

Town of New Paltz
Zoning Board of Appeals
FINAL Meeting Minutes

June 10, 2014
7pm

The meeting was called to order at 7:02 pm by Linda Donovan.

Roll call: Linda Donovan – present; Patricia Schwartz – present; Gail Christmann – absent; Ed Burke – present; Bob Hughes – present; Joe Moriello – present; Rich Olson – present

PUBLIC COMMENT ON ISSUES OTHER THAN PUBLIC HEARING:

None

Joe Moriello leaves the meeting.

PUBLIC HEARINGS:

ZBA 2013-08, Wilmorite/Park Point, Rte 32 S, Area Variance

ZBA 2013-09, Wilmorite/Park Point, Rte 32 S, Area Variance

ZBA 2013-02, Wilmorite/Park Point, Rte 32 S, Area Variance

Linda Donovan re-opens the public hearing.

There is no one present to comment on these variance applications.

A motion to close the public hearing is made by Bob Hughes.

2nd by Pat Schwartz.

All others present in favor. Motion passed.

The ZBA goes into executive session for Client/Attorney privilege at 7:05 pm. They return at 7:30 pm.

A motion to re-open the public session is made by Ed Burke.

2nd by Bob Hughes.

All others present in favor. Motion passed.

Rich Olson leaves the meeting.

Joe Moriello comes back to the meeting.

ZBA 2014-01, Said Hassenzedah, 216 Route 32 N, Use Variance

Motion to open the public hearing is made by Bob Hughes.

2nd Ed Burke.

All others present in favor. Motion passed.

Barbara Campbell, Town resident, has concerns on whether there is a business plan, as well as the fact that the speed limit is 55 mph along Route 32 in front of this location. There have been several serious accidents in this area in recent months. She is often tailgated trying to turn into her driveway. She has concerns on the lighting and hours as well.

Peter Campbell, Town resident, Route 32, mirrors his wife's concerns.

Joan Feuer, Town resident, 5 Hummell, would like to mention that My Market has always been a good neighbor. She hopes that this business will continue in that tradition. This location is an eyesore, and would like to something nice there. She does have concerns about the entrance on Hummell Rd. She would like to see the entrance only off of Route 32. She also has some concerns on changing the zoning. She also has speed limit concerns on that stretch of Route 32.

Alan Feuer, Town resident, states that his interests have already been represented with the previous speakers. He is truly concerned about the speed of the traffic. The blinking light on Shivertown Road is of no use.

Barbara Petersen, Town resident, 22 Hummell Rd., has been before the ZBA before, and realizes the hoops that the applicant does have to jump through to get this variance. She is very concerned about the speed limit in this area as well. She would like to see the speed limit of 40 mph continued along this stretch. She is concerned about the deterioration of this property. She would like to see an appropriate and nice looking business.

Roger Roloff, 22 Hummell Rd., enjoys being Said's customer. He is a good business man, and he will certainly do this conscientiously. He too is concerned about the speed limit. Though he believes that this is ultimately up to the NYS DOT. He would like to see it down to 40 mph, though he believes this to be beyond the scope of the ZBA. He really hopes this business works out.

Pete Cangelosi, owner of the land across the street, states that he agrees that there should be a stop light there. He knows of several deaths in that area over the years. His property across the street is commercial, and it should be commercial on both sides. He did a study about 15 years ago that confirms that the 4 mile strip has never been residential.

Linda Donovan states that the ZBA is only here to approve a use variance. The next step will be these site plan issues that will be addressed by the Planning Board.

Joan Feuer is wondering if the ZBA can make sure that the entrance and exit of this business can be situated to make it safer.

Joe Moriello states that even if a use variance is granted, these issues will ultimately be decided by the Planning Board with the Site Plan approval process.

Bob Hughes, speaking as a resident of this immediate neighborhood, states how he has requested that the Emergency Squad compile statistics on accidents, in order to make suggestions to make a safer road.

Peter Campbell states that he does support the business, and that he hopes that as a good neighbor, this applicant will join them in helping to address these safety concerns with traffic in this area.

