

Town of New Paltz
Zoning Board of Appeals
Final Meeting Minutes
June 13, 2017

Leonard Loza called the June 13, 2017 Zoning Board of Appeals to order at 7:00 pm.

Roll call:

Caroline Paulson – present, Steve Esposito – present, Joe Douso – present, Leonard Loza – present; Ed Burke is absent.

Others Present: Joe Moriello, Legal Counsel, Stacy Delarede, Building Inspector

Review and approval of Minutes

The minutes from the May 9, 2017 are presented. Leonard Loza asked for a motion to approve the minutes. Motion 1 by Caroline Paulson, Motion 2 by Joe Douso. Leonard Loza abstained from voting. 3 in favor. Minutes approved.

APPLICATION REVIEW:

ZBA-2017-04, Robert Zito Area Variance (Shed)

Robert Zito and his Wife approached the ZBA members. Leonard Loza asked Mr. Zito to tell them about the property. Mr. Zito stated his property is a non-conforming lot. He has limited area, and wants to be able to store his garden tools, possibly a snow blower. He mentioned there are only 4 houses on Colton Road, and his neighbor across the street would be the only one who would visibly see the shed. He doesn't feel that neighbor would object to the shed. He mentioned the north measurement is 50 plus feet from the property line, not 28 feet as he indicated on his map. The western side is about 21 feet, and he is asking for a variance of 4 feet. He has no other way to put the shed. And it's a drop shed and the only place is where he indicates on his map, for a vehicle to get in. He plans to have gravel footing.

Joe Moriello stated his map was showing 28 feet to the northerly boundary. Mr. Zito stated its closer to 50 feet, not 28. Joe Moriello asked if the westerly side to the stone wall was 21 feet, and Mr. Zito stated it's closer to 21.5 feet. Joe Moriello asked that his map be corrected. Joe Moriello also asked how far behind the proposed shed it dropped off. Mr. Zito indicated just a few feet. He added Mark (Building Inspector) had inspected the site and said he can't push it further east or would have slope problem. Stacy Delarede stated he is right at the 13.5% slope. She also mentioned there's a chance for soil erosion so it can't be pushed back into the slope.

Mr. Zito stated he has a gravel driveway, and will place boulders to prevent erosion, not building into the slope at all. He stated no trees will be removed.

Leonard Loza stated that a public hearing has to be set. He stated July 11 is the next date. **Leonard Loza asked for a motion for a public hearing for the application for Robert Zito for July 11, 2017. Motion 1 by Caroline Paulson. Motion 2 by Steve Esposito. All present in favor, motion Approved.**

Stacy Delarede suggested and Leonard Loza asked for a quorum check for July 11 meeting. Caroline, Steve and Leonard stated they would be there. Joe wasn't sure (maybe). Stacy Delarede stated the applicant has to do a notice, notifying the property owners within 500 feet of his property and to see Pat for this info for addresses, and posting info for signs of the public hearing, and affidavit.

Mr. Zito agreed to see Pat for the Public Hearing Info at Town Hall.

ZBA-2017-05, Spruce Creek LLC (Use Variance)

David Weber approached the members and explained his application. Located on 196 Old Kingston Road, Rt. 32. The property is in the R2 zone on Old Kingston Road, and B2 zone on 32, and he'd like to build in the R2 a single family home. He's requesting to make into one coherent zone, because neither is functioning well.

Stacy Delarede corrected Mr. Weber by stating its R1 zone not R2 and stated that he clarify what you are asking the board for.

Joe Moriello stated that the application is for a Use Variance to permit use that is not allowed in a B2 zone as opposed to a change in the zoning.

Mr. Weber stated about 7 years ago he went to the PB to develop the property with retail and garage space, including a lawnmower repair shop. He had gone through the process with the PB where it was put on hold. He is now looking at it as a residential area and his best alternative for the area is a single family residence rather than finding tenants for retail space. He also noted that neighbors may be bothered by noise from tenants for commercial space.

Joe Douso verified that B2 Zoning is Highway Business and R1 is residential.

Stacy Delarede stated all the parcels from the village line, there are only 3 parcels developed for business: Clarksons, Clarkson's vacant lot and Hydrodrophonics Store. Beyond Clarksons the B2 extends. The R1 continues to cut through these properties; some are in both districts, some are solely in B2, some are solely in R1.

Leonard Loza asked when the zoning went into effect. Stacy Delarede stated in 1976. Joe Moriello commented that since the homes were probably existing at the time, ideally the zoning would be with a setback for Old Kingston Road for Residential.

Stacy Delarede stated that the B2 zone 30 feet can extend into R1 if you develop in the B2, and you can extend 30 feet into B2 30 feet but that only gives you 80 feet into the R1 so 80 feet area is limited. Leonard Loza asked if it could be sub-divided. Stacy Delarede commented looking at the code for B2 requirements, 7500 square foot, and 75 feet of width and frontage, so technically it can be sub-divided. But after verifying his lot he has 102 feet of frontage on Rt 32, so he can't sub-divide because he doesn't have the frontage.

Leonard Loza asked applicant if on this parcel he'll build a forever residence? Mr. Weber stated yes, a single family home, no intent to sub-divide. Caroline Paulson commented to Mr. Weber he's been through alot with your property.

Stacy Delarede commented on the sub-division possibilities. She stated looking at it, I would say No but because the lot has a frontage on both sides, B2 district, 75 for lots size, has enough possibly. She stated she'd have to look more closely, maybe able to sub-divide off the front, one and lot behind it but her question is the balance of lots will be split between 2 districts. Would the R1 requirements come into play if you split the lot if the board is so inclined. Leonard Loza stated to put a deed restriction in place.

Mr. Weber stated putting a deed restriction is no problem, he would not sub-divide.

Stacy Delarede stated in all fairness to the board, the application to the Planning Board was not denied. The applicant allowed it to lapse and it was just closed. He stated the board was not unfavorable but he couldn't really answer their questions and didn't pursue it.

Joe Moriello suggested a public hearing be set. He also suggested the applicant looks the Use criteria, making sure it follows the Use Variance. Be ready to demonstrate on the record no use under the current regulations to which the property can be put to get an economic return. So when the proof has to be no allowable use to generate a reasonable return, and in dollars and cents proof. He stated its tough criteria to meet.

Leonard Loza stated to applicant to see Pat for public hearing package.

Leonard Loza motioned that the public hearing for Spruce Creek LLC Use Variance be set for July 11, 2017. Motion 2 by Caroline Paulson. All in favor. Motion approved.

Caroline Paulson mentioned she is interested in attending the all day NY Planning Federation on August 7 at Locust Grove in Poughkeepsie. Anyone else interested should let Pat know.

PUBLIC HEARINGS:

Leonard Loza stated that Trans Hudson/CVS has withdrawn their application to the ZBA and no longer needs to extend their public hearing.

Leonard Loza asked for a motion to close the Public Hearing for Trans Hudson/CVS .

Motion 1 made by Caroline Paulson.

Motion 2 by Joe Douso.

All present in favor. Motion passed.

Discussion on who signs the application since it was withdrawn. Decision that Ed Burke would sign.

Leonard Loza asked for a motion to adjourn.

Motion to adjourn made by Caroline Paulson

2nd by Joe Douso.

All in favor.

Adjourned at 7:55 pm.

These minutes respectfully submitted by Pat Atkins, Secretary