

Town of New Paltz
Zoning Board of Appeals
FINAL Meeting Minutes

October 14, 2014
7:00pm

The meeting was called to order at 7:01 pm by Linda Donovan.

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

PUBLIC COMMENT ON ISSUES OTHER THAN PUBLIC HEARING:

None

MINUTES:

The September 9, 2014 minutes are presented.

Motion to accept the minutes, with changes noted, was made by Ed Burke.

2nd by Gail Christmann.

All others present in favor. Motion passed.

The September 25, 2014 minutes are presented.

Motion to accept the minutes was made by Gail Christmann.

2nd by Ed Burke.

All others present in favor. Motion passed.

PUBLIC HEARINGS:

None

APPLICATION REVIEWS:

ZBA 2014-08, Purdy, 121 Shivertown Rd., Area Variance

Elaine Purdy and her daughter appear before the Board to present their application for a setback variance for her pool and deck. It is pre-existing, as it was there when she inherited the house from her parents. She stated how it is a flag lot, and the side and rear yard drop down. The pool is too close to the property line and the house. Mrs. Purdy shows the Board letters from her neighbors.

Linda Donovan states that one of our Board members, Bob Hughes, is a neighbor. He is not present tonight. His wife, Judy, did write a letter stating that they have no issues. Ms. Williams, Ms. Ricci and

Ms. Donche also wrote a letter supporting this application. Ed Burke asks how this matter came to the attention of the Building Department. It was because of a complaint by the neighbor. Mrs. Purdy is not sure whether the son, or the father, owns the neighboring house; but the father has no issues with the pool and the deck. The complaint was filed by his son.

Ed Burke asks if there is any permit for the deck. Stacy Delarede, Building Inspector, states that from her knowledge and paperwork, that the deck has been expanded. There is continued discussion on the original plans for the house and the deck. Mrs. Purdy shows the Board the plans from the 1980 permit. It appears the original CO for the house when it was built included a deck. It is evident that there was an addition put on the deck without a permit. Mrs. Purdy states that the pool has been there since at least 1994. Linda Donovan asks if the Building Inspector was out there to look at the pool. She states that she was, and she doesn't have a problem with the location of the pool, and it is pretty much the only place the pool can go. It is just that it doesn't meet the zoning code, not the building code. It appears that she has the required distance from the rear lot line. The pool is too close to the house, as our code states that it needs to be more than 10' away from the principal structure. However, there are no safety issues. It does meet all the building codes. Also, the deck doesn't meet the setback requirement of 50' from the rear yard lot line. There is continued discussion on the deck being part of the house and the clarity of the code. Joe Moriello states how the original deck was CO'd, and it couldn't have meet the 50' setback requirement. Joe Moriello suggests that it be plotted on the survey map using the survey scale, so the distances are exact. Ed Burke states that between now and the public hearing, the applicant should plot the exact distance.

A motion to set a public hearing for the November ZBA meeting was made by Ed Burke.

2nd by Gail Christmann.

All others present in favor. Motion passed.

ZBA 2014-09, Rainbow Pools/Rose, 116-136 Woodstock Ln., Area Variance

Mr. Rosa had a family emergency and could not make the meeting. George Sifre and a representative from Rainbow Pools is there to present the application. They show the survey map to the Board, along with pictures. The survey shows how the driveway is 1200 feet long, the house faces Craggswood Rd. The driveway is not the road. This is a flag lot. There is a discussion on what is the front yard and what is the rear yard. Stacy Delarede notes that the front yard of the house is what runs parallel to Craggswood Rd.

Ed Burke asks where this pool would go if they met the Code requirements. It would have to go across the driveway or in front of the house. There is continued discussion on where else the pool could be located with regards to the house, the driveway and the wetlands. Linda Donovan states that she needs to get out there to visually see and understand the layout of this property.

Ed Burke questions what the distance needs to be from the garage to the pool. Stacy Delarede states that it needs to be 12'. Linda Donovan states that maybe they should get some letters from neighbors stating they are fine with the proposed location of the pool.

A motion to set the public hearing for the November meeting is made by Gail Christmann.

2nd by Ed Burke.

All others present in favor. Motion passed.

ZBA 2014-10, Schaller/Super 8, 7 Terwilliger Ln., Area Variances

Robert Schaller comes before the ZBA to present his variance applications for his change to signage due to new branding. He discusses his reasons for needing the relief from the height requirements.

Linda Donovan asks what his plans are for the empty sign that is along S. Putt Corners Rd. Mr. Schaller states that he can't use it, as he is only allowed two signs. Linda Donovan asks him if he would take down the scaffolding. He agrees.

There is discussion on the size of the existing signs, as well as the proposed signage. Linda Donovan would like to see the pole lowered another two feet. Mr. Schaller will look into that, as he is not sure if that would affect the integrity. He also needs to be sure that it doesn't then drop it below the overpass fencing.

They have to continually prune the trees that they planted in order to keep them from blocking the sign. They will continue to trim these trees.

Mr. Schaller states that they will be sanding and painting the existing pole. It will be painted black.

Linda Donovan questions why they are switching branding. Mr. Schaller states that it had to do with contracts and business model plans, as well as the franchise fee structure.

Stacy Delarede states that the height gets measured from the level of the road up, because this property sits below the road line. It is suggested that his sign company measure the height of the sign from the roadway to the top before the public hearing.

A motion to set the public hearing for the November meeting is made by Ed Burke.

2nd by Gail Christmann.

All others present in favor. Motion passed.

ZBA 2013-06, Trans Hudson Mgt./CVS, 12 N. Putt Corners Rd., Area Variances

Linda Donovan notes that the Planning Board Chairman, Mike Calimano, is in the audience. She asks him if he'd like to join her at the table. He will join them in case they have any questions.

Charlie Badzylo, counsel for Trans-Hudson Management, Ron Lezzot of Maser Engineering and Gary McCoy of Poyant signs, come before the Board to present their revised plans and variance applications.

Mr. Badzylo states that they are seeking a variance for parking in a front yard setback, as it is a corner lot so they have two front yards. The second variance is for the total area of the requested sign package.

Mr. Badzylo states how the original sign plans have been completely redone since their last submission. They are now only seeking to use 107.10 square feet of signage, which requires relief of 57.10 square

feet. CVS did agree to these package changes, and they have also added more landscaping, and many other site changes.

Gary McCoy shows renderings of the original sign package, and then he shows the new sign package. He discusses the details of these changes. He discusses the poor visibility. Ed Burke questions the need as well as location of the pylon sign. Linda Donovan questions if they've compared their pylon signs to other businesses in the area. Gary McCoy states that he did look at other signs in the area. He took photos and passes them out. He discusses these findings. The other pylon signs are significantly larger than the sign they are requesting. Stacy Delarede points out that Rite Aid is within a Shopping Center, so the Master Sign Plan for shopping centers are completely different. There is discussion on whether this is a shopping center. Currently they are planning on constructing a free standing store, so they could not have the 80 square feet.

Linda Donovan discusses the ambiguity of the area, in that the bank down the road is significantly different in architecture. She is hoping the applicant will do the best it can for New Paltz.

There is continued discussion on the signage, and how a 20 square foot sign would not look right on that size building.

Stacy Delarede discusses how the Master Sign Plan was added in the Code with