

# Town of New Paltz Planning Board

## Final Meeting Minutes

May 13, 2019

Attendees: Adele Ruger, Jane Schanberg, Lyle Nolan, Matt DiDonna, Amanda Gotto, Stana Weisburd

Absent: Amy Cohen, Alternate Brendan McLaughlin

Also attending: Planning Board Attorney Ashley Torre, Planning Board Engineer Andrew Willingham, Wetlands Inspector Mark Carabetta

At 6:45 pm free conceptual meeting was held with Board members only with owner Toni Petfield inquiring of potential subdivision of her property located on 71 Burleigh Road.

Chair Ruger called the Planning Board meeting for Monday, May 13<sup>th</sup> to order at 7:03pm.

### Meeting Minutes

**Motion 1 by Jane Schanberg to approve the minutes from April 22, 2019**

**Motion 2 by Stana Weisburd. All present voted in favor. Motion passed. Minutes approved.**

### Public Comments

None

### Application Reviews

#### **PB 19-34 46 Cragwood Road, Long Form Wetlands Permit**

Consultant Liz Campbell Kelly and her associate, John Koehler, appeared back before the Board. Ms. Kelly stated they had submitted revised drawings for the proposed pool, decks and landscape that also incorporated the 2<sup>nd</sup> visit with the Town and Owner's Wetlands Inspectors, adding a clarification is included of the wetland locations, and associated buffers, all which are detailed in the civil engineer's updated drawings, and also include the table of impacts of each disturbance area. Ms. Kelly also stated they have addressed the comments from the Planning Board and the ENCB's comments. Ms. Kelly continued stating that the site was developed prior to the Town's wetlands law, and the house is entirely within the Wetlands Buffer, adding that they have located the design elements within that original development envelope with the intent of minimizing impacts. Ms. Kelly noted that because of the house's location in the wetland buffer, some areas around the house are marshy, particularly on the west and north corner. Also, the home has no gutters and no means of carrying water away from the house. Ms. Kelly noted that the design submitted addresses these issues that impact the house structure, which results in some impacts, including the umbrella swale to the west of the house, within the wetland and not just in the buffer. Per the table of impacts provided, overall disturbance is around 14,000 sq. ft. (1/3 acres) and 72% is in the buffer, and 28% in the wetland, most of that is the improvement of the swale, which is necessary because the existing structure had not been properly maintained. Ms. Kelly added that there is an additional 321.5 sq. ft. in the wetland that are parts of drainage elements (such as footing drains, culvert, etc.).

Ms. Kelly stated the disturbance associated with the pool and associated decks and drainage is 8164 sq. ft. Impervious areas are 2030 sq. ft., and on the uphill side, adding that the decks and gardens, grassed area are pervious and total 6134 sq. ft.

Ms. Kelly stated the site history, which they have included some site photos of the property to show gradual changes in the landscape over time. The photos show the drainage swale as becoming less distinct / deep over time and less effective for the purposes of moving water away from the house, also noting that there are trees in the center of the lawn area that have been diminishing over time – likely the result of pests that target Ash and Elm.

Ms. Kelly noted the ENCB comments and their response, stating they appreciate the comments of the ENCB and have included refinements to the design that address their comments including construction practices including No Go Zones and silt fencing, mitigation planting to promote ecosystem function and biodiversity while creating a landscape that the homeowner can live with, experience nature, and along with wildlife hazards within the pool to mitigate issues with the them entering the pool, with a default automatic pool cover when not swimming along with a pool fence opaque 0-18inches above ground, and biodiversity to the species identified by the DEC in EAF and noting the design should not impact habitat as the planting identified should enhance habitat.

PB Engineer Andy Willingham commented that most of the issues Mark will address, but added the drainage looks good, with a very detailed set of plans and extensive landscaping with hundreds of plants being planted all over that is obvious with all of this trying to mitigate the impact; Andy also added that they should show the construction fence where it will be going on the plans. Andy also noted that if they should approve this, ensure they have inspection escrow for Mark (Carabetta) to do his final determination.

