

Town of New Paltz
Zoning Board of Appeals
Amended Final Meeting Minutes
May 9, 2017

Chairman Ed Burke called the May 9, 2017 Zoning Board of Appeals to order at 7:00 pm.
Roll call: Ed Burke – present; Joe Douso – present; Leonard Loza – present;
Caroline Paulson – present, Steve Esposito – present.

Others Present: Andrea Gellen, Legal Counsel; George Lithco, Building Department Legal Counsel; Stacy Delarede, Building Inspector

APPLICATION REVIEW:

ZBA-2017-02, ZBA-2017-03 – FERRIS WOODS, Area Variance and Interpretations of Zoning Laws

Liz Axelson from Morris Associates approached the ZBA members to discuss the Ferris Woods applications for a variance and 5 appeals to decisions made by the Building Inspector in memo dated March 13, 2017 to the Planning Board Co-Chairs. Liz Axelson reviewed the Ferris Woods site plan map with the members. Ed Burke commented that the project has had some changes, and asked for Liz to review them. Liz Axelson stated the project is a multifamily dwelling development, consisting of 5 buildings with 12 dwellings in each building. She indicated on her map the 5 buildings, indicating sidewalks in front of the buildings. Joe Douso stated he did not have the same map she was showing them; Liz Axelson indicated she will get back to the map he had. Liz Axelson verified the map she was showing was dated 4/21/17. While reviewing the map, Liz Axelson reviewed the wetland areas on the maps, and the new entrance from Rt. 299 through the car wash property to the lot.

Caroline Paulson asked what the status of the easement was; and if it was acquired yet. Liz Axelson responded that they haven't acquired it yet on paper, but have an option on it and that Mr. Panessa is working with the car wash owner.

Ed Burke asked if the dotted lines on the map separated the districts. Liz Axelson noted the dotted line separates the B2 from the A1.5 District. The B2 included along with the buildings, Stormwater Management, Open Space areas, emergency access via Brouck-Ferris Blvd. She stated the A1.5 contains the requested overflow parking, recreational improvement, 2 primary well locations, and one backup well. Liz Axelson mentioned that the apartment buildings were moved further from the wetland buffers. She also mentioned that an orange fence to keep from disturbing the wetland buffer will be placed around it while under construction.

Discussion followed on the gray lines indicated on the map were buffer areas, as well as elevation heights on the site.

Ed Burke asked Liz Axelson exactly what was being asked from the ZBA since they have made changes to the site plan since the applications to the ZBA.

Liz Axelson replied they were still seeking the variance request for the easement for primary access from 299 to property over the car wash property. She stated it's the only point for primary access.

Ed Burke confirmed it's the new entrance to the property that is through the existing entrance to the car wash right now. Liz Axelson agreed. She said originally they had asked for an interpretation with the original Brouck/Ferris entrance, but now that entrance will be emergency access, with primary access through the carwash from Rt. 299.

Caroline Paulson stated she isn't fond of easements; stating there is opportunities for misunderstandings, and survey methods changing with property changes and was not certain if that affected commercial properties. She added easements could cause problems.

Joe Douso stated going through commercial property onto real property on a no name road in NYS he wasn't sure or not if there was a NYS law about it.

Andrea Gellen stated it's called a user road, maintained by a municipality for a period of 10 years then it becomes a road.

Stacy Delarede stated it's a driveway, not maintained by the town, and not an actual road. She stated they are asking for access.

Liz Axelson stated that the Planning Board asked for an alternate route where they could have access off 299 onto the property which is thru the carwash. Liz Axelson stated they are still seeking interpretations.

Stacy Delarede stated they (applicant) need to clarify what portion of her determination they are seeking interpretation on, is it all 5, even though some have been mitigated on.

Liz Axelson agreed that they don't need all five.

Stacy Delarede asked if they're seeking interpretations on all of those even though they have changed their plans and mitigated them.

Liz Axelson read from the March 28, 2017 Morris Associates memo Narrative in regard to their original requests to the Zoning Board.

Stacy Delarede stated that since they've made plan updates to change the main entrance to Rt. 299, and a driveway to Brouck/Ferris as an emergency access only from B2 into A1.5, the driveway access is still a problem.

Leonard Loza left the meeting at 7:30.

Ed Burke suggested an amended application would be a great idea for the ZBA.

Caroline Paulson asked if there is a contract or option in acquiring access to 299 through the car wash.

Bart Panessa, the applicant, stated there is a contract in place.

Liz Axelson stated she would be happy to go back and resubmit to the ZBA to make it clearer what they are seeking after Stacy Delarede indicated they still have other portions of the project that are part of the principal use that are not located in the same lot.

