

Town of New Paltz  
Zoning Board of Appeals  
Final Meeting Minutes  
March 28, 2017

The meeting was called to order at 7:00 pm by Ed Burke.

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

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

**MINUTES:**

The February 14, 2017 minutes are presented for approval by Ed Burke.

**Motion to accept these minutes made by Leonard Loza.**

**2<sup>nd</sup> by Joe Douso.**

**All 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 continue the public hearing for Trans Hudson/CVS.

**Motion 1 made by Leonard Loza.**

**2<sup>nd</sup> by Joe Douso.**

**All present in favor. Motion passed.**

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

Ed Burke asked for a motion to open the public hearing for the Timothy Brooks variance application.

**Motion 1 made by Leonard Loza.**

**2<sup>nd</sup> by Joe Douso.**

**All present in favor. Motion Passed.**

Timothy Brooks approached the ZBA members to discuss his application for area variance as it relates to Zoning Local Law 140-32-F (5) Height Limitations for an 8 foot high fence for his front yard.

Ed Burke commented **applicant** wanted a height variance and **applicant** amended his application from 6 foot to 8 foot.

ZBA members looked at the application map indicating green on the map is the 8 foot high fence, and black on the map is the 4 foot high fence.

Timothy Brooks stated it will be 100 feet off Mountain Rest Road and the fence is not right on the property line.

Ed Burke commented about a neighbor comment on the stone wall on the property.

Timothy Brooks stated the stone wall will remain.

Stacy Delarede commented there is a stone wall that is the property line, and the fence will be inside the stone wall.

Ed Burke verified the type of fence **applicant** wanted was metal and woven wire, which Timothy Brooks said was correct.

Joe Moriello asked if the proposed house on the map, was in a lawful building lot, asking if the entire parcel is in the Agricultural District.

Stacy Delarede said it is in Ag District 2.

Leonard Loza commented he was concerned about the fence and the stone wall.

Stacy Delarede stated last time here they discussed the composition of the fence, the type of fence he wanted to put in.

Leonard Loza commented woven metal fence.

Ed Burke stated they could approve or disapprove the type of fence.

Joe Moriello stated that the response of metal, woven wire could be condition of approval.

Timothy Brooks stated the fence is for livestock.

Joe Moriello asked about the spacing o the fence.

Timothy Brooks stating it was 3 inch square.

Joe asked if additional Ag uses will be done on the lot.

Timothy Brooks answered yes.

Joe asked if additional Ag uses were being done on the lot, whatever will be allowed, like growing crops, Ag use.

Ed Burke stated in regard to the variance, Timothy is looking at an 8 foot fence except the 4 foot near Mountain Rest Road. The 4 foot fence is woven as well.

Leonard Loza stated there is no variance needed for that.

Ed Burke agreed. He asked if gates will be there.

Timothy Brooks stated the 8 foot high portion will be behind the 4 foot fence. No gate onto Mountain Rest Road and possibly on the driveway.

Stacy Delarede stated the gate has to swing in.

Joe Douso asked when he was building it.

Timothy Brooks stated this spring.

Joe Moriello stated construction of open weave fence 8 foot high, something for the records , this owner and subsequent owner if this fence comes down, another type of fence can't go in unless with approval.

Ed Burke asked Timothy Brooks if you have any objections.

Timothy Brooks replied no he wanted to keep the deer out, and his livestock in.

Joe Douso asked Timothy Brooks what kind of livestock he had.

Timothy Brooks replied chickens, cattle.

Joe replied it's not a type of fence for cattle.

Timothy Brooks said this a horse fence, a strong fence.

Joe replied cattle fences are typically 3-4 feet high, and hot-wired.

Timothy Brooks stated it's a versatile fence.

Leonard Loza asked if it will be electrified.

Timothy Brooks replied no.

Joe Moriello stated that Ulster County Planning Board referral response decision was no County Impact, which should be part of the record.

Timothy Brooks asked if electrified fences were allowed.

Stacy Delarede stated that they are prohibited unless used for livestock.

