

Town of New Paltz  
Zoning Board of Appeals  
DRAFT Meeting Minutes

July 8, 2014  
7pm

The meeting was called to order at 7:05 pm by Linda Donovan.

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

**PUBLIC COMMENT ON ISSUES OTHER THAN PUBLIC HEARING:**

None

Approval of May and June 2014 minutes postponed until there is a full Board present.

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.

Ira Margolis, Town Resident, wants to comment on the fact that this is an important issue in our town. It will affect the lives of many people. At the Planning Board, Wilmorite ignored and twisted a lot of things that were said. They alleged that his calculations were false. This was not corroborated by our individual auditor. He feels there is a problem with the documentation of facts.

Erwin Sperber, Town resident since 1973, though he currently resides in Gardiner. He is employed by SUNY New Paltz, he is speaking as a resident. He hopes the ZBA shows solidarity with the Town Planning Board. He has seen too much over the years, corporate bullying of small towns, and it needs to stop. Wilmorite is now suing the town, and it would seem that it would be proper and fitting for the ZBA to not entertain these applications.

Bob Hughes suggests that the speakers submit their comments in writing to the ZBA for their files.

Gail Christmann has a question on what meeting he is referring to that he states was not open to the public. He states that it was when the Planning Board reviewed the fiscal findings. Gail Christmann asks if there was a record of the meeting, such as minutes. He states that there were minutes, but the meeting was not videoed.

Andi Weiss Bartczyk has concerns with the number of variances being requested. She heard it was 19. It is corrected that there is only three variance requests. She feels that it is a money making plan to squeeze in so many buildings.

Linda Donovan states that this public hearing has been going on for several months, and no one has ever come. She states that the design was suggested after review by the Planning Board, the Wetlands Inspector, etc. The developer could build this project and meet town code without benefit of variance. They did not need to apply for these variances.

Bob Hughes explains further how they can be code compliant. Gail Christmann suggests that people review the actual ZBA file, so that they have full knowledge of the variances being requested.

Ms. Bartczyk wonders if there are other buildings like this one.

Gail Christmann states that each case is taken case by case

Mr. Sperber asks if the ZBA can over ride the Planning Board's decision.

Linda Donovan answers no, the SBA can't override the Planning Board. The ZBA is independent and deals only with the variances. The Planning Board approves of the variances, but still denied the project on land use.

Ira Margolis makes some other comments.

Mr. Sperber wonders what benefit it would be to the developer to spend time and money on these variances.

Linda Donovan states the applicant applied for these variances long before the project was ever denied land use approvals.

Mr. Sperber agrees that it does seem perfectly reasonable to approve these requests... but wouldn't that give the applicant more ammunition against the Planning Board?

A motion to continue the public hearing until August 12, 2014 is made by Bob Hughes.

2<sup>nd</sup> by Gail Christmann.

All others present in favor. Motion passed.

Joe Moriello returns to the meeting.

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

This is a continuation of the hearing that was opened June 10, 2014.

Barbara Campbell wants to speak about how last month she felt the zoning questionnaire was addressed too briefly. She doesn't see how if the building is not fit for residential use, how can it be fit for commercial use. She felt some of the comments that were made were a bit crass, especially with regards to if there was a traffic fatality. She just felt it wasn't taken as seriously as it should have been.

Peter Campbell wants to speak about this being a safe location to even run a business. It is a dangerous stretch of road.

A motion to close the public hearing is made by Linda Donovan.

2<sup>nd</sup> by Bob Hughes.

All others present in favor. Motion passed.

Mr. Hassenzadeh comes before the board to discuss his application for a use variance for this location. He will be using the same business plan as he has at his current location in the Cherry Hill location. He has been running successful businesses in town for years.

Linda Donovan asks why he is leaving his current location.

Said Hassenzedah states that he has a lot of problems with parking at his current location.

Linda Donovan goes over the UCPB's referral response. They stated that the applicant need not apply for the additional variances, as it is already a non-conforming lot. This should all fall under the use variance. Mr. Moriello addresses these responses. Linda Donovan wonders if this application should be revised to include all variance on one application. Joe Moriello states that the County feels that if the Board grants the use variance for a business, then the signage would simply need to follow the B-2 codes.

Linda Donovan wants to address the use variance first. GC states that if the use is granted, it could be a condition that the sign meets the requirements of the B-2 zone.

Linda Donovan asks about traffic estimates? Said Hassanzedah states they open at 10 am and usually close at 7 pm, and they usually have 10-15 cars all day. Most of the traffic is by appointment basis, so they stay for a while.

There is a discussion on the actual use, and then having an incidental use... retail use with accessory use as service for facials and make-overs.

Linda Donovan would like to have conditions attached to the variance. Joe Moriello states that the ZBA can do this. Some conditions under consideration are lights off when business closed, hours of operation, specific retail use... this all can be done in the variance... it can't be done on site plan by Planning Board.

Linda Donovan questions the other area variances?

Joe Moriello could state that it needs to be consistent with the site plan dated May 7.

There is a discussion on landscaping plans, and that it is part of the site plan and needs to be followed.

A motion to approve the use variance for a retail use, and as per the recommendations of the UCPB, incorporating the two area variances for open space and for parking set-backs, as well as the sign variance, as designated in the Site Plan submitted by David Ryder on May 7, 2014; with the following conditions: Hours of operation Monday through Saturday from 10 am to 7 pm; closed Sundays; Lighting must be turned off when store is closed (except for security/safety lighting); no access from Hummell Road; landscaping must be installed and maintained as per the above referenced site plan; the sign must have the same dimensions as shown in the site plan detail sheet two submitted by David Ryder dated May 7, 2014; Any lighting approved must be down cast; and the variance must be consistent with any and all additional conditions imposed by formal site plan approval of the Town Planning Board, was made by Bob Hughes.

2<sup>nd</sup> by Gail Christmann.

All others present in favor. Motion passed.

#### **APPLICATION REVIEWS:**

##### **ZBA 2014-11, Novella's Catering, 2 Terwilliger Lane, Area Variance**

Kim Hoover from Hoover Architectural comes before the Board to represent Novella's catering. She states how they have been renovating the inside as well as the exterior. They need to create a better exterior space, as customers have been disappointed with the lack of outdoor amenities. They want to install a pergola, as well as a gazebo in the bridal garden for pictures, which includes a privacy fence.

Joe Moriello states that the only thing the ZBA is concerned with is the pergola set back as well as the sign location.

There is continued discussion on the site plans, as well as the current signage.

Joe Moriello questions the reason for the pergola being at that distance, could it not be moved closer to avoid needing a variance. Kim Hoover refers to the landscape plan, and states that it is a design feature in order to create more of a private garden.

Bob Hughes has concerns with the emergency exits at the rear of the building, and its proximity to the thruway.

Linda Donovan questions whether they plan to change the parking lot. Kim Hoover states that it is not in the plans at this time.

A motion to set the public hearing for the August 12, 2014 ZBA meeting is made by Gail Christmann.

2<sup>nd</sup> by Bob Hughes.

All others present in favor. Motion passed.

**OLD BUSINESS:**

None

**ADMINISTRATIVE ISSUES:**

None

Motion to adjourn made by Bob Hughes.

2<sup>nd</sup> by Gail Christmann.

All in favor,

Adjourned 9:25 pm

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