions regarding completeness issues in their field.

The Board reviewed the resolution prepared by Mr. Fink deeming the SDEIS incomplete. One board member was uncomfortable with the wording requiring a positive vote for incompleteness. All the members agreed that the SDEIS as presented was incomplete. Dr. Welles made a separate motion determining the SDEIS as incomplete. The motion was seconded by Ms. DuBois and passed by (3) affirmative votes and (1) abstention. The vote was as follows: R. Curran – aye; M. DuBois – aye; L. Welles – aye; T. Ward – abstain.

Other Business:

Discussion: Proposed Moratorium to review the Comprehensive Plan.

Mr. Zierler had asked the Board to review Mr. Ward's request (as a private citizen) to consider a moratorium on all development until the Master Plan can be updated. The request also included that the town and village work together to implement changes reflecting current community values and future growth using the Open Space Master Plan and Traffic and Land Use Study recommendations. It was also noted that Jonathan Wright, a town planning board member, has made this request to the Town Board for the past two years. Mr. Zierler asked the Board to review such issues as the duration of the moratorium, the types of actions to be included/excluded, and whether it would be comprehensive and coordinated with the town.

Comments included, but were not limited to the following:

- The last comprehensive plan was a collaborative effort between the village and town but little was done to codify the zoning. It was believed that many of the goals/directions stated over a decade ago would be different today due to demographic changes and a revitalized business district. It was noted that the comprehensive plans for the village and town are very different because the direction of growth is different for the village (with a vital downtown area) and the town (with lots of vacant land).
- The Comprehensive Plan has been reviewed by private citizens but a professional planner has not been included in the process. The Village needs to explore the financial requirements in hiring such a professional.
- A number of recommendations had already been made regarding code changes but they haven't been implemented. Those changes should move forward.
- A moratorium was needed to clarify the comprehensive plan which would then assist developers to identify the kind of projects and locations Village residents wanted.
- Review of the Comprehensive Plan could proceed without a moratorium; especially in the Village. A suspension on building may be more relevant to the town where an increasing population and greater opportunities for projects could promote either suburban sprawl or concentrated dwellings with environmental conservation. This type of issue was not addressed in the original plan.
- The Comprehensive Plan is not fundamentally flawed. There is no great need for revision because the Village has already been built out to a large extent with only limited potential for in-fill growth. This situation does not preclude/exclude changes and/or modifications to a specific zoning district, such as the recent formation of a task force to review zoning and character issues in the R-3 district.
- Review of the Comprehensive Plan could take 2-3 years. A moratorium of that length would be an unfair to small size local development. If necessary, moratoriums could be selective/limited to reviewing a specific zoning district or issue.

There was further discussion regarding whether the Comprehensive Plan should be revisited in conjunction with the Town and if there was to be a review, how the Village should proceed). Some felt coordination with the Town was essential to insure that zoning codified the vision of the plan;

others noted that the orientation of Village and Town communities differed substantially. Mr. Zierler mentioned transitional zones, annexation and transfer of development rights, noting that the core Village “growth” extended into the Town. Board members felt the Village Comprehensive Plan should not be viewed independently of the Town. Mr. Zierler said he would report back to the Planning Board on the first joint meeting between the Village and the Town Boards in over four years. In the meantime, the Chair said he would contact Paul Brown, the Town Planning Board Chair.

Adjournment:

Mr. Wards moved to adjourn the meeting at 9:05 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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