



Town of New Paltz Planning Board  
Regular Meeting of Monday, **November 13, 2023**  
7:00 PM In Person  
Town of New Paltz Courthouse  
59 N. Putt Corners Road, New Paltz, NY

## **APPROVED MINUTES**

**Present:** Adele Ruger (Chair), Lyle Nolan (Deputy Chair), Matt DiDonna, Jennifer Wells, Lauren McPadden and Adrian Capulli

**Absent:** Jane Schanberg

**Also present:** Andy Willingham (Planning Board Engineer)  
Ashley Torre (Planning Board Attorney)  
Mark Carabetta (Planning Board Wetland Inspector)

### **Administrative Business**

A motion to approve the minutes of October 23, 2023 meeting was moved by Mr. DiDonna and seconded by Mr. Capulli with no further discussion and all voting in favor.

A motion to set the escrow account for John Heppolette's subdivision application PB23-470 was moved by Mr. DiDonna and seconded by Mr. Nolan in the amount of \$3,500 and a replenishment required at \$1,500 was passed with all voting in favor and no further discussion.

### **Public Comment**

The Deputy Chair then asked if there was anyone in attendance wishing to make a public comment and Rose Rutnikski from the Town's Environmental Conservation Board (EnCB) rose to address the Board, reading a letter regarding Mid Hudson Sporting Clays' violation of the Town's wetland law. The EnCB would like the disturbed areas on the property located at 400 N. Ohioville Road to be fully restored to their original condition.

### **Application Reviews**

#### **SITE PLAN**

**Location:** 381-383 Springtown Rd  
**S-B-L:** 78.1-2-6

#### **PB23-068**

**Applicant:** Lee Reich  
**Zoning District:** FF

Lee Reich appeared before the Board and reiterated his proposed plan to build a new house on an existing lot.

The applicant was told he needs to apply for an Accessory Dwelling Unit with the Building Department.

The planning board engineer pointed out that the applicant's site plan does not reflect compliance with §140-19(G)(3), (4), and (13) of the Town Code. Since the proposed house will be located within the 100-year floodplain, the structure and utilities must be constructed in conformance with §82-15 and all future site plans must include all items under §140-52(B).

A motion to classify the proposed project a Type II action under SEQR was made by Ms. McPadden and seconded by Mr. Capulli with all voting in favor with no further discussion.

**STEEP SLOPE/CLEAR CUTTING PERMIT**

**Location: 175-177 Rose Lane**

**S-B-L: 86.1-1-21.111 and 86.1-1-21.2**

**PB19-110**

**Applicant: John Heppolette**

**Zoning District: A3**

The wetlands inspector reported his findings from visiting the site in late October. The fencing that was put up and the trees that were planted in 2021 by Mr. Heppolette are still in place and were surviving and growing. He does not recommend any additional planting. Other trees have come up that were not planted, the restoration area is diverse. There are a couple of Tree of Heaven trees which he recommends be removed and eradicated from the site given its propensity to spread and endanger other species of trees.

The applicant will continue to submit his annual reports and the wetlands inspector will continue to monitor the site annually for an additional two years (November 2025).

**SUBDIVISION/LOT LINE REVISIONS**

**PB23-470**

**Locations: 175 Rose Lane, 160 Rose Lane, and 15 Butternut Road**

**Owner: Butternut Bee Farm, John Heppolette and 15 Butternut LLC**

**Applicant: Patti Brooks, Control Point, Inc. PC**

**S-B-L: 86.1-1-21.111, 86.1-1.19.110 and 86.1-1-12**

**Zoning District: A3**

Surveyor Patti Brooks appeared before the Board on behalf of the applicant's proposed lot line revisions between three contiguous parcels owned by Mr. Heppolette or one of his LLCs. He desires to "equal out" the acreage for each of three parcels.

Mr. Willingham reported the applicant needs to submit a letter for the Board's consideration requesting a waiver from §121-14(A). He noted that the western portion of the properties are in the Town of New Paltz Shawangunk Ridge Critical Environmental Area. But no physical improvements are being requested at this time.

Ms. Brooks confirmed the applicant plans on creating a shared drive and there will be an easement agreement for the proposed lot line which divides Lots 1 and 3 that runs down the center of the existing gravel driveway.