Ed Burke stated in order to proceed, 5 questions he will read that need to be answered for the area variance considerations:

- 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.**

**Timothy Brooks replied 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.

Timothy Brooks replied NO

- c) Whether the requested area variance is substantial.

Timothy Brooks replied YES

- d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Timothy Brooks replied 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.

Timothy Brooks replied YES

Ed Burke commented the public hearing is still open.

Joe Storch arrived to comment on the public hearing. He asked if the fence will be Timothy Brooks's side of the stone wall, and if the stone wall will be touched.

Timothy Brooks replied that the fence would be inside the stone wall and the stone wall would remain.

Ed Burke asked for any further comments or questions. No comments. He asked for a motion to close the public hearing.

**Motion 1 by Leonard Loza**

**2<sup>nd</sup> by Joe Douso. All present in favor. Approved.**

Joe Moriello commented that a motion on the amended application of last revised map dated 10/26/2015 to approve the 8 foot high metal non-electrified livestock fence having an open weave, approximately 3 inches square and openings as fence height increases to be set inside the stone wall forming the boundary between the applicants property and the adjoining property of Storch southeasterly of the applicant's property.

**Motion 1 by Leonard Loza**

**2<sup>nd</sup> by Joe Douso. All present in favor. Approved.**

Ed Burke commented to Timothy Brooks he was approved and had one year to erect his fence.

Stacy Delarede reminded him he would need a building permit.

Ed Burke thanked Timothy Brooks.

**Administrative Issues**

**Quorum check for April 11 meeting**

Ed Burke asked Pat to send a note for quorum check for April meeting, since he may be out of town on that date.

Ed Burke also commented on the a new application for a project on Brouck/Ferris Blvd, Ferris Woods Apartments where the Building Inspector issued a decision, and the applicant is appealing her decision and also seeking a variance.

Joe Moriello commented since he received the application he had to reclus his office from the application, and can't participate ethically. He suggested as the approved by the Town Board in January the alternate counsel of Rodenhausen and Chale be contacted to act as ZBA legal counsel.

Stacy Delarede suggested the ZBA get it to counsel, and also take a look at the requested area variances and/or use.

Ed Burke thanked Stacy Delarede and Joe Moriello for coming.

### **ZBA Board Vacancy**

Ed Burke stated there is still vacancy on the board, and Mr. Esposito may be interested. He invited Steve Esposito to approach the board, introduce himself, and tell them about himself.

Steve Esposito stated he is a self-employed plumber, has his own business, and has lived in the New Paltz area for years.

Ed Burke stated he would be fulfilling the seat left vacant by Phil Subey who still had one year left so his tenure would be through this year, and then his re-appointment in 2018. He stated he will send a letter to the Town Board seeking their approval for Steve's appointment to the ZBA open seat. He thanked Steve for coming.

### **New Business**

Leonard Loza stated the Gateway District, the closed Genesis Restaurant, could anything be done about the graffiti that covers it?

Stacy Delarede stated she instructed Mark (Jaffee) today to contact the owner about it.

### **Old Business - none**

Joe Moriello commented he was working with George Lithco and Town Supervisor on issues and a procedure for SSP (Simplified Site Plan) for Agriculture that is still a work in progress.

Stacy Delarede commented that at the April 6 Town Board meeting unless it's too busy to seek a committee for funds to meet for areas that need improvement.

Ed Burke stated there are a lot of variances for Agricultural District for fences and they're trying to working with the Planning Board and Town Board about putting some changes in the zoning so they don't have to go thru this process.

Leonard Loza asked how many farms are there in the area.

Joe Moriello replied by number he didn't know but the issue is a broad link as simple as farm stand in Ag Use of property or Farm use for public events, to fit Ag and Market Law to agriculture uses. A brief discussion followed on Farm Use in R1 district and zoning lines and laws.

Ed Burke asked for a motion to adjourn.

**Motion to adjourn made by Leonard Loza.**

**2<sup>nd</sup> by Leonard Loza.**

**All in favor.**

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