



Town of New Paltz Planning Board  
Regular Meeting of Monday, **April 10, 2023**  
7:00 PM In Person  
Town of New Paltz Courthouse  
59 N. Putt Corners Road, New Paltz, NY  
and 11260 N. 92<sup>nd</sup> Street, Scottsdale, AZ 85260

## **APPROVED MINUTES**

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

**Also present:** Andy Willingham (Planning Board Engineer)  
Ashely Torre (Planning Board Attorney)

**Attended via Zoom:** Jane Schanberg, Jennifer Welles

### **Administrative Business**

A quorum check for the April 24, 2023 meeting was held. All but one member indicated their availability; Ms. Schanberg who was uncertain.

A motion to approve the minutes of the March 27, 2023 meeting was made by Mr. DiDonna and seconded by Deputy Chair Nolan, with no discussion and all voting in favor.

The Chair then stated for the record that Application PB23-068 has been approved by the Town Board for an escrow amount of \$2,500. The Planning Board's records have been corrected to reflect that amount.

On behalf of the Chair, the Planning Board Attorney noted for the record that there were two members of the Board attending the meeting via video conferencing: Jane Schanberg, whose location has been historically noticed as an alternate site for public attendance of the meetings, and Jennifer Welles, who under local law, may attend in this manner due to illness.

The Chair then asked if there was anyone in attendance wishing to make a public comment and there was no one.

### **Application Review**

**SUBDIVISION** PB22-329  
Location: 51 Horsenden Road  
Zoning District: A-3

Applicant: James Rappa  
SBL: 78.2-3-26.110

Ms. Torre stated that while the Applicant recently submitted a cluster plan which included a conservation analysis, the Applicant would prefer to go forward with the two-parcel conventional subdivision. The Chair acknowledged that the submission was reviewed and she found it acceptable that the Applicant wishes to pursue the two-lot subdivision. All members indicated they also found it acceptable.

Mr. Willingham went over the EAF Part 2 for the application, and Deputy Chair Nolan made a motion to adopt a Negative Declaration with Mr. DiDonna seconding, and no further discussion. All voted in favor of the motion.

The Applicant's list of waiver requests was read aloud and Deputy Chair Nolan made a motion for the Board to grant all of them, with Mr. Capulli seconding, and no further discussion. All voted in favor of the motion.

Ms. McPadden made a motion to schedule Mr. Rappa's public hearing for the Planning Board's meeting of May 8, 2023 and Deputy-Chair Nolan seconded. There was no further discussion and all voted in favor.

***SITE PLAN/SPECIAL USE PERMIT/WETLAND PERMIT*** PB20-08 – PB20-09

Location: 60 Jansen Rd. Applicant: Homeland Towers  
Zoning District: R-1 SBL: 86.4-2-16

Verizon's attorney, Robert Gaudio and Vincent Xavier from Homeland Towers appeared before the Board.

The Board discussed the tower options they would be voting on. It was agreed that the monopine model would be constructed and color choices were selected, amongst other design specifics.

Mr. Gaudio stated the Applicant would be providing the building department with the foundation design and manufacturer's design plans for the tree itself with branch details including branch density, and the Planning Board would receive a copy as well.

The Board reviewed the prepared draft Resolution with the Applicant's representatives and several revisions were incorporated therein.

A motion was made by Deputy Chair Nolan to adopt the resolution of conditional approval as amended and seconded by Ms. McPadden.

Discussion commenced with Deputy Chair Nolan who stated "I think the special use permit decision by ZBAs was wrongly decided. The purpose of the Article 10 Wireless District was to reduce adverse visual effects and protect property values. The ZBA has failed to do that. We've done our job as a planning board, and they failed in my opinion. The only thing we have to do, is do our job. I'm sorry that this happens to the neighbors, sorry it's not in the zone. I don't think that we are required by law to provide the very best location and it says 'effectively and efficiently' it does not have to be the best, most optimal.

I think we never had any proof that they went out and asked anybody else if they could put a cell tower on their land. All we know is that they said 'nothing else was available.' That's where we are."

Ms. Welles stated she echoed Deputy Chair Nolan's sentiments.

The roll call commenced:

Lauren McPadden voted "Aye"

Jennifer Welles voted "Aye"

Adele Ruger voted "Aye" and then stated "this is the most difficult application I have had for as long as I have been on the Planning Board and I also believe our hands are tied because of the federal regulations and the determination of the ZBA. I hope you do the best you can to make this agreeable to the neighbors."

Lyle Nolan voted "Aye"

Adrian Capulli voted "Aye"

Jane Schanberg stated "I'm not able to vote aye easily because I feel that only the findings that we just read do enough mitigation on this project and I feel that the alternative would be a lawsuit which would be a burden to the town, or might be. So, with qualification, I vote Aye."

Matthew DiDonna stated "I just want to say that, you know, obviously this is very difficult for everybody. I really feel like, you know you guys are doing your job and we're doing our job but at the end of the day those people that live behind this pole are going to have to look at it. And they couldn't have proved their values would decline significantly enough to go against you. But I still think it's really, really selfish of one landowner to make a decision that's going to affect other landowners. And I don't think it's necessarily, you know, a good idea. I think it's a good service that we all need obviously. But I just really feel like one landowner just determined that they wanted to make a little extra money off their property and putting in a pole that's going to affect, you know not the Town, not the people that are looking down on it from the mountain, but the people that are right next door, it's just unbelievably selfish of that particular person. So that said, I agree with Jane that mitigation we did is the best thing we could do. So, I vote Aye."

The motion to adopt the resolution of conditional approval was adopted by unanimous vote.

### **Other Matters**

The Chair then asked the Board if they wanted to make a recommendation to the Zoning Board of Appeals in regard to the CPD Group variance request to add two (2) additional Mobil signs to their fuel canopy.

Mr. DiDonna made a motion to authorize the Planning Board Attorney draft a letter of recommendation to the Zoning Board of Appeals, requesting that they require CPD Group adhere to the existing code for signage. Deputy Chair Nolan seconded and all voted in favor with no further discussion.

The Chair then addressed the Board with regard to the NRI resolution adoption by the Town Board (June 2021) which appears to shift the creation of resource maps using the NRI tool on the Town's website from the EnCB to applicants who would be required to complete and add to their applications to the Planning Board.

The Chair suggested that the members think more about this and talk again at the next Board meeting. Deputy Chair asked members to try the software out.

### **Adjourn**

Mr. Capulli made a motion to adjourn, with Mr. DiDonna seconding, and all voting in favor of the motion.

Submitted by Kristine Tabasko

NOTE: A full viewing of the April 10, 2023 Planning Board meeting can be found at:  
<https://www.youtube.com/watch?v=2MloJZIGT00>