



Town of New Paltz Planning Board  
Regular Meeting of Monday, **January 23, 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 Jennifer Welles

**Also present:** Andy Willingham (Planning Board Engineer)

Attended via Zoom: Jane Schanberg  
Ashely Torre (Planning Board Attorney)

**Absent:** Amanda Gotto

### **Administrative Business**

A quorum check for the February 13, 2023 meeting was held. All present responded they would be available.

A motion to approve the minutes of the January 9, 2022 meeting was made by Deputy Chair Nolan and seconded by Ms. Welles, with all voting in favor.

The Chair then addressed the escrow establishment for Hudson Valley Contractor's application for a Wetland Permit (PB23-006) and Mr. DiDonna made a motion set the fund at \$2,500 with a replenishment level of \$625, with Ms. Welles seconding, and all voting in favor unanimously.

The Chair then addressed the escrow establishment for GTY Leasing/CPD Group's Site change and sign application (PB23-010) and Mr. DiDonna made a motion set the fund at \$2,000 with a replenishment level of \$500, with Ms. Welles seconding, and all voting in favor unanimously.

The Chair then asked if there was anyone in attendance wishing to make a public comment and several of the attendees spoke.

Ms. Alyse Solomon of 68 Jansen Road opposes the cell tower being sited in the residential area because it doesn't fit with the community. She saw the balloon during the balloon test from every window in her home.

Gina and Ron Mosimann of 6 Jennifer Court oppose the cell tower being placed at the proposed location. They have lived in their home for 26 years and Mrs. Mosimann requested that the

Planning Board give this their due diligence for their community. Mr. Mosimann tested his Verizon service today by disconnecting from wifi and then streamed live Google TV just using Verizon data on his cell phone, and stated “There is not a problem with Verizon service.” Mr. Mosimann stated his whole western view of the mountain will be gone.

Dr. Rose Rudnitski, of Dubois Road, identified herself as a member of the TONP EnCB, however she was appearing and commenting as a resident. She believes the site of the cell tower is in a wetland and feels that 5G is detrimental to wildlife. She’s had to replace her bee colony due to environmental factors.

Harriet Clark of 8 Jennifer Court has lived at her home for 20 years and is apprehensive of seeing the cell tower more in the winter time. She is also concerned about the existing wetlands and the potential of trees being removed at the site.

### **Application Review**

#### **1. WETLAND PERMIT**

PB23-006

Location: 1 Mare’s Trail

Applicant: Hudson Valley Contractors/Robert Cohn

Zoning: R-1      SBL: 78.16-1-6-440

Mr. Cohn appeared before the Board and stated his subdivision was approved 20 years ago. He would like to build a small house on a parcel with wetlands and cannot meet the 100-foot buffer requirement. He can provide for a 50-foot buffer.

Mr. Cohn was advised to prepare a EAF Part I using the DEC’s mapper website. It was also suggested that the proposed house and septic should be moved closer to the road. Additional details are needed to be shown for the silt fence. The Wetlands Inspector should conduct a site visit and verify the delineation shown on the site plan.

#### **2. SITE CHANGE/SIGN APPLICATION**

PB23-010

Location: 409 Main Street

Applicant: GTY/CPD Group

Zoning District: GB      SBL: 86.12-5-5

Thomas Kievit, Manager from CPD Group appeared before the Planning Board regarding CPD’s site and sign applications. CPD is updating their branding image. After reading through Mr. Willingham’s comments of 01/18/23, he will be submitting an updated sign package. Mr. Willingham advised the applicant that the Town Code only allows for two (2) signs. The applicant will need an architectural review by the Planning Board’s consultant, once updated plans are submitted. Other issues include better defining what type of material is being used for the proposed re-siding of the building, further review of the proposed ladder signage and a request to update the site plans to show an overall lighting plan.

Mr. Kievit responded that he will be applying for a variance with the Zoning Board of Appeals for the third proposed sign and will contact the Building Inspector to obtain a determination if the “Synergy” displays are in fact signs.

### **3. ACCESSORY APARTMENT**

PB22-203

Location: 6 Oak Street

Applicant: Mike Stepanovich

Zoning: A1.5                      SBL: 86.13-3-16

Mike Stepanovich appeared before the Board regarding his application for an accessory apartment. Mr. Stepanovich has obtained Ulster County Department of Health's approval to install a separate septic system for this accessory apartment. Mr. Willingham noted that a condition of approval by the Board should prohibit exterior renovation given the approved septic system plans indicate an addition. Another condition of approval should include the relocation of a fence that encroaches on the neighbor's property on the northwest property line. Mr. Willingham noted the applicant updated his site plans to include proposed lighting and he found it acceptable.

A motion was made by Mr. DiDonna to declare this project as a Type II and Deputy Chair Nolan seconded. There was no further discussion and all voted in favor of the motion.

The Planning Board found that there is a present/future need for parkland in the Town and that approval of this application will contribute to the need for public parks and recreational facilities in the Town, and the parklands should be created as a condition of approval. Since the property is not suitable to locate a park or recreational facility on site, a payment of a recreation fee in lieu of parkland dedication is required in an amount set by the Town Board. A motion was made by Ms. Schanberg and seconded by Mr. Capulli to require the applicant to pay a recreation fee as determined by the Town Board. There was no further discussion, and all voted in favor of the motion.

A motion to approve the accessory apartment special use permit was made by Mr. Capulli and seconded by Ms. Schanberg, subject to the following three conditions:

- 1.) A payment of a recreational fee in lieu of parkland dedication be made to the Town of New Paltz.
- 2.) No exterior changes shall be made to the barn.
- 3.) Prior to the issuance of the certificate of occupancy, the portion of the existing fence on the northwest side of the property encroaching on the neighbor's property shall be relocated onto the applicant's property.

