

Town of New Paltz
Zoning Board of Appeals
FINAL Meeting Minutes
April 12, 2016
7:00pm

The meeting was called to order at 7:02 pm by Ed Burke.

Roll call: Ed Burke – present; Caroline Paulson – present; Phil Subey– present; Joe Douso – present; Leonard Loza – present; Joe Moriello – present.

Others Present: None

PUBLIC COMMENT ON ISSUES OTHER THAN PUBLIC HEARING:

None

MINUTES:

The March 8, 2016 minutes are presented for approval.

Motion to approve these minutes made by Caroline Paulson.

2nd by Phil Subey.

All others present in favor. Motion passed.

PUBLIC HEARINGS:

ZBA 2013-06, Trans-Hudson Mgt./CVS, 22 N. Putt Corners Rd., Area Variances

The applicant has asked to keep this public hearing open until the May 2016 meeting, as the Planning Board has still not completed SEQRA.

Motion to keep the public hearing open until the May 10, 2016 meeting is made by Caroline Paulson.

2nd by Leonard Loza.

All others present in favor. Motion passed.

ZBA 2016-01, Demaria, 3 Fieldstone Dr., Area Variance

Motion to open the public hearing for the night is made by Leonard Loza.

2nd by Phil Subey.

All others present in favor. Motion passed.

No one is currently present to comment.

APPLICATION REVIEWS:

ZBA 2016-01, Frank Demaria, 3 Fieldstone Dr., Area Variance

Mr. Demaria comes before the Board to discuss his application for an area variance. He brings an official survey that he just had completed. He is still asking for the same variance. He does present the Board with option B, where the garage would actually be in the driveway. They prefer option A, as it looks better and doesn't take up so much of their driveway. He is actually seeking 9' of relief based on the new, accurate survey. As the garage is actually 11' from the property line.

Ed Burke questions the size of the garage. The applicant does want a 22' x 22' garage, as that is what comfortably fits two cars.

Caroline Paulson mentions driver safety with layout of the driveway.

Ed Burke notes that he is not seeking relief from the whole side of the garage. It is only the front section. He will also need a variance from the distance of the structure to the garage.

Leonard Loza is just concerned about setting precedent. Ed Burke discusses need verses want. It is noted that no matter where the garage is located, the neighbor will see the garage. Even if he places it where he will not need a variance, it will still be completely visible to his neighbor.

Mr. Demaria notes that whatever color his wife picks for this garage, the house will be re-sided to match, and the shed will be painted to match as well.

Motion to close the public hearing is made by Phil Subey.
2nd by Caroline Paulson.

All others present in favor. Motion passed.

Ed Burke goes over the five criteria for the granting of both area variances:

- 1- No – for both
- 2- Yes – for both - they have an alternative option
- 3- No – for both - Not that substantial
- 4- No – for both
- 5- Yes – for both - he bought the house knowing the existing garage was renovated into living space.

Joe Douso questions if this will set a precedent in that area.

Mr. Demaria mentions that he does understand the Boards hesitation.

Joe Moriello notes that he understands the fear of setting a precedent, but that each request comes with its own set of reasons. No two would be the same.

There is a continued discussion on the driveway and access to the new structure.

Joe Moriello mentions that he would not be that concerned with the precedent in a side yard variance. He would be more concerned with the relief from the set back of the new garage to the house.

There is continued discussion on these two variances, and the fact that the applicant does have other options.

Ed Burke surveys the Board for their comments. Mr. Subey states how he has respect for the way the applicant has approached this. Mr. Douso states that plan B is an option that seems to be a better decision. Leonard Loza notes that the applicant doesn't seem too upset about option B, and he does have concerns with setting the precedent with these variances. Mr. Burke appreciates the hard work Mr. Demaria has done, with coming up with an alternate plan. He respects this work. He does have the same concerns as the other members.

Ed Burke seeks a motion to grant these two area variances, no one makes that motion.

Motion to deny these two area variances is made by Ed Burke.

2nd by Phil Subey.

Caroline Paulson abstains.

All others are in favor. Motion passed.

OLD BUSINESS:

Leonard Loza questions the status of the CVS application. They are on hold until escrow is replenished.

ADMINISTRATIVE ISSUES:

There is a discussion on a quorum for the May 2016 meeting.

Motion to adjourn made by Caroline Paulson.

2nd by Phil Subey.

All in favor,

Adjourned at 7:40 pm.

These minutes respectfully submitted by Kelly O'Donnell, Secretary