

Town of New Paltz
Zoning Board of Appeals
Final Meeting Minutes
July 11, 2017

Leonard Loza called the July 11, 2017 Zoning Board of Appeals to order at 7:03 pm.

Roll call: Caroline Paulson – present, Steve Esposito –present, Leonard Loza – present;
Joe Douso is absent, Ed Burke is absent, **Joe Moriello absent**. Others Present: Stacy Delarede,
Building Inspector

Review and approval of Minutes

The minutes from the June 13, 2017 are presented.

Leonard Loza motioned to approve the amended minutes. Motion 2 by Caroline Paulson. All present in favor. Minutes Approved.

PUBLIC HEARING:

ZBA 2017-04 Robert Zito Area Variance (Shed)

Leonard Loza motioned to open the public hearing. Motion 2 by Caroline Paulson. All present in favor. Motion Approved.

Chair Loza stated that they have the option to close or open in case someone comes in as well as carry the hearing over to the next meeting when there is a full board (5 members) or poll the Board for a vote since there was not a full board present.

Mr. Zito stated he'd like to get through it tonight, adding that he had a letter from his neighbor (Martha Colton) endorsing the shed. Chair Loza read the neighbor's memo which endorse Mr. Zito's application. Mr. Zito commented that directly across from their lot are the Coltons. Mr. Zito stated the location for the new shed is 21 feet which is less than 25 feet required by code.

Chair Loza asked Mr. Zito to respond to the following area variance questions from the application:

- 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. Response: 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. Response: No
- c) Whether the requested area variance is substantial. Response: No
- d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Response: 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. Response: No

Leonard Loza motioned to close the Public Hearing for the Zito Area Variance application. Motion 2 by Caroline Paulson. All present in favor. Motion Approved.

Leonard Loza motioned to grant variance for shed at 5 Colton Lane. Motion 2 by Caroline Paulson. Discussion: Stacy Delarede asked if the application has to go to Ulster County. After discussion, it was determined it's not a County road. All present in favor. Motion Approved.

APPLICATION REVIEW:

ZBA-2017-06- James Morrissey Area Variance (Pool)

Chair Loza stated that application is for an inground pool located at 575 Albany Post Road for James J. Morrissey III and Katherine Morrissey.

Mr. Morrissey explained that his house faces Albany Post Road accessed by a long private driveway coming into the house, stating you can't see the pool from the road since it's so far off, and can barely see the house from the road. Mr. Morrissey added that the property line for Gardiner runs through the property. He can't put a pool in the back due to the septic system is located there.

Stacy Delarede stated that the application should be amended and noted that it should read Town Code 140.30B Accessory Buildings and Uses: In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts, shall be erected only on the same lot as the principal structure, may not be constructed in the side or front yards of such lot and shall be distant not less than 20 feet from any lot line nor less than 10 feet from the principal structure and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.

Stacy Delarede asked Mr. Morrissey how far the planned pool is from the structure, stating if his porch was a continual roof that is considered part of the principal structure. If it's a deck, it's not part of the principal structure. Stacy Delarede added if there is an issue with 10 feet he has to amend his application. Mr. Morrissey responded he wasn't sure yet but knows it has to be over 10 feet off the principal structure. Stacy Delarede stated as long as he (Mr. Morrissey) meets the code requirement of at least 10 feet setback and 20 foot setback from the property line, he has plenty and it's not something to worry about, but the overall project the size of the pool can be a consideration for the Board.

Chair Loza asked if it's the Board's understanding in the vicinity of where it is located in the backyard, but discussion concluded the proposed pool will be in the front yard. Chair Loza added he needs to visit 575 Albany Post Road. Stacy Delarede commented that the proposed pool is clearly located in the front yard. Stacy Delarede added that his (Mr. Morrissey) request

is accurate but added if he's unsure where he's locating it, the Board may want to consider how far forward he can place it.

Caroline Paulson asked when the pool will be built, next spring for summer use? Mr. Morrissey replied construction has started on his addition, but it depends but hopes digging the hole for the pool is in October, November timeframe. Caroline Paulson asked **about his uncertainty concerning the exact dimensions of the pool and asked why he was asking for permission to build** now if he was not sure when he'll build. Chair Loza stated he (Mr. Morrissey) has one year to act on the variance. Mr. Morrissey commented he will have all the equipment there so he is trying to avoid removing then bring back in all the equipment.

