

Town of New Paltz Planning Board

APPROVED Meeting Minutes

October 13, 2020

Call to order by Chair Ruger at 7:33pm

Roll Call of Members: Adele Ruger, Amanda Gotto, Matt DiDonna, Jane Schanberg, Stana Weisburd

Also present: PB Engineer Andy Willingham, PB Attorney John Ahearn

Absent: Amy Cohen, Lyle Nolan

Motion 1 by Jane Schanberg to approve the minutes of September 14th.

Motion 2 Matt DiDonna. All present in favor. Minutes approved.

Public Comment.

No public comments.

Application Review

PB 20-267 Frizzell Accessory Apartment, 81 Canaan Road

Chair Ruger asked PB Engineer Andy Willingham to comment on this application.

Andy noted that there are a couple issues, and it meets pretty much all the requirements of accessory code, noting the septic system needs to be expanded. Andy commented that it is currently a two bedroom house and they want to put a one bedroom apartment above the garage so it's additional bedroom so the health department has said that as long as they add one more trench then then they're fine with it, noting that should probably be a condition of the approval and added that Stacy has verified most of the other requirements and he had as well. Andy added that the one possible issue that he saw was that the accessory department code requires that parking not be in any of the setbacks and they are proposing one spot in the front yard setback in the driveway. Applicant Kathleen Frizzell noted that she thought the setback starts from the middle of the road, and she made it that but she could be wrong, noting that she and Stacy had looked at that and didn't know what her final word on that was.

Andy noted that the plan shows the setback being kind of cutting that car in half, adding that basically it is about eight feet from the house or something like that in the plan submitted. Ms. Frizzell noted that she thought the setback went from the road to the house, adding that she thought it was like 24 feet from the center of the road to the garage. Andy noted that her plan shows it 25 feet from the edge of the road. Ms. Frizzell noted that it was poorly written, apologized, and noted that Stacy had said that the setback in that area is from the center of the road when they measured it from there, it worked. Chair Ruger said it makes sense but her (Stacy's) report does not actually say that. Andy asked when Ms. Frizzell talked with Stacy, which Ms. Frizzell noted when she submitted the plans, initially

when she was putting the plans in they sat and talked about it, then made the copies and dropped them off, and Stacy was not in the office when they were dropped off, noting the last time she spoke to Stacy, asking then what would be the alternative.

Andy commented that the options are that she finds a parking spot that is not in the setback or she can get a variance from the Zoning Board. PB Attorney John Ahearn noted he had looked at Stacy's review memo and noted he thought the zoning in that area, with bulk requirements and area change, this front yard setback is 50 feet but Stacy's memo makes it clear that this would be pre-existing and subject to the 25 feet but Stacy's memo also seems clear that the car space as in that front yard setback so noted, that as Andy said there's no provision for the PB to waive that and the code for the accessory apartment says that you can't park in any of the required yards so your options would be to find a space that's outside of the side in the front yards or go to the zba and ask for a area variance for that. Ms. Frizzell noted she thought Stacy might be the only one who actually went to the property but the way the property is situated over there it's like backed up on the mountain and there's really no other way to park cars so she thought she'd have to go for a variance, which Chair Ruger agreed she may have to do that. Andy noted that, getting back to what was originally said, the front yard is defined as from the front lot line to the to the principal structure, noting that her map is showing the front line in the center of the road, adding if she could measure it off the center of the road and not off the edge of the road it would be from the lot line so depending on where that is and it would be 20 on the road so it would be the whole 25 feet in the front as you can't park in the yard. Ms. Frizzell noted she will go measure it as she did not recall when her and Stacy had measured it. Ms. Frizzell asked what she does, measure that, and if there is not enough room, then go to the Zoning Board, and if there is enough room, does she come back. Chair Ruger noted that without a survey she was not sure what measuring would do, asking if she knows where the lot line is, and if she had a survey. Andy noted that it is more verifying with Stacy what the measurement needs to be off the center of the road or the lot line, which looks like it is the center of the road, and then updating your survey, your map that you submitted to not show it from the edge of the road if that's the case show it off of the center of the road and then you could show on your map that you can meet this requirement show the parking space outside the front yard setback if that is in fact how it should be. Chair Ruger noted that the trench which Ms. Frizzell stated, for the septic, the septic arm has to be or arms is what Chris Dawes had decided to put on with then there is an egress window that has to be put in the bedroom to meet egress in the proposed bedroom, which Stacy stated she would like to see there. Ms. Frizzell noted then the parking, the issue with the septic, and the egress window in the proposed bedroom to be done. Chair Ruger noted she did not see the egress window on the plans. Attorney Ahearn noted that the egress window is something Stacy will require for a CO.

Chair Ruger then noted that there is a recreation fee. Attorney Ahearn noted that this is a Type II action under SEQRA so the Board can motion for that, adding this does not need to get referred to the County under 239 because of the agreement with them. Amanda Gotto asked what the hand drawn line was. Ms.

Frizzell noted that what that is indicating is a hand drawn line where the lights were as Stacy had told her to just indicate where the lighting is going to be, and where the cars would be. Ms. Frizzell also noted that the curve out around the edge of the house and going along the side was a walkway, to get along the side of the house. Amanda Gotto asked if that is okay or does she need another variance to get to the structure in the setback. Andy noted he would double check that as it would be strange for a code to have the setbacks to apply to a walkway. Andy then noted it applies to a deck not a sidewalk.

Motion 1 by Amanda Gotto to make this a Type II action for this accessory apartment application.

Motion 2 by Stana Weisburd. All in favor. Motion carried.

Attorney Ahearn explained to Ms. Frizzell what a Type II action was when she asked.

Chair Ruger read the requirement for assessing a recreation trust fee “the planning board finds that number one the town has a need for public park land and recreational facilities including improvement of existing recreation areas, two this special use permit project presents a proper case for requiring a park or parks suitable located for recreational purposes as it creates a new residential unit and will contribute to such need, and three suitable parks or recreation areas of adequate size to meet the public requirement cannot be located on this property. Accordingly the planning board hereby waives the requirement of land reservation on the property for the new residential unit on the condition that prior to the signing of the plans the applicant deposits a cash payment in lieu of land reservation with the town clerk and the amount set by the resolution of the town board”, noting that is the \$1000.00 that you agreed to.

Chair Ruger noted that has to happen now is Ms. Frizzell is going to review your drawing to see if you have the adequate space within the setback, that you have enough space outside of the setback, and then if not, will go to the ZBA.

Motion 1 by Jane Schanberg that the recreation fee be levied on the Frizzell accessory apartment.

Motion 2 by Amanda Gotto. All in favor. Motion carried.

Motion 1 by Jane Schanberg to adjourn. Motion 2 by Stana Weisburd. All in favor. Meeting adjourned at 8:04pm