There was no further discussion and all voted in favor of the motion.

The applicant was advised to speak to the Building Inspector regarding placement of doors/windows.

#### **4. SUBDIVISION**

PB22-67

Location: 350 & 331 N. Ohioville Road

Applicant: Stefan Bohdanowycz

Zoning District: A-3                      SBL: 79.3-3-38 and 39

The applicant's consultant, Patti Brooks appeared before the Board. Ms. Brooks reminded the Board that since her last appearance in October, the applicant has reduced the lot number from 6 to 5. A revised EAF was submitted to the Board in December. The project's referral to the Ulster County Planning Board, resulted in a requirement of Ulster County Board of Health approval, which the applicant is still waiting to receive approval. Other UCPB comments related to a shared driveway of lots and 4 and 5, which has been revised to provide two separate driveways. Another comment addressed fire truck accessibility. Ms. Brooks stated the driveway cuts have been approved by the Highway Superintendent and she believes that fire access will be reviewed at the time the building permit is issued.

Discussion ensued between Ms. Brooks, the Board and Ms. Torre regarding interpretation of the Town's cluster development Code. Ms. Torre advised Ms. Brooks if she thinks what she has submitted constitutes a cluster plan, perhaps she could submit a narrative – a letter addressing those criteria, to the Board stating why she believes she has already addressed this project as a cluster development. Further, she advised if there is something missing from her current plan, such as a conservation easement and open space she might need to draw up an alternate sketch plan showing dedicated open space.

Ms. Torre advised the Board they needed to complete SEQR and make a determination of significance before a public hearing could be opened. If there is an issue which prohibits the Board from making a SEQR determination at the next meeting, she might want to wait for the public hearing or she will have to do the notices again.

Mr. DiDonna made a motion for the Board to assume Lead Agency status, with Ms. Schanberg seconding. There was no further discussion all voted in favor of the motion.

Chair Ruger authorized Mr. Willingham to complete the SEQR documents.

#### **5. 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

Robert Gaudioso, attorney for the applicant and Vincent Xavier appeared before the Board. The Chair spoke to address the comments stated earlier in the meeting regarding this application. She reminded the people in attendance who had spoken during the Public Comment portion of the meeting that those comments were not part of a public hearing, and would not be considered as part of the record, but their comments were appreciated. Further, she stated to the audience

that the Town of New Paltz Zoning Board of Appeals had granted the requested variance by the applicant, and the Planning Board must now look at the site and what is the best way to go forward.

Ms. Schanberg provided an overview of the history of the application. The Town's Engineer stated he is still reviewing the submitted documents, and he will provide the Board with a detailed review in the near future. After having spoken to Mr. Carabetta, Town's Wetland Inspector, Mr. Willingham believes the boundary flags at the proposed site have not as yet been confirmed.

Mr. Gaudioso then provided some of the background of the project referencing the things that were important to the site plan. He referenced the final findings statements, including the Board's issuance of a Positive Declaration, the Full Final Environmental Impact statement process. The Board ultimately adopted the findings statement and as part of the findings statement, a few of the key items the applicant agreed to as conditions of approval included:

- Lower the tower's height to from 150 feet to 140 feet.
- Waive the right to add another carrier and extend the tower 20 feet without the Town's permission.
- Reduce the number of antennas from Verizon Wireless from 12 to 6 and pull in the antenna mounting arms to make the top narrower.
- Have an environmental consultant on site during the construction process, specifically with respect to threatened and endangered species.
- Only take down the trees during the proper tree cutting period as evidenced on the plans.
- Take measures to mitigate any impacts on amphibious species.
- Increase size of the "No Mow" zone to re-vegetate the wetland buffer.
- Option 1 of the access drive offered more disturbance to the wetland, but only required 15 trees to be removed. Option 2 found the access drive outside the wetland buffer, where 64 trees would have to be removed. The Town of New Paltz's EnCB recommended Option 1.
- Tree Mitigation: the applicant had proposed to replace more than the number of trees on site they had planned on removing. Additionally, they agreed to providing a \$20,000 landscaping fund to the Town to use as it sees fit for tree planting.

Mr. Gaudioso will resubmit to the Board the visual renderings of the standard monopole, monopine and silo designs.

The Chair stated that the property in question must be fully compliant with the Town Code, and she will ask the Building Inspector to make that determination.

Attorney Torre advise the Board the design and maintenance of the pole is the responsibility of the applicant, once the Board selects the type of design.

Mr. Gaudioso will resubmit to the Board the most recent iterations of the access road.

## **6. SUBDIVISION**

Location: 4 Julia Avenue

Applicant: Matthew Aube

Zoning District: A1.5 SBL: 86.1-2-17

Matthew Aube appeared before the Board regarding his subdivision/lot line revision application. Attorney Torre informed the applicant that all waiver requests must include the reasons for each individual waiver request, and it must be in writing.

Deputy-Chair Nolan stated the tree survey is relevant. All isolated trees that are 12" in diameter or greater must be marked on the site plan. The applicant stated he is trying not to take trees down. The water line has been moved.

Deputy-Chair Nolan asked if there were any trees where the house and septic are located. He suggested designing each around the existing trees.

Mr. Willingham was authorized to prepare the remaining SEQR documents in time for the next appearance before the Board. Chair Ruger stated the Board will decide on the waiver requests and complete SEQR at the next appearance. If those are complete, the Board will set a date for a public hearing.

### **Adjourn**

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

Submitted by Kristine Tabasko

NOTE: A full viewing of the January 23, 2023 Planning Board meeting can be found in two installments at:

<https://www.youtube.com/watch?v=FNbgzJNZyk8>

<https://www.youtube.com/watch?v=AkyLSHIZCMc>