Discussion on stormwater runoff into the wetlands followed. Joe Douso stated his concern is the water, and if they are following the wetlands law. Liz Axelson said they addressed stormwater runoff on the map.

Caroline Paulson asked why the development has to be this large; it seems to her to be crowding the space with 60 units.

Liz Axelson stated they are using all useable space, not wetlands or buffer, stating they are complying with the wetlands law.

Ed Burke stated they are looking for an interpretation from them (the ZBA) based on how they interpret, they may have to go back and amend the plan.

George Lithco asked if he could comment. He explained that when Stacy responded to the PB interpretations request they had addressed required parking areas, septic areas required, stormwater requirement that met DEC regulations and Town Code. Those are all considered a part of the review for a multi-family dwelling, which is not permitted in a residential district. The driveway coming thru to Brouck/Ferris is not permitted, going into a zone where it's not permitted.

Liz Axelson stated there is nothing in the code. Stacy Delarede stated that's why the determination was made. Liz Axelson agreed with Stacy, but said that's why they're seeking interpretations.

George Lithco stated that for adequate access for issuing building permits, an easement through the car wash, fire department accessing through an easement, are only through a variance.

Stacy Delarede added the determination was based on what was essential and primary in that district; regardless of entrance, there is an issue with the driveway for emergency access for the sub-division application of Lot 1 including access issues to Brouck/Ferris. The driveway now has to crossover Lot 1 to the street. Stacy Delarede read the definition of DRIVEWAY from her memo dated May 3, 2017.

Liz Axelson stated this is the only point of access off Rt. 299.

Joe Douso added that he understands what the owner wants to do, himself a builder for 45 years, but he knows they have regulations they have to get through.

Ed Burke stated to get back on track, they are looking for a variance for an entrance from 299 and all the interpretations.

Liz Axelson stated that the PB is looking at the environmental stuff. She added if a public hearing is set, and if the ZBA is concerned about opening public hearing and closing deadlines, her client is willing to grant an extension within the ZBA timeline for public hearings.

Stacy Delarede commented to Ed Burke that they would be looking for more info from her.

Ed Burke stated he'd like Liz Axelson to combine everything in one letter and one narrative. He continued on stating that based on what was heard today, does anyone want to entertain a motion to open a Public Hearing? Discussion followed, and no motion was made. Joe Douso stated he would like to know more of what's going on.

Ed Burke stated with Stacy's responses coming and more info, he's not comfortable setting a public hearing now. He stated it's a big project.

PUBLIC COMMENTS:

Ed Burke asked if anyone in the public who wanted to make a comment.

Matt DiDonna, of Brouck Ferris Blvd., representing Friends of Brouck/Ferris, stated he was confused with so much paperwork with changes over 3 months. He asked if there was still a variance request, which Liz Axelson stated all requested are still on. Matt DiDonna continued on about the concerns on zoning of Lot 1 crossing into Lot 2, as well as design issues. He finalized that he feels it will upset the character of the neighborhood.

Ed Burke thanked him for his comments.

PUBLIC HEARINGS:

Ed Burke added that Trans Hudson/CVS has received their determination from the Planning Board, but has asked to keep this open until the next meeting, which could possibly be the last meeting.

Ed Burke asked for a motion to continue the Public Hearing for Trans Hudson/CVS .

Stacy Delarede added that the ZBA may want to consider re-noticing it because of the length of time (it's been continued) and they should check with Joe.

Motion 1 made by Caroline Paulson.

Motion 2 by Joe Douso.

All present in favor. Motion passed.

Administrative Issues

Meeting Minutes

Ed Burke asked for a motion to accept the amended meeting minutes for March 28, 2017 meeting.

Motion 1 made by Caroline Paulson.

Motion 2nd by Steve Esposito.

All present in favor. Motion passed.

Ed Burke welcomed Steve Esposito to the board. Quorum check for the members present for the June 13 meeting.

Old Business - none

New Business – Moratorium Local Law – Stacy Delarede commented on how the Moratorium will affect the applications after the Town Board approved the local law last Thursday. She explained it's in effect for 9 months, running through until February 2018, depending on what date it's filed with the Secretary of State. She added if the TB feels it needs to be extended, they can adopt a new local law for the period they want to extend it. This project does fall within the confines of the moratorium. The Planning Board cannot do a final environmental review or a final approval on the project but can continue to review at the applicant's own risk.

Ed Burke asked for a motion to adjourn.

Motion to adjourn made by Caroline Paulson

2nd by Joe Douso.

All in favor.

Adjourned at 8:26 pm.

These minutes respectfully submitted by Pat Atkins, Secretary