

Town of New Paltz
Zoning Board of Appeals
Final Meeting Minutes
November 13, 2018

Chair Loza called the meeting to order at 7:00pm for November 13, 2018.

Motion 1 by Caroline Paulson to open the meeting.

Motion 2 by Joe Douso. All in favor. Meeting opened.

Roll Call: Steve Esposito – present, Joe Douso – present, Kelly O'Donnell – present, Leonard Loza – present, Caroline Paulson – present. Others Present: Building Inspector Stacy Delarede, Attorney Joe Moriello

Review and Approval of Minutes

The minutes from the October 9, 2018 are presented.

Motion 1 by Caroline Paulson to accept the minutes as submitted. Motion 2 by Kelly O'Donnell. All present in favor. Motion Carried.

Chair Loza asked if anyone was there for public comments. No public comments.

Public Hearing – Timely Signs of Kingston - Area Variance

Chair Loza stated he'd accept a motion to open the public hearing for Timely Signs (of Kingston Area Variance).

Motion 1 by Caroline Paulson. Motion 2 by Kelly O'Donnell. All present in favor. Motion carried.

Timely Signs of Kingston – Area Variance

Tyson McCasland from Timely Signs of Kingston approached the Board to discuss his variance application, which is for the sign at Copeland Funeral Home on 162 S. Putt Corners Road. Mr. McCasland stated he has proposed updates for the sign, which is for a 30 sq. foot sign to replace the existing sign. Chair Loza asked if everyone had seen the pictures which has the address numbers on it. Attorney Moriello stated for the record, on page 2A of the application, the request was for the relief for increasing the sign from two square feet to thirty square feet but in actuality it is requesting the relief from 12 square feet (which the Town Code allows) to 30 square feet. Application amended. Mr. McCasland confirmed when asked that the variance was only for the square footage, as well as confirming that there would be no change to the lighting of the sign (that is there now).

Chair Loza asked if anyone had any comments (for the public hearing). No comments.

Chair Loza stated that there are 5 questions for area variances (on the application) that must be addressed with a response (which Chair Loza read):

- a) **Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. NO**
- b) **Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance. NO**
- c) **Whether the requested area variance is substantial. NO**
- d) **Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. NO**
- e) **Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. NO**

Chair Loza asked if there were any further comments. Attorney Moriello commented in regard to the 2nd criteria (on the application), **whether the benefit sought by the applicant can be achieved by some method feasible for**

the applicant to pursue, other than an area variance, asking if there was any possible way the sign could comply. Mr. McCasland stated that no, since the area is 45 mph, for people to get to their location safely, they need a sign that size to indicate that is a funeral home. Joe Douso stated that he sees the building before the sign since he's been by it hundreds of times. Caroline Paulson commented from her experience that they needed a sign that could be seen, especially for people from out of town. Attorney Moriello stated that the sign is a greater area than what is there now. Mr. McCasland stated that is correct but it will be lower than what is there now, but same size (in width) and will be a monument sign, not a ladder sign which is there now.

Stacy Delarede stated that the sign there now is too tall, and must be brought down to the height criteria of maximum 6 foot but keep the existing sign area of 30 square feet since the variance is only for the size of the sign, therefore changing the face of the sign. Mr. McCasland also added they have added the 911 address number as well. Attorney Moriello stated then the variance is proposing to bring the sign not fully into compliance with Town law that was amended years ago. Stacy Delarede stated that he is asking to keep the pre-existing, non-conforming sign by making it more conforming by changing the sign's height and type but not totally conforming. Attorney Moriello stated its relief from not having to come into total conformity as opposed to a new sign, which Stacy Delarede agreed is correct. Stacy Delarede also added that there is a permit and certificate of occupancy which for the existing sign which is nonconforming when the sign law was changed. Chair Loza asked when the sign law changed, which Stacy Delarede responded it was amended June 15, 2006, and actually section for business was in 2009. Chair

The public hearing was closed upon the taking of the following action by the board:

Motion 1 by Steve Esposito to accept as amended the area variance request. Motion 2 by Caroline Paulson. All present in favor. Variance approved.

Andrew Stone – 1 Canaan Road – Area Variance

Mark Maseo representative for Andrew and Mary Stone, explained to the Board that the Stones has young children and a dog, and that they would like a 6 foot fence on the Canaan Road side of the property to protect from wildlife. Mr. Maseo also added that it was a unique lot, triangular property with two front yards. Chair Loza stated that for the record, Mr. Maseo is the representative (for Andrew and Mary Stone) and has their written permission to act on their behalf. Pictures of the proposed area, new fencing were provided and discussed. Stacy Delarede **explained the code requirements**. Mr. Maseo stated he'd like to add a privacy section that's facing on Canaan Road of natural cedar or another material that's not yet decided. The map showing the current fence, and replacement fencing was discussed. Caroline Paulson asked if the picture with the fencing was the new proposed fencing, which Mr. Maseo stated that the fencing there with wildlife on the opposite side of the fence there now to show that and will remain. Mr. Maseo stated they have to follow the natural grade line and when asked by Attorney Moriello, there will be no space at the bottom.

