

**VILLAGE OF NEW PALTZ PLANNING BOARD
SPECIAL MEETING AUGUST 24TH, 2009**

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

Members present: Raymond Curran, Chair; Thomas Rocco; Linda Welles, Terrance Ward

Also present: Seth McGee, Kevin Berstein, Drayton Grant, Dave Clouser, Walter Kubow, Dave Scarpino – CFO – Woodland Ponds, Frank Mandy, Rachael Lagodka, and Michael Zierler

Special Meeting:

PB03-24: Woodland Pond at New Paltz. North Putt Corners Road. [SBL: 86.2-1-7; 86.2-1-2-112; 86.2-1-12.100]

Kingston Regional Senior Living Corp/New Life Management & Development.
Proposed Continuing Care Retirement Community.
Request for phasing of access ramps at entrance of N. Putt Corners Road

Chair Ray Curran opened special meeting at 7:00pm to discuss several issues concerning Woodland Ponds. Chair Curran explained that this meeting was not a public hearing but the public will have their opportunity at a Public Hearing scheduled for September 1st, 2009. The issues that we will be discussing tonight concerns the turning lane on North Putt Corners road into the Woodland Ponds facility. This is not a modification to the site plan, but a delay in the construction of a turning lane until the acquisition of adjoining property is completed.

David Clouser recommended granting the request on a temporary basis. David also suggested that this improvement should be considered as soon as the easements are granted by the neighboring property owner. David Scarpino and Kevin Bernstein explained that timing was an issue involving the acquisition of the adjoining property. The owner lives elsewhere but they do have a verbal agreement and will be signing legal documents when time permits. Chair Ray Curran expressed concern about this agreement and asked if there was a plan B if an easement is not signed and if Woodland Ponds has a plan "B". The owners explained that they have a signed letter from the owner and are just waiting for the signed legal document and that the owner of the adjoining property gave them permission to start the work. Timing was an issue in signing the legal document and they are confident that they will have it within the next month. Chair Curran explained that no decision will be made by the board on this matter tonight. Linda Welles expressed concern about how the board will know if the agreement is signed or not. The attorneys explained that they will give the board the information when they receive it. The owners explained that there will not be an influx of residents moving in on opening day. The owners have 66 residents moving in from September 15th – October 31st, 2009. They will moving 2 on the first day and two the following and so forth so that they can determine the traffic flow and better able to control traffic. Tom Rocco would vote for this if the occupancy would be set at 68%, and sure if construction would start within two weeks after receiving the signed agreement with the adjoining property owner. Linda Welles would feel comfortable with 50% occupancy and a letter of credit. Terrance expressed concern about how the board would know what the occupancy rate would be at any given moment and who would provide this information to us. Terrance suggested that our Building Inspector be given access so that we can confirm the occupancy. Terrance Ward would feel comfortable with 25% to have little impact the comfort of the other neighbors. Ray Curran explained that we have all the information we need to bring this to a public hearing on September 1st.

Ray Curran moved the topic to the next issue facing the board and that is the Wallkill Valley Trust for an easement of land. As part of site plan approval (condition 30), Woodland Ponds was to grant a conservation easement to a qualified non-profit organization in a form that is acceptable to the planning board. This agreement would have to be fully executed and filed in the Clerk's office prior to the Certificate of occupancy be issued. An acceptable agreement has been executed between the Grantor and the Grantee. The following changes were made to the document by Dryaton Grant but did not change the relationship between the parties. The attorneys for the owners expressed displeasure in the board's changing of the wording since they feel that an agreement was made between Wallkill Trust and Woodland Ponds. The owners feel that they have complied with the requirements and the board changing the wording was beyond the scope. This agreement was already approved. The lawyers for Woodland Ponds explained that they have a meeting scheduled for tomorrow morning to vote on any changes.

CHANGES TO AGREEMENT

PAGE	SEC	VERBIAGE
Page (1)		In the introduction – agricultural was removed The following sentence was added: WHEREAS, a 2003 report by Hudsonia, Ltd. found that the Protected Property contributes to the water quality of Tributary 13, also known as the Mill Brook, a tributary of the Walkill River. This tributary and its surrounding undeveloped lands make up one of the last remaining major open space areas in the Village of New Paltz. According to the Report, there are wet meadows, marshes, wooded swamps, beaver ponds, woodland pools, and floodplains in the Tributary 13 area has having high values for wildlife habitat and biological diversity; and
Page (2)		Article one – “Residential” added, “uses” removed and “development” added
Page (3)	4.2	“Mining” removed
	4.3	Sentence added – “The conservation purposes continue and cannot be extinguished by lot line revision”.
Page (4)	4.6	Sentence added - , “or by any actions conducted on adjacent property owned by Grantor”.
	4.7	Sentence added - . “If any of these activities become necessary, refer to Articles 8 and 11 for the mechanics of determining good faith opinions”
	4.9	Word “Limited” Removed and “underground utilities are untenable” 11
Page (5)	4.12	Number (1) one, and (2) added for clarity
	4.13	Roads removed and “the approved maintenance road” added.
Page (6)	5.1	Sentence added at the end of second paragraph. “No structures shall be erected except those related to the trails and related passive park purposes of this protected property. Any such structures will be related to the educational, environmental, or safety purposes consistent with the conservation purposes herein”
	5.2.1	Sentence added at the end “and consistent with the conservation purposes herein and applicable laws and regulations”.
Page (8)	7.2	The word “after” inserted before 24
Page (9)		Article Eight (Consent) – “Residential” added, “Activities” removed and “development” added.

After agreeing to the changes, Chair Ray asked Allen from the Walkill Land Trust to speak on this topic. Allen reiterated that the purpose of the trust is to protect the land. Their responsibility is to inspect the property every year to make sure that there are no changes or encroachments. The easement is split into two parts: An Eastern and a Western portion. The Eastern portion does not allow for access, these are wetlands. The Western portion is for the trails, residents and public access. After Allan, Seth McGee was asked for his comments. Seth McGee was asked to review the easement and added his concern of making sure it stays in its natural setting where paved paths were concerned. The lawyers for Woodland Ponds are concerned about wheelchair access since they have not researched the ADA requirements for this. This will be researched later. Chair Ray Curran asked “Is there a way for Woodland Ponds to renege on the public access option?” Lawyers for Woodland Ponds responded by noting that according to the wording of the agreement, that would not be an issue, to which Drayton Grant responded that the Kingston Hospital board would be responsible for insurance & liability issues. Chair Ray Curran ended the topic adding that the board had sufficient information. Motion to approve document with changes by Dr. Linda Welles.

Motion seconded by Tom Rocco and all in favor. The attorney for the Village of New Paltz and the attorney for Woodland Ponds will work together to make additional changes to the beginning of the document.

Woodland Ponds attorney wanted to speak about the secondary access road. They are concerned that this might hold up their C/O since there is a legal issue involving the Town and the adjoining landowner, the access road could not be completed.

The board made a motion to add this item to the agenda for the September 1st meeting agenda. All were in favor.

Adjournment

Having no further business to discuss, meeting adjourned.

Respectfully submitted,

Jacqueline Sherbin
Village of New Paltz
Planning Board Secretary

Copies to: Drayton Grant, Attorney
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David Clouser, Engineer

Ted Fink, Planner