

Town of New Paltz
Zoning Board of Appeals
FINAL Meeting Minutes

September 9, 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 – present; Bob Hughes – present; Joe Moriello – present; Rich Olson – absent.

PUBLIC COMMENT ON ISSUES OTHER THAN PUBLIC HEARING:

None

MINUTES:

The May 13, 2014 minutes were presented.

Motion to approve these minutes, with the changes as requested, was made by Bob Hughes.

2nd by Ed Burke.

All others present in favor. Motion passed.

The June 10, 2014 minutes were presented.

Motion to approve these minutes was made by Ed Burke.

2nd by Bob Hughes.

All others present in favor. Motion passed.

The July 8, 2014 minutes were presented.

Motion to approve these minutes, with noted corrections, was made by Linda Donovan.

2nd by Bob Hughes.

All others present in favor. Motion passed.

Motion to postpone the approval of the August 12, 2014 minutes was made by Bob Hughes.

2nd by Linda Donovan.

All others present in favor. Motion passed.

PUBLIC HEARINGS:

ZBA 2014-07, Subey, 19 DuBois Rd., Area Variance

Motion to open the public hearing is made by BH

2nd by GC

All others present in favor. Motion passed.

Mr. Subey appears before the Board to present his application for an area variance for a shed that is too close to the rear property line. They just purchased this property, and they were able to close, by placing monies in escrow until they could obtain a variance for relief from the setback.

No one is present to make public comment.

Gail Christmann, Linda Donovan and Ed Burke were able to go visit the property. Ed Burke agrees that it is a pre-existing condition. It is agreed that it is a very nice shed. It is not able to be moved without going over the septic, taking down a tree, etc.

Mr. Subey did speak with all of the neighbors. He has letters from all of them stating their support. He also called Hudson Valley Sheds to see if it could be moved. The owner felt that it could not be taken down or moved without risking the integrity of the shed.

Linda Donovan notes that the property that it is too close to is quite sheltered, and not visible at all.

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

2nd by Linda Donovan.

All others present in favor. Motion passed.

Linda Donovan goes over the five criteria for the granting of an area variance:

- 1- Mr. Subey – No
- 2- Mr. Subey – No
- 3- Mr. Subey – Yes
- 4- Mr. Subey – No
- 5- Mr. Subey – No

Ed Burke questions Joe Moriello asks if the variance could run with the life of the structure, and if the shed should come down, that the variance is no longer in effect.

Bob Hughes asks if a condition could be made that it would have to be reconstructed in the same footprint.

Joe Moriello notes that the variance is for the rear yard setback. It could be wider, but it could not be closer to the rear line, as it would not meet the variance requirement.

Mr. Subey states that if the shed would ever come down, that he would not want to place a new one in that location anyhow.

There is a discussion on this being a non-conforming structure.

Motion to grant the area variance is made by Ed Burke.

2nd by Gail Christmann.

All others present in favor. Motion passed.

APPLICATION REVIEWS:

None

OLD BUSINESS:

None

ADMINISTRATIVE ISSUES:

Bob Hughes states that the Wetlands Law appeal was overturned, and it is now back in effect. All applications going forward are now subject to these laws.

Quorum check for the next meeting – all expected to be present except for Pat Schwartz.

Ed Burke reminds the Board that they are coming down to the wire with regards to their 62 day window for the decision on the Wilmore variances. They may want to have a special meeting with counsel in order to address some questions. They will check with Rich Olsen to see what his availability is for next week.

Linda Donovan questions the ZBA Liaison, Jeff Logan, to see if it is alright to continue review if their escrow is current, even though the Planning Board escrow is in arrears. Jeff Logan states that the reviewing Board can review if they are current.

Ed Burkes questions what would happen if there was a tie vote. Joe Moriello states that it has to be a majority vote to pass a motion.

There is a discussion on what would happen if they didn't vote within the 62 day deadline. That would be the applicant's decision on what they would want to do about that.

Jeff Logan would like to comment on the Planning Board meeting from last night. He discusses the CVS application, and states that they did make many changes to signage, parking, elevations, etc. He discusses the motions that were made, and the letter that will be forthcoming from the Planning Board. There is a discussion on the speed limits, sign revisions, etc. They will most likely be making a revised submission to the ZBA to be on the October agenda.

Motion to adjourn made by Bob Hughes.

2nd by Linda Donovan.

All in favor,

Adjourned 7:45pm

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