Chair Loza stated they need to set a date for the public hearing.

Motion 1 by Caroline Paulson to set the public hearing for December 11th

Motion 2 by Kelly O'Donnell. All present in favor. Approved.

Joe Douso asked for clarification if there are two variances requested because of the 50 feet discussion. Chair Loza stated only one variance, for the fence height of 6 foot.

McDonald's Renovation – Main Street – Area Variance

Alan Roscoe, Corp State Groups, in Watertown, Massachusetts, is representing the McDonald's Corporation on the renovation project on Main Street. Mr. Roscoe mentioned that the renovation is being done inside the building with ADA (American Disabilities Act) improvements to the restrooms, new furniture and finishes in the Dining Room, windows and doorways. There are also plans for ADA compliance outside, with concrete to replace brick sidewalks and pathways to public right of ways. The plan is to give the outside a neutral and understated color

pallet with a modern looking appearance. However, the Planning Board has asked to see more colonial style appearance samples than the more modern looking appearance. Mr. Roscoe stated he was seeking two variances but after receiving the Building Inspector's memo it looks like it may be more like 10 on the way the Town quantifies. Mr. Roscoe stated that he is also still working with the Planning Board on several items before them.

Attorney Moriello stated that it may be a good idea to go over the variances and applications, define what's being required and requested, and with it going to the UC PB as a referral it will help them out by going through it procedurally. Stacy Delarede commented that it may be best to work on parking, the first less complicated of the two variances requested.

Mr. Roscoe commented on Parking Area Striping: Site Plan requirements are for parking spaces to be double striped. PB asked to provide a parking spot for buses as well as an opportunity for delivery trailers to park so not in the way of the drive thru, and to share the spot. If they go with the double striping, they would lose two of the 40 required parking spaces and would need to seek relief. If they go with single striping, they would have 40 spaces. They are seeking relief for the double striping or loss of two spaces.

Chair Loza explained the variance approval process to the applicant; stating if he may need to ask for up to 10 variances more, and that if the applicant requests no more variances and if any variance fails approval, the others will fail as the application is now. Chair Loza also noted that the 5 questions on the Area Variance application have to be considered in regard to the nature of each individual variance, and if done as an individual application for each item, the applicant will have a more satisfying result at the end but he also realizes that these would be requiring an additional fee.

Stacy Delarede stated he is seeking relief for the parking lot and that should be a separate application. Stacy Delarede also noted that the application on the variance is pre-mature noting that the Planning Board needs to get into the planning process, recommend to the ZBA what they prefer for double striping and lose 2 leaving 38 spaces, or go with 40 single striping spaces. Chair Loza asked if handicap parking was marked on the map provided. Mr. Roscoe stated that the ADA spots were in blue opposite the main entrance (on the map). Mr. Roscoe also noted part of the other improvements is extending the existing sidewalks to Rt. 299 and with ramps on both sides. The ADA spaces will remain. After discussion it was determined that the ZBA needed to get more information from the Planning Board.

Joe Douso referred to the memo from Stacy Delarede (review memo dated November 9, 2018) which contains Stacy's comments on several signs that would need variances. Mr. Roscoe stated that McDonald's would like a consistency in appearance. Joe Douso asked for pictures of what buildings would look like with the signs. Mr. Roscoe reviewed the map showing the building exteriors. After a lengthy discussion on the signage height, length and how many were planned, it was suggested that all signage be placed on the plans. Joe Douso asked that the applicant break it all down (so it's easier). Stacy Delarede added to give the ZBA an idea where all these signs are going to be placed. Stacy added she is willing discuss with Mr. Roscoe as he has to amend the current application and also file new applications. Attorney Moriello stated that if it's one application, the Board will act on that one application, yay or nay. At this time, after discussion of revisiting the secondary signs, play area sign color, interior renovation seating areas, the Board agreed not to set the public hearing date yet. However, the Board agreed to send a memo to the Planning Board.

Motion 1 by Kelly O'Donnell to send a memo to the Planning Board to ask for their recommendation for double striping and number of parking spaces.

Motion 2 by Caroline Paulson. All present in favor. Motion approved.

Quorum Check for December 11 – all those present stated they should be in attendance.

Chair Loza and Steve Esposito both stated they attended Dutchess County Fall 2018 Course in Millbrook entitled *Making Your Community More Farm Friendly through Planning and Zoning* on Tuesday, October 16th. Chair Loza mentioned how 678 farms are now reduced down to 112.

Short discussion on food trucks and if the Town permits them. Stacy Delarede stated they are not permitted, adding they would need a specific area set aside for them, and there is none.

Motion 1 by Joe Douso to adjourn the meeting. Motion 2 by Caroline Paulson. Meeting adjourned at 8:42 pm.

These minutes respectfully submitted by Pat Atkins, Secretary