

## Town of New Paltz Planning Board

### Final Meeting Minutes

July 8, 2019

Call to order: 7:01pm by Chair Ruger

Attendees: Adele Ruger, Lyle Nolan, Amy Cohen, Amanda Gotto, Jane Schanberg, Stana Weisburd

Absent: Matt DiDonna

Also Attending: Attorney Rich Golden

Chair Ruger asked for a motion to approve the June 24th minutes.

**Motion 1 by Jane Schanberg. Motion 2 by Stana Weisburd. Amanda Gotto noted that the minutes were revised (indicated in red on the hardcopy provided). All present in favor. Motion carried.**

#### Public Comments

Dan Schniedewind of New Paltz read his memo after distributing copies to the Board in regard to the Trans-Hudson planned egress off Rt. 299, and noted his meeting with DOT to discuss that plan.

#### Application Reviews

##### PB 19-34, 46 Cragwood Road

Applicant Liz Kelly appeared before the Board, noting that since the last meeting her application was referred to UC Planning Board, and she was informed that they had responded with No County Impact to the Board's referral of her application. Ms. Kelly also noted that she had submitted to the DEC requesting the jurisdictional determination for the location species and any other species requirements during the construction events, adding that she had followed up a call that day and was told it could take up to 30 days to get a response when submitted to them on June 26<sup>th</sup> so she is waiting for that to come back.

Chair Ruger commented on the resolution, and if there were any questions. Attorney Golden noted that a revised version was sent to everyone that the Procedural History had two changes and another error pointed out by Lyle under General Conditions 1. Reference to Orange County change to Ulster. Amanda Gotto asked if this is where the DEC requirements are placed. Attorney Golden explained that this is where the Board would not have to list for every single permit Specific Conditions as the General Conditions that the resolution is conditioned upon is other information from other government agencies, as specifically stated (in this section) the State Department of Environmental Conservation, also noting that any response the applicant receives would have to comply with those regulations, and in rare cases, may have to come back for another approval. Attorney Golden informed the applicant that she should forward the DEC's response so that the Building Inspector can enforce those regulations. Amanda Gotto felt that the DEC response should be noted. Amy Cohen read the Specific Conditions noted in the resolution:

1. The limits of disturbance shall be demarcated with fencing before any activity is to commence at any location on the site.
2. The Applicant must install fencing that reasonably prevents the access of reptiles and amphibians from entering the pool area.
3. The Applicant must install a pool cover that reasonably prevents reptiles and amphibians from entering the pool.

After no further comments, Chair Ruger asked for a motion to accept the resolution and issue a long form wetlands permit.

**Motion 1 by Jane Schanberg. Motion 2 by Lyle Nolan. Discussion:** Amanda Gotto commented on the Findings section in the resolution, reading “that the Board further determined that this permit will not cause despoliation and destruction of wetlands, waterbodies and watercourses, and associated buffer areas.” Amanda Gotto commented that they are causing despoliation and destruction in the buffer area. Attorney Golden commented that the mitigations that they require is not going to cause any despoliation or destruction of the wetlands or the buffer area, noting you can’t issue a permit if feel its destroying the buffer area. Amanda questioned that a big hole is not destroying the wetlands buffer. Attorney Golden commented that is why the Board has a wetlands expert who has concluded that there won’t be a negative impact on the buffer area. **5 in favor, 1 unfavorable. Motion carried.**

Amy Cohen told Ms. Kelly congratulations, and Ms. Kelly thanked the Board.

#### **PB 19-44 Stout Site Plan**

Alan Stout appeared before the Board. Chair Ruger asked anyone if they had any questions about the resolution. Amanda Gotto read the Specific Conditions:

1. The Applicants’ single-family dwelling may not contain more than three bedrooms, inclusive of the expansion that is the subject of this Resolution, owing to the current septic system restriction.
2. To have a dwelling with more than three bedrooms, the Applicants are required to obtain either certification from the Ulster County Department of Health that the current septic system is adequate for such a use, or conduct modifications to the system, which are to be to the satisfaction of the Ulster County Department of Health.
3. The Building Inspector for the Town is authorized by the Applicants to enter the residence at any reasonable time to confirm no more than three bedrooms are within the home or, if proof is provided that the Ulster County Department of Health has certified that the septic system is sufficient for a greater number of bedrooms, to confirm that the number of bedrooms is consistent with such Ulster County Department of Health certification.

Chair Ruger asked if there were any questions. Jane Schanberg asked the size of the septic tank. Mr. Stout responded that it was 1000 gallons.

Chair Ruger asked for a motion to accept the resolution for special exception permit with the modification of substituting Ulster County Department of Health for Orange County Department of Health under the General Condition 1.

**Motion 1 by Lyle Nolan. Motion 2 by Stana Weisburd. Discussion:** Amanda Gotto asked about the 3 bedrooms. Attorney Golden stated that right now all they can have is three but requiring them to come back here because all of a sudden they build a bigger septic system and Department of Health says they’re fine for 4 bedrooms because you built a bigger system they don’t have to come back to the Board to say now they want 4 bedrooms. Jane Schanberg asked how many people were living there. Mr. Stout stated three, plans to be three, and he added he does not seeing it go past 3 bedrooms, unless it’s a future owner. **All present in favor. Motion carried.**

Amy Cohen told Mr. Stout congratulations, and offered an apology to Mr. Stout for it taking so long it took him, and some way encapsulate his experience and reach out to our leadership, and talk about how long this took you as it was a family emergency, and she added, she believes that as a Board and as a Town we should have a heart for the residents and was sorry it took so long. Mr. Stout thanked her but noted he felt the split zoning needed to change, and thanked everyone.

After no further discussion, Chair Ruger asked for a motion to adjourn.

**Motion 1 by Jane Schanberg. Motion 2 by Amanda Gotto. All in favor. Meeting adjourned at 7:25pm.**