Mark Carabetta, the Wetlands Inspector, noted he had visited the site last fall, and again on March 27, 2019 and commented on his review comments and considerations (in his review memo to the PB dated May 8, 2019):

## Town of New Paltz Planning Board

### Final Meeting Minutes

May 13, 2019

- The revised site plan accurately depicts regulated features, which are also described in the revised wetlands report, the regulated buffers are identified.
- The wetlands report includes a general description of site conditions and characteristics including hydrology, hydric soils and vegetation.
- Noted he is in agreement that the proposed pool is located on the only available area of the site that is not wetland, and is in the general area of the existing house.
- Noted he concurs with the applicant's plan to address concerns that the swimming pool could be a hazard to wildlife by proposing a fence and pool cover that would effectively prevent reptiles and amphibians from entering the pool.
- Noted that the direct impacts to regulated features are limited to Area I (on the site plan) where an existing, previously dug swale is proposed to be enlarged in order to improve drainage and convey water away from the house, and Areas II, V, and VI where proposed drainage maintenance and improvement result in impacts to regulated features.
- Noted the detailed planting plan had an emphasis on the use of resilient, primarily native plant communities.
- In conclusion, Mr. Carabetta noted that based on his review of the revised application materials and on the his comments and considerations, he recommended that the PB grant approval of the permit application with conditions, which he noted should be written to ensure compliance with erosion control requirements, installation of fencing to prevent reptiles and amphibians from entering the pool, and successful implementation of the planting and revegetation plan in areas where impacts to regulated features are proposed.

Amanda Gotto noted that there is 10,500 sq. ft. of lawn. Ms. Kelly stated yes, showing on the planting map how the planting areas were laid out. Amanda Gotto asked about deer. Ms. Kelly noted that the pool cover would also keep the deer out, and indicated in the plans the cover details. Amanda Gotto asked about a permit from the DEC, as you're not cutting down trees, as the mapper identified the species in the area being falcon, snake and long-eared bat. Ms. Kelly noted that the habitat species were mainly bats, that are usually found in the cliff area, but Amanda noted that most were less than a mile from the site as the NYS Natural Heritage list indicated. Ms. Kelly stated she'd look into it more. Amanda Gotto asked about the silt control. Ms. Kelly noted that is part of the landscaping activity. Amanda noted the plantings plan to controlling invasive is good.

Amanda Gotto commented that they have areas not in the wetlands or buffer available, and why can't it be in those areas rather than the wetlands. Ms. Kelly stated that the only other place to put the pool is the wooded area, since there's no clear access to the site, would be the front yard of the property, but for the species and the impact it's far better in the lawn area than the wooded area. Jane Schanberg asked where the septic was located on the plans submitted. Mr. Kohler stated the tank is close to the house, as he indicated on the map provided.

Chair Ruger noted that the applicant had a variance request before the ZBA starting tomorrow. Attorney Torre noted that they could vote tonight for an unlisted action and assume lead agency in an uncoordinated review but until the ZBA review is completed and something may change from that, we cannot call this application as complete.

**Motion 1 by Jane Schanberg to make this an unlisted action and assume lead agency in an uncoordinated review.**

**Motion 2 by Stana Weisburd. All present in favor. Approved.**

Mr. Kohler asked if the PB would prepare a letter for the ZBA that would tell them where they stand to date. Pat stated that the ZBA would get a copy of the approved minutes when the application is before the PB.

#### **PB 19-82 Kuveitis Subdivision**

Daniel McCarthy, consultant from Praetorius and Conrad, representing Owners John and Troy Kuveitis, approached the Board. Mr. McCarthy stated he was there for a one new lot subdivision, identifying them as Parcel 1 and Parcel 2, adding that Parcel 2 is for John (Father), which has the house on it, and who is not planning to do anything with that parcel, but Parcel 1, which Troy will have (as the proposed new lot) has a modular home, will maintain it, and farm it, stating that he may consider a single story family home. Mr. McCarthy noted that he did get the review and understood he has a few more things to do. PB Engineer Andy Willingham stated in his review memo dated May 8, 2019, the property is located entirely in floodplain and floodway of the Walkill River, includes roads, and it's a very old parcel, also adding that the code does require it not be subdivided to be built on in the floodplain. Lyle Nolan added that a few years down the road, if he puts a house there (on the new lot) it would not be a buildable lot, not allowed. Mr. McCarthy stated that as this is located in the Ag zone and floodway zone, but you can build there provided you meet certain standards, so is that what you are saying here, for this property. .

