

Town of New Paltz
Zoning Board of Appeals
FINAL Meeting Minutes

May 13, 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 – present; Ed Burke – present; Bob Hughes – absent; Joe Moriello – present; Rich Olson – absent; Stacy Delarede, Building Inspector is also in attendance.

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

Ed Burke questions what the purpose is in keeping the Public Hearing open. Linda Donovan said at the request of Counsel, Rich Olson, they will postpone it until June. Bob Hughes questions what the difference is in closing it and postponing it. There is a continued discussion on this topic.

A motion to adjourn these hearings until June 10, 2014 is made by Pat Schwartz.

2nd by Gail Christmann.

All others present in favor. Motion passed.

Joe Moriello comes back to the meeting.

APPLICATION REVIEWS:

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

Mr. Hassenzedah comes before the Board. Linda Donovan states that there are several variances that the applicant must apply for; however, the Use Variance must be granted first before the other variances can be granted.

Mr. Hassenzedah goes over the history of the parcel. He also discusses what his business is. Linda Donovan questions what he is actually selling, products or services? Mr. Hassenzedah discusses his current business model at his present location. He sells products, as well as having some services available, such as facials, to help to sell the products. He will be doing the same exact thing. He is simply moving the business to a new location, as his current location is difficult with regards to parking and accessibility.

He states that it is a very exclusive store, not like his grocery store... there is maybe one customer per half hour.

Linda Donovan questions the parking along Hummel. Mr. Hassenzedah states that at the request of the Planning Board, there will only be an entrance and exit to the parking lot from Route 32. There will be no parking along Hummel, thus increasing the open space.

Stacy Delarede states how there is already a curb cut on Route 32, that is a much safer access than the driveway along Hummel.

Pat Schwartz states how it was at one time a beauty salon, so it is close in use. Stacy Delarede states that the current legal use is a beauty salon. This will primarily be used as retail, as facials are just a secondary service being offered. The Use Variance, if granted, needs to be for retail.

Linda Donovan goes over an April 9 letter from Stacy Delarede. It is truly only three variances that need to be applied for.

There is discussion on the Use variance. Joe Moriello states that it will be for a retail use, which is the same as the B-2 zone across the street. It was never changed by a governing Board from a beauty salon use to an office use.

Ed Burke questions if the applicant came in and wanted to do a beauty shop, as the original variance from 1967 stated, would he even need a variance? Joe Moriello states that the retail sales aspect of a beauty salon is an incidental use to the principal use. He is proposing a retail shop, with a beauty service being the incidental use. Ed Burke states that he would still consider Looking Good as a beauty shop.

Bob Hughes questions the possibility of changing the zoning in that area; as across the street is B-2. Stacy Delarede states that the Town is considering changing zoning in this corridor. However, it is off in the future.

Linda Donovan suggests to the applicant that he gets a letter from the homeowners across Hummel Rd. They were just before the ZBA for a variance for an addition. They have since renovated this house, and it is beautiful. She would feel better knowing that they are in favor of this project.

There is discussion of what the actual relief from green space will be. It will have 54% green space, and it needs 65%.

There is discussion on the requested sign variance. Mr. Hassenzedah shows his sign plan to the Board. Stacy Delarede states that at the last Planning Board meeting, they indicated that they would be comfortable with a sign similar in size to the hydroponics business across the street.

Ed Burke asks how large the sign would be, if it was a legal monument sign in the B-2 zone. Stacy Delarede states that it could be as big as 35 square feet. He is requesting 19 square feet. There is discussion on the lighting and how long it will be on for. Linda Donovan would like to see this in writing, as well as if the light will be downcast.

Bob Hughes states that it would be nice to have for his file here, some letters from the neighbors, as well as something in writing about hours and how long the sign will be lit, as well as with what type of lighting. The ZBA Board members agree that they would like to see down lighting, as well as being similar to the signage across the street, so it keeps with the character of the neighborhood.

Mr. Hassenzedah states that is how the sign at my market is timed, it goes off when the business closes.

Linda Donovan goes over the procedures for having a public hearing.

Stacy Delarede states town code says that any sign in this zone needs to be off by midnight.

There is a discussion on the set-back variance for the parking spaces. As per David Rider, the applicant is seeking 6' instead of 50', even though it is a non-conforming lot; the 25' would only apply to residential uses.

Linda Donovan states that the Board now needs to set a date for the public hearing, look at the Hydroponics sign, walk the property, get letters in support from neighbors, get a letter stating the lighting to be used on the sign as well as the hours of operation.

Linda Donovan reads the April 30 memo from the Planning Board, in support of the project.

A motion to hold the public hearing on June 10, 2014 is made by Bob Hughes.

2nd by Pat Schwartz.

All others present in favor. Motion passes.

A motion to send these variance applications up to the UCPB is made by Pat Schwarts.

2nd by Bob Hughes.

All others present in favor. Motion passesd.

OLD BUSINESS:

None

ADMINISTRATIVE ISSUES:

The minutes from the April meeting are presented.

A motion to approve the minutes are made by Pat Schwartz.

2nd by Ed

All others present in favor. Motion passed.

Bob Hughes wants to discuss Section 140-55, which discusses monetary compensation be paid to Board members.

Jeff Logan comes into the meeting. Bob Hughes reads this section of the town code to him. Jeff Logan states that this needs to be part of the Town Charter. There are paid boards in New York State. The Board could seek legal counsel, and certainly approach the Town Board. There is a continued discussion of this topic. Linda Donovan wants to go on record as being opposed to compensation for the ZBA.

Gail Christmann notifies the ZBA members that they are in the process of moving. Though they have a New Paltz mailing address, their new home is across the Plattekill town line. She doesn't want this to be an ethical issue for the Board. She asks Joe Moriello's advice. Currently they do own their home in New Paltz, and it will be on the market soon. Joe Moriello doesn't see anything in the code, but it could well be in the Town Law. Joe Moriello states that it may be best to allow the Town Board time in advance to look for a new member. Gail Christmann will let the Board know when it is time.

Motion to adjourn made by Ed Burke.

2nd by Bob Hughes.

All in favor,

Adjourned 8:25 pm

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