Stacy Delarede stated she has questions for Joe (Moriello) but since he wasn't present yet, she stated his (Mr. Morrissey) lot map is split between Town of New Paltz and Town of Gardiner. Mr. Morrissey stated that it is an older map, and he is now all New Paltz. Stacy Delarede stated she will verify that for the Board because if his lot goes into the Town of Gardiner a notice should be sent for interested parties. Stacy Delarede also stated the Board has to determine if the application has to go to UCPB if road is an Ulster County Road or Town of Gardiner road, for a recommendation, which can be determined in her office.

Chair Loza stated if it goes to County, Mr. Morrissey must add the dimensions. Chair Loza also added the more information you (Mr. Morrissey) can give them the better.

Leonard Loza stated that a public hearing has to be set. He stated August 8th is the next date the ZBA meets. **Leonard Loza motioned to set a public hearing for August 8, 2017 for the application for James Morrissey. Motion 2 by Caroline Paulson. All present in favor, Motion Approved.**

Stacy Delarede asked if anyone wanted to visit the site. Caroline Paulson stated she will visit the site. Mr. Morrissey agreed to see Pat for the Public Hearing Info at Town Hall.

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

Chair Loza stated that Spruce Creek LLC had delayed their public hearing until August.

Leonard Loza motioned that the public hearing be rescheduled for Spruce Creek LLC be to August 8, 2017. Motion 2 by Caroline Paulson. All in favor. Motion approved.

Chair Loza asked for a quorum check for August 8 meeting, with 3 members present stating they were okay.

Chair Loza mentioned the 1.5 hour online course for Zoning Board of Appeals overview that Pat sent to everyone, which is an introductory course for Zoning Board of Appeals members. Caroline Paulson stated she had taken it and it was a very good class, general structure and good review. Caroline Paulson also mentioned she is attending the August 7 five hour course in

Poughkeepsie. Stacy Delarede stated the online course would focus on the 5 questions for an Area Variance application, as well as demonstrating hardship for a Use Variance.

Chair Loza commented on the memo from the Town of Esopus in regard to a public hearing for an area variance to convert a barn into a main residence on property located on 5 Saddlebred Lane in Esopus. The property straddles the Esopus/New Paltz line. Chair Loza commented if there is a policy for New Paltz when there is any cross-boundary lines, and if we should be notifying the neighboring town. Stacy Delarede commented the policy for the ZBA of New Paltz is in fact we should notify all neighboring properties. Referencing the memo from Town of Esopus ZBA, Stacy Delarede commented the Town should have received the memo, as well.

Stacy Delarede commented that the property is split, and is historical, divided by town lines, with owners wanting to build a house in the barn, saying that they only allow one dwelling in Town of Esopus, and are making the main house into an accessory apartment. Stacy Delarede continued stating the Town of New Paltz portion contains the Benjamin Deyo house and according to Town of Esopus is not habitable, and have condemned the structure but Town of New Paltz has no record of that property being condemned and uninhabitable since it's on Town of New Paltz side. Caroline Paulson stated they could potentially fix the house and make it habitable. Discussion followed on the two dwellings in Town of Esopus, and the one dwelling in Town of New Paltz. Stacy Delarede sees zoning issues for the Town (of New Paltz). Caroline Paulson stated she has a friend who lives near there, and wonders if her friend has been notified of it since he's on the New Paltz side. Stacy Delarede stated the Historical Preservation commission would be interested in this.

Stacy Delarede stated they are requesting an area variance to do this. In order to convert a barn to a house and convert a house to accessory apartment, and keep the Deyo House, they need a variance.

Chair Loza requested that all interested Committees and Boards within the Town, follow the section on the Town law for doing so, and be copied on the memo about the public hearing, adding when a property is split, is there anything in the code to notify the adjoining municipalities. Caroline Paulson commented a friend of hers lives nearby and should be notified of that split. Stacy Delarede stated it should go to the Historical Preservation committee. Chair Loza asked for a consideration to speak with Joe (Moriello) and be added to the code to become a law. Stacy Delarede stated there may be a code there already; she'd check with Joe, which on Joe's recommendation they should be notified.

Chair Loza asked for a memo be sent out to Town Supervisor and all interested parties in the Town of New Paltz to be informed of the public hearing on July 18, 2017 for the Town of Esopus Zoning Board of Appeals.

Chair Loza motioned to adjourn the meeting.

Motion 2 made by Caroline Paulson. All present in favor. Meeting adjourned at 7:45pm.

These minutes respectfully submitted by Pat Atkins, Secretary