Andy stated that purpose of the law is to not build more houses in the floodplain. Mr. McCarthy stated he will check with the Building Inspector. Lyle Nolan stated that the modular home is for farmworker housing, and if they work there and live there, but added if someone is living there, and is not occupied by a farm worker, it will have to come

## Town of New Paltz Planning Board

### Final Meeting Minutes

May 13, 2019

out. Mr. McCarthy stated he doesn't know the answer and will find out. Chair Ruger stated to find out if he (Troy) plans to build on the lot.

Amanda Gotto stated that the well and septic locations should be put on the map. Board agreed that all the issues in the Engineer's memo be addressed, and to include waivers. Lyle Nolan stated they should show the buffer for the creek on the plan. Chair Ruger stated that the best thing to do is to take the list from the Board, as it's not a full list, and the Engineer's report, and see the Building Inspector for the setbacks. Mr. McCarthy also was told he may have to consider a variance for the new lot as it was pre-existing, non-conforming. **Lyle Nolan and Amanda Gotto both stated that the proposed new lot line would then put existing structures within the new setbacks.** Mr. McCarthy was given the tracking sheet. Attorney Torres added that the SEQRA action and referral to UC Planning Board can wait until their next meeting with the Board.

#### **Administrative Discussion**

##### **Escrow**

Chair Ruger stated that this application requires \$2500.00 escrow, which can be voted on tonight, but added that, after her discussions with the Supervisor and the Town Board, the plan is to get escrow in advance of the first meeting (with the Planning Board), because the reasoning is people are working (on reviews for the application), there is no escrow yet, and the applicants don't come back, leaving bills. Chair Ruger added that the Town Board voted that the Supervisor can set the escrow if he chooses, in advance of the first meeting (with the PB) so we can get money in advance; how it will work is when an application comes in, it will go to both consultants who will give an estimate of what the initial escrow should be set at. Town Board Liaison Dave Brownstein stated to set an initial escrow amount to get people started, then get more money if needed. Chair Ruger stated the escrow will cover their first meeting. After discussion, Chair Ruger stated they will just see how this goes and if it doesn't work they will tweak it. Andy Willingham stated he thinks it's a good idea.

Chair Ruger asked for a motion to set the escrow for the Dug Road Subdivision at 2500.00 and 1500.00 replenishment amount.

**Motion 1 by Jane Schanberg to set the escrow amount at 2500.00 with 1500.00 replenishment amount.**

**Motion 2 by Lyle Nolan. All present in favor. Approved.**

Department of state course Amanda Gotto commented from a NYS Department of State course she took that included public hearings, that any individual can speak at a public hearing and that NYS DOS does not require a signup sheet to protect privacy, an alternative is giving numbers instead to individuals. So they don't have to signup but can, and should be informed they are being videoed and it is going out on YouTube. Chair Ruger commented that we have our signup sheet, but also people who don't sign up to speak. Matt DiDonna said the Town Board asks for names and where they live when there's a hearing. Amanda Gotto stated that names should not be in the minutes, **called out at the public hearing, or be any part of the record**, and in a case they discussed in the course, the name went into the minutes, a person found out where that person was, and something bad happened. After discussion, it was decided to let people know they don't have to sign up to speak and they are videotaping live.

**Motion 1 by Stana Weisburd to adjourn. Motion 2 by Matt DiDonna. All present in favor.**

**Meeting Adjourned at 8:00pm. Minutes submitted by Patricia Atkins**