

Town of New Paltz Planning Board  
Final Meeting Minutes  
March 25, 2019

Attendees: Lyle Nolan, Stana Weisburd, Matt DiDonna, Amanda Gotto, Amy Cohen

Absent: Adele Ruger, Jane Schanberg

Also attending: Planning Board Attorney Richard Golden, Planning Board Engineer Andrew Willingham

Alternate PB Member: Brendan McLaughlin

Deputy Chair Lyle Nolan called the meeting to order at 7:00pm

**Meeting Minutes**

**Motion 1 by Matt DiDonna to approve the minutes from March 11, 2019**

**Motion 2 by Lyle Nolan. 3 present voted in favor, 2 abstain (Amanda and Amy). Motion failed. Minutes held until next meeting.**

**Public Comments**

Autumn Florencio-Wain of 190-192 Old Kingston Road, spoke against the TowRific Auto Site Plan.

Jenn Torborg of 193 Old Kingston Road, commented she was against TowRific Auto, and read her memo addressed to the Board Chair.

Dan Schniedewind of 546 Albany Post Road, read his memo to the Board in regard to the Empire State Trail (EST), and re-routing the EST through the Trans-Hudson property.

**Application Reviews**

**PB 19-44 Stout Site Plan**

Mr. Alan Stout appeared before the Board and stated he was there for a special accessory permit to build an addition onto his home. Mr. Stout noted that it was suggested by Stacy that this may be the first special accessory permit to come before the Board. Mr. Stout also commented he was before the Board last summer with his neighbors, to inquire about rezoning their property which is split in R1 and B2 districts. Mr. Stout stated they had abandoned the idea to pursue rezoning due to the cost that the Town Board had said they (he and the neighbors) would have to pay. Mr. Stout stated he has not yet hired an architect or building, but would like to put a 16 x 28 ft., 448 sq. ft. addition on his home, but after speaking with an architect and builder, may change his plan to 18 x 24 ft., 504 sq. ft. for the addition. Mr. Stout stated he was there to get permission from the Board to build an exception to allow, which is allowed on the residential side of his property, but a portion of his property is also in the B2, a split district. Mr. Stout noted that he had received the review memo from Andrew Willingham. In conclusion of his narrative. Mr. Stout stated to the Board that he has a family situation where the addition would allow loved ones to stay in their home, rather than have to go to a nursing home, and they can care for them.

Deputy Chair Nolan stated that this doesn't qualify for the expansion for special circumstances, but referred to the Board's attorney. Mr. Stout stated is it because of the 10% rule.

Mr. Stout commented that the Building Department suggested he go to the ZBA, then was told it's a use variance, then a later call that Stacy said that perhaps he wouldn't have to go there (to the ZBA) and perhaps just here (before the Board). Mr. Stout added he would like a special exception without going to the ZBA, as there is a price difference for the Planning Board vs. the ZBA use variance, which he said she was looking to help.

Attorney Golden stated that there is a path, but the problem is that Mr. Stout identified a problem that his home is in a district that doesn't allow single family residence, adding that there is a rule in the Town Code (140-43 F. *Expansion or enlargement of structures used for nonconforming uses.*) in regard to Nonconforming use in a zone ( *that a special exception permit may be issued by the Planning Board to allow the expansion of a structure which is devoted to a nonconforming use to an extent not exceeding, in the aggregate, the lesser of 10% of the floor area of the principal structure which lawfully existed on the effective date of the provision(s) of this chapter which first made such use nonconforming or 1,200 square feet of floor area* ), and if you want to expand slightly 10% and come before the Board to ask for special use approval, but the problem is Mr. Stout is asking for more than 10%.

Attorney Golden advised the applicant to go to the ZBA for an area variance, not a use variance, asking to vary the 10% to higher the area to allow him to build what you want, adding if he gets the variance, then he comes back before the Board as he would fit now within the confines of the area variance to get Board approval, adding that this Board is bound by the code, and can't vary the code.

Planning Board Engineer Andy Willingham stated 10% is small

Attorney Golden stated it is an area variance he would apply for with the ZBA.

Amanda Gotto added that it can't be self-inflicted.

Andy Willingham stated that 10% of the floor area includes regular living space as per the definition of the Code.

Attorney Golden advised Mr. Stout to ask Stacy what he (Mr. Stout) can include in the floor area.

Deputy Chair Nolan added a reminder that Mr. Stout will still need to get Board of Health approval. Mr. Stout acknowledged that he did still need to get that.

Town of New Paltz Planning Board  
Final Meeting Minutes  
March 25, 2019

Mr. Stout replied that the existing bedroom is an office, and asked if that will be okay. Attorney Golden stated that the Building Inspector will determine that.

Amanda Gotto commented that he would have two offices then.

Stana Weisburd commented that as long as it's okay with Stacy, that's fine.

Discussion on the septic system followed. Mr. Stout asked Dawes Septic if it would suffice for the 3 bedroom but for the 4<sup>th</sup> bedroom they recommended he would need to update the septic system (1000 gallon) with another 250 gallon tank, or replace the 1000 gallon with a 1500 gallon tank. Andy Willingham added that it will be a cost to put in an additional septic system or replace with leech fields. Mr. Stout stated he has a newer leech field that may suffice.

Deputy Chair Nolan stated to set escrow from the Board for \$2000.00 that if not used, Mr. Stout will get back at the end.

**Motion 1 by Stana Weisburd to establish escrow at \$2000.00, with replenishment at \$1000.00.**

**Motion 2 by Amanda Gotto. All present in favor. Approved.**

After a discussion on the Board charges, Mr. Stout asked if the information he had provided is sufficient for the Board. Attorney Golden stated the ZBA has to consider specific tasks rather than the Board. Amanda Gotto stated it was a good idea to make the adjustments to his plan before going to the ZBA.

Deputy Chair Nolan asked if there were any wetlands on the property. Mr. Stout stated that Andy had pointed out that there are wetlands located 150 beyond in back. Andy Willingham commented that the Federal Wetlands mapper shows a wetland 140 feet from his property line. Amanda Gotto asked about the archeological thing.

Attorney Golden stated those are things in the DEC database, this may be there or ½ a mile away, but it's there for them to consider.

After no further discussion, Deputy Chair Nolan motioned.

**Motion 1 by Lyle Nolan to recommend a favorable area variance application for this project up to 504 feet.**

**Motion 2 by Amy Cohen. All present in favor. Approved.**

Mr. Stout was asked to sign the tracking sheet, and was thanked for attending.

**ENCB – Critical Environmental Areas Proposal**

ENCB Chair Ingrid Haeckel came before the Board to share the proposal the ENCB has worked on for the last 9 months to establish critical environmental areas in the Town. ENCB Chair Haeckel read her proposal (Attachment A draft web addresses at end of minutes). Amanda Gotto commented this is a question on the short form EAF. Amy Cohen asked if this proposal was just for the Gateway area or the whole town. ENCB Chair Haeckel stated it's for the whole town, and need to identify those areas, it doesn't restrict or regulate land use. Deputy Chair Nolan commented it is making people more aware which he has no problem, but a problem with changing the Board's involvement with SEQRA and planning.

Attorney Golden commented that there are two things that (Critical Environmental Areas (CEA) has a special emphasis on (1) those critical environmental areas, and also added (2) the Town Code for the environmental review board (ENCB), adding that the Town Code states that their powers and duties they must review environmental critical areas per 12-5 B (2) *Within or contiguous to a critical environmental area or unique natural area designated by the appropriate governmental entity.*

Matt DiDonna commented that it would make people more aware of what they build.

ENCB Chair Haeckel continued reading through the proposal.

Amy Cohen commented that this may cause an impact on existing properties, for an addition, or especially after a fire and rebuilding, and she does not want to create an unnecessary expense, adding that this may also turn developers away with this extra layer to do, with extra tests and studies to do with more expenses, scaring developers away with this extra layer when we have housing shortages but doesn't want to see it as a scary obstacle even though Amy stated they are for the animals and the environment.

Amanda Gotto commented that this is hopefully preventing this, seeing it upfront so they don't spend a lot on design and layout before it comes to us to look at.

Amy Cohen stated the tree inventory cost still no figures on what that costs, then add more layers of law, and asked is this reasonable, adding that they should attract developers, and doesn't want to scare people away because of added expenses. Amy Cohen added she wants to look at checks and balances so they know what's being talked about. Amy also commented for existing property owners it's a burden.

ENCB Chair Haeckel commented that it should not apply to existing property owners, which Amy Cohen confirmed if you rebuild your house from a fire it wouldn't apply? ENCB Chair Haeckel stated that SEQRA does not apply to already existing lots, adding it would apply to subdivision of land.

Town of New Paltz Planning Board  
Final Meeting Minutes  
March 25, 2019

Attorney Golden stated it applies to all SEQRA, except Type II action, as there's a whole list of Type II actions, that wouldn't apply. Attorney Golden referenced Town Code 12-5 B. ( 1) *A Type I action under the New York State Environmental Quality Review Act (see Environmental Conservation Law § 8-0101 et seq.) and related regulations; or* ( 2) *Within or contiguous to a critical environmental area or unique natural area designated by the appropriate governmental entity; or* ( 3) *Within an Environmental Protection Overlay District and requires a special approval from the Town Planning Board or a variance from the Town Board of Appeals; or* ( 4) *Involves five or more acres of land; or* ( 5) *Would create five or more building lots; or* ( 6) *Would be reasonably anticipated (based on recognized traffic generation guides) to create 50 or more vehicle trips per peak hour.*

After brief discussion, Attorney Golden stated it will be the burden on the applicant to prove those criteria do not apply to them.

ENCB Chair Haeckel concluded that the Town Board will be reviewing the proposal at the April 4 meeting for consideration, and a public hearing would be set. ENCB Chair Haeckel was thanked by the Board members for the presentation.

**Miscellaneous**

Amanda Gotto mentioned the training opportunities in Millbrook through Dutchess County Planning on April 9 and April 30<sup>th</sup> for 5.00 each. 46 Cragwood Road walk thru if anyone wanted to go on Wednesday, March 27<sup>th</sup> at 11am.

**Motion 1 by Lyle Nolan to adjourn.**

**Motion 2 by Amy Cohen. All present in favor.**

**Meeting Adjourned at 8:35pm. Minutes submitted by Patricia Atkins**

**Attachment A**

The CEA proposal and a larger map are available to review on the EnCB webpage:

<http://www.townofnewpaltz.org/environmental-conservation-board/pages/critical-environmental-areas-proposal>

and

<http://www.townofnewpaltz.org/environmental-conservation-board/pages/proposed-critical-environmental-areas-map>