

Town of New Paltz
Zoning Board of Appeals
Final Meeting Minutes
February 14, 2017
7:00 pm

The meeting was called to order at 7:22 pm by Ed Burke.

Roll call: Ed Burke – present; Caroline Paulson – present; Leonard Loza – present;
Joe Douso – absent

Others Present: Stacy Delarede, Building Inspector

MINUTES:

The October 11, 2016 minutes are presented for approval by Ed Burke.

Motion to accept these minutes made by Caroline Paulson.

2nd by Leonard Loza

All others present in favor. Motion passed.

PUBLIC HEARINGS:

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

Ed Burke commented that the Planning Board is still working on Part 3. Ed Burke asked for a motion to keep the Public hearing open.

Motion to keep the public hearing open until the March 14, 2017 meeting is made by Caroline Paulson.

2nd by Leonard Loza

All others present in favor. Motion passed.

APPLICATION REVIEW:

ZBA 2017-01, Timothy Brooks, 64 Mountain Rest Road, New Paltz, Area Variance

Timothy Brooks approached the ZBA members with his application for area variance as it relates to Zoning Local Law 140-32-F (5) Height Limitations for a 6 foot high fence for his front yard. He presented pictures to the ZBA members of the type of fence he'd like to install consisting of woven wire with wood posts and metal T posts.

Ed Burke asked Caroline Paulson if she'd had an opportunity to visit the site. She said she hadn't but that she was familiar with it.

Timothy Brooks discussed his application which is proposing a 6 foot fence for his front yard.

Ed Burke commented that his request is similar to past fencing requests, which other board members agreed to.

Timothy Brooks continued with his intentions of farming the property, his proposed house sits at the back of the property, everything pretty much will be in the front yard.

Stacy Delarede commented that the uniqueness of this application is that the house does not presently exist, that is the uniqueness of it. However, he has been in with conceptual drawings, working towards

his application for a building permit so that is forthcoming. As he revised his plan to show the first 50 feet is 4 foot in height. Technically without the house, he doesn't need a variance, however once he puts the house up, the fence becomes pre-existing nonconforming, and IF he would need to remove the fence and replace it he would need to seek a variance. So the idea is to do this all at once.

Discussion followed on the location of the new fence on the maps provided. Ed Burke confirmed Timothy Brooks is seeking a variance on the property's North side, South side and West side of the property. The front of the fence on the map, the green area is the new fence and needs the variance. He asked Timothy Brooks to talk about his plans for the property.

Timothy Brooks continued to discuss his plans for the property, wanting to raise cattle, grow vegetables, just mainly to use it for farming.

Caroline Paulson mentioned the possibility of an 8 foot fence rather than 6 foot fence since neighboring properties have them. She mentioned getting permission for an 8 foot fence makes more sense. Timothy Brooks accepted the idea, and will amend his application for an 8 foot fence rather than a 6 foot fence variance.

Ed Burke verified the application would need to be amended from 6 foot fence to 8 foot fence before the public hearing with Timothy Brooks. Timothy Brooks agreed he would do that.

Len Loza mentioned that the approval of the fence height has nothing to do with the fence material, adding that the variance goes with the property not the person, if in fact they could put in an 8 foot stockade fence, which raised a question if it was a visual barrier or not. Discussion followed on if whether it should be stipulated what type of fence should be put up.

Ed Burke agreed that it meets the farming for approved use in that area, as well as mentioning that other variance for fences in that area has been approved. He asked for any further questions or comments. Ed Burke stated the next step is to schedule a public hearing. He asked Timothy Brooks if he's spoken to neighbors, who said he would.

Ed Burke asked for a motion to send the application to Ulster County since the property is located on a county road.

Motion made by Leonard Loza to refer Timothy Brooks Variance application to UCPB for review.

2nd by Caroline Paulson.

All others present in favor. Motion passed.

Ed Burke asked for a motion to add the Timothy Brooks application to the next ZBA meeting on March 14th and schedule a public hearing for that date.

Motion made by Leonard Loza to request Public Hearing for Timothy Brooks Variance request for March 14, 2017.

2nd by Caroline Paulson.

All others present in favor. Motion passed.

Ed Burke thanked Timothy Brooks.

Stacy Delarede mentioned the Town of New Paltz has a farm protection law, and that we are trying to be more friendly to farmers. It may help the farm if the board is seeing more variance applications for

farmers such as this one, that they may consider recommending to the town to change the code to exempt farmers for 6 foot or 8 foot fences.

Ed Burke asked if there were any other towns with similar codes, and Stacy said she would get that info to Ed.

Stacy Delarede mentioned the ZBA could consider to recommend in a memo to the Town Board from ZBA that the town consider exempting farmers for fencing due to the number of variances that come in for the ZBA.

Ed Burke stated he would consider that and discuss with town officials.

Ed Burke thanked Stacy for coming to the meeting.

OLD BUSINESS:

Ed Burke noted there is one vacancy on the Board of Appeals to be filled if there is any interested citizens. Pat Atkins mentioned there may be a candidate in the next few months if the vacancy is not filled.

NEW BUSINESS:

None

ADMINISTRATIVE ISSUES:

Quorum check for March 14, 2017.

Motion to adjourn made by Caroline Paulson.

2nd by Leonard Loza.

All in favor.

Adjourned at 7:37 pm. These minutes respectfully submitted by Pat Atkins, Secretary