

Town of New Paltz  
Zoning Board of Appeals  
Amended Final Meeting Minutes  
August 8, 2017

Chair Loza opened the August 8, 2017 Zoning Board of Appeals at 7:02 pm.

Roll call: Steve Esposito –present, Joe Douso – present, Caroline Paulson – present, Leonard Loza – present

Others Present: Stacy Delarede, Building Inspector and Attorney Joe Moriello

Absent: Kelly O'Donnell

**Review and approval of Minutes**

The minutes from the July 11, 2017 are presented.

**Chair Loza asked for a motion to approve the amended minutes. Motion 1 by Caroline Paulson to accept the minutes. Motion 2 by Steve Esposito. All present in favor. Minutes Approved.**

**PUBLIC HEARING:**

**ZBA 2017-06 James Morrissey Area Variance (In Ground Pool)**

**Chair Loza asked for a motion to open the public hearing for James Morrissey area variance for his pool. Motion 1 by Caroline Paulson. Motion 2 by Joe Douso. All present in favor. Motion Approved.**

Chair Loza stated that a memo was sent to the Town of Gardiner (as a courtesy referral since the property borders two Towns, and to give the Town of Gardiner an opportunity to voice any concerns) notifying them of the public hearing date, but Gardiner has not replied. Chair Loza asked Mr. Morrissey to please explain his application to those absent from the last meeting as well as informing the public.

Mr. Morrissey stated that part of his property is on Albany Post road, and is accessed through a private road. The front part of his house faces the private road. He'd like to place his in ground pool in the front part of his home because the septic system is located in his backyard. Joe Douso asked if his home was by Outlook Farm Drive, which Mr. Morrissey confirmed, as well as it being a right of way road. Caroline Paulson stated she had visited his home and stated it was totally invisible from the road (Albany Post Road). Chair Loza asked, since the last meeting, if he (Mr. Morrissey) had any indication where the pool will be since it was undecided at the time. Mr. Morrissey stated his foundation is poured for his addition, so it's clear now where his pool will go in. Chair Loza asked if his pool will be located 20 feet from the property line and 10 feet from the building, which Mr. Morrissey commented he's pretty sure his pool will be 20 X 40 and is compliant. Building Inspector Stacy Delarede stated the boundaries where the pool will be has to meet the code requirement of minimum of 10 feet from the building.

Chair Loza stated that they received on 8/2/2017 the referral response back from Ulster County Planning Board since Albany Post Road is a County Road, and they have indicated there is no county impact. **Chair Loza asked that it be noted that no one from the public was there for pool application variance.** Chair Loza asked if anyone had any further questions. Joe Moriello asked if Gardiner was sent notice of the public hearing, which Pat verified she did send them a memo.

**Chair Loza asked for a motion to close the Public Hearing for the Morrissey Area Variance application. Motion 1 by Caroline Paulson. Motion 2 by Joe Douso. All present in favor. Motion Approved.**

Chair Loza asked Mr. Morrissey 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

**Chair Loza asked for a motion to grant approval as per proposed. Motion 1 by Caroline Paulson. Motion 2 by Joe Douso. All present in favor. Motion Approved.**

Stacy Delarede commented that granting of the variance is good for one year, and his project will have to be substantially begun. Joe Moriello added that the reasoning for the one year is not to shelve it and not do it, or they'd have to reapply again.

Mr. Morrissey was thanked for attending.

#### **APPLICATION REVIEW:**

##### **ZBA-2017-07 Prohaska Area Variance (Fence)**

**Applicant was not present. Chair Loza asked that it be noted that attempts were made to contact applicant on the phone during the meeting.**

Chair Loza stated they would wait until 7:30 for applicant. While waiting, Chair Loza asked for a quorum check for the September 12 meeting. All in attendance verified they would be available for the meeting.

Caroline Paulson commented on the Planning Conference she attended on Monday, August 7 in Poughkeepsie. She stated that many communities seem to have issues with agriculture with planning and zoning. She commented the conference covered some topics of Ethics, Planning, SEQRA, and mentioned meeting a representative from Town of Red Hook who have established a zone for business and agriculture and is willing to share. Chair Loza asked if there is any committee working on agriculture law for our town. Stacy Delarede stated the Planning Board is working on a proposal to the Town Board for adding certain types of agriculture uses to the Site Plan Review process. Stacy added that Amanda Gotto attended the conference from the Planning Board, so she will giving her feedback at the next Planning Board meeting.

There were no public comments.

**At 7:33pm, Chair Loza motioned to carry forward the application review (for the Prohaska application) to the next ZBA meeting, and the Secretary will try to reach applicant during normal business hours. Motion 2 by Joe Douso. All present in favor. Approved.**

**Chair Loza asked for motion to adjourn the meeting.**

**Motion 1 made by Caroline Paulson. Motion 2 by Joe Douso. All present in favor. Meeting adjourned at 7:34pm.**

These minutes respectfully submitted by Pat Atkins, Secretary