Mr. Moriello states that the applicant can now have the opportunity to address any of these issues. Bruce Blatchley, the applicant's attorney, states how he has written a letter on impacts and improvements on using this location as a retail use.

Mr. Hassanzedah speaks about his current location of his Looking Good business in Cherry Hill Plaza. He explains his business plan for this new location.

No one has any further comments.

Joe Moriello asks the applicant if he is going back before the Planning Board. He states that he is scheduled to be on the agenda at the next meeting. He shows the ZBA the latest site plan with all of the recommendations from the Planning Board, and states that it has been sent up to the Ulster County Planning Board.

Linda Donovan states that the major issue before the ZBA is the Use Variance. Without the Use Variance nothing else can be done.

There is continued discussion on how exactly a use variance works. There is concern on what else could be done there if this business doesn't work.

Ed Burke questions what the applicant is proposing would fall under Beauty Salon. Joe Moriello states that it wouldn't. That is a service with retail sales as incidental use. He is proposing retail sales as the use with some services as incidental use.

Linda Donovan reads the memo from the Planning Board Vice Chair, Lyle Nolan, stating their favorable view of this application, and the need for the variances that were applied for.

There is concern by the ZBA that they still haven't gotten any recommendations back from the UCPB. Mr. Moriello states that they may not want to approve this conditionally because if there is an unfavorable recommendation on behalf of the UCPB, they have no recourse.

The ZBA decides to continue the review of the other two variances.

APPLICATION REVIEWS:

ZBA 2014-03, Said Hassenzedah, 216 Route 32 N, Sign

ZBA 2014-04, Said Hassenzedah, 216 Route 32 N, open space/parking

Linda Donovan asks the applicant what his proposed hours of operation will be. He states that they will be 10 am to 6 pm, 6 days per week, closed on Sunday. He is not sure if he will be open on holidays yet.

Linda Donovan has concerns over the dying trees on the site.

There is a discussion on the timing of the next ZBA meeting as well as the July Planning Board meeting; in that the ZBA will meet before the first Planning Board meeting for the month. This will give them time to review the UCPB response.

Linda Donovan goes over the 5 criteria to grant a use variance.

A motion to continue the public hearing to the July 8, 2014 meeting is made by Bob Hughes.
2nd by Pat Schwartz.

All others present in favor. Motion passed.

OLD BUSINESS:

None

ADMINISTRATIVE ISSUES:

Joe Moriello leaves the meeting.

The ZBA members have a discussion concerning rescinding their vote to close the Wilmore variance public hearings. Ed Burke is not comfortable with his vote that he cast to close the public hearing. Bob Hughes agrees that he too is uncomfortable with his vote to close the public hearing. Linda Donovan states that she doesn't agree with Ed Burke and Bob Hughes. She feels that the variances are clear cut, and that she is comfortable with moving ahead. They are in disagreement on the process. Linda Donovan feels that we are a separate Board, and that we operate separately from the Planning Board. Ed Burke still has questions for the applicant. Ed Burke feels that he wouldn't have voted to close the public hearing had he known he was starting the clock ticking with regards to the approval process. Bob Hughes and Pat Schwartz agree that this is a very complex case. Ed Burke feels that they shouldn't have closed the public hearing before they went into the executive session. Linda Donovan states that she feels that the variances are acceptable based on their criteria.

There is continued discussion on the variances being good, as well as the fact that this is the ZBA's only job. Ed Burke feels that everything could change with the new dorms being built. The number of new beds needed could possibly change, which will in turn change building separation if they need less buildings.

Ed Burke states that the Town has FOILED all of the IDA's meeting minutes with regards to this application. Anything discovered during this process may change Board members feelings about the project. He would like to see how this all plays out before we close the public hearing.

After an administrative discussion, the ZBA members present, agree to make a motion to rescind their vote to close the public hearing on the Wilmorite Variances, and adjourning them until the July 8, 2014 meeting, this motion was made by Pat Schwartz.

2nd by Ed Burke.

All others present in favor. Motion passed.

Motion to adjourn made by Pat Schwartz.

2nd by Bob Hughes.

All in favor,

Adjourned 9:25 pm

These minutes are respectfully submitted by Kelly O'Donnell, Secretary