Deputy Chair Nolan stated he thought there should be a maintenance agreement in place for Rose Lane since it is a private road. He would also like to see a cluster plan or sketch plan for the proposed lot line revisions.

Ms. Brooks stated the subdivision was approved by the Town in 2007, and were supposed to file a road maintenance agreement. All the lots were improved since 2007: Lots 1 and 2 have houses on them, Lot 3 has a house, but it is not habitable. There are currently four other landowners with access to Rose Lane and they cannot compel those owners to agree to a road maintenance agreement now, so many years later. Mr. Heppolette has maintained the road by fixing potholes, etc. and only recently hired a company to do it - other neighbors trim the roadsides and make sure the right-of-way is clear. For the most part, everyone chips in for the plowing of snow. Lot 2 has a separate driveway to Butterville Road, which is not shown on the map, but she will add it to the map.

Deputy Chair Nolan suggested the Board view Town Code §121.23(E). The Chair added they may need an interpretation by the Code Enforcement Officer, since no new lots are being created.

Ms. Brooks stated she did not think that the applicant would not have any problems creating a road maintenance agreement for all his involved parcels.

The Chair would like to see a proposed maintenance agreement for Rose Lane. Ms. Torres asked Ms. Brooks to pull the 2005 subdivision map and for additional owner's affidavits for Mr. Heppolette's respective LLCs. Ms. Torres will research the private road restrictions within the Town Code.

Mr. DiDonna moved a motion to declare the proposed project as an Unlisted Action under SEQRA and Deputy Chair Nolan seconded with all voting in favor with no further discussion.

**WETLANDS PERMIT**

**Location: 400 N. Ohioville Road**  
**SBL: 79.3-4-40**

**PB21-079**

**Applicant: Mid-Hudson Sporting Clays**  
**Zoning District: A-3**

Appearing before the Board was the applicant's attorney, George Calganini and Steve Meyen, Manager of Mid-Hudson Sporting Clays.

Members of the Board, along with the wetlands inspector, planning board engineer, town code enforcement officer and members of the Environmental Conservation Board attended a site visit on November 4 to view the status of the site remediation of the wetland disturbance.

Mr. Carabetta had recommended the applicant hire a wetland consultant to develop a remediation plan for three major areas of repair. Mr. Carabetta stated he is in agreement with the comments read at the beginning of the meeting by Ms. Rutnitski of the EnCB.

Mr. Calganini responded to the Board that they are expecting the applicant spend a lot of money for a property the owner feels is completely worthless. It was bought with the expectation of expanding the sporting clays course. There is a certain amount of work they would be agreeable

to doing, like the three specific areas where there was wetlands - removing the fill from those small areas, but removing things and doing work in the buffer areas – you're talking about an expense that really is unwarranted. My client does not believe it is necessary and they're not willing to incur those expenses. Mr. Calganini stated he wasn't sure why he was there because there's no application – my client has no application pending before this Board.

The Chair stated if the applicant does not wish to submit a remediation plan to the planning board, then he will have to submit one to the Town's Building Inspector. Mr. Calganini stated that he thought that's the way we're going to have to go because I don't think the client is prepared to spend that amount of money on the remediation expert and all the things you're asking for – if there was some compromise we'd be willing to do that. Maybe 3 inches of top soil, some seed, removing the fill from those three areas where the pipes are and putting in some wetland seed – maybe those are things we could do but if there's isn't going to be a compromise.

The Chair asked Mr. Calganini to give the Board a proposal. Mr. Calganini responded that he will ask his client to see what they want to do, and we'll let you know.

Ms. Torres pointed out to Mr. Calganini that there is an open wetlands permit application submitted to the Town Planning Board by Medenbach and Eggers on behalf of Mid Hudson Sporting Clays on March 4, 2021. Mr. Calganini stated he is not familiar with that but if it exists "it is withdrawn."

### **Adjourn**

A motion to adjourn was moved by Deputy Chair Nolan and seconded by Ms. McPadden and all voting in favor of the motion.

Submitted by Kristine Tabasko

NOTE: A full viewing of the November 13, 2023 Planning Board meeting can be found at:  
<https://www.youtube.com/watch?v=Zsm3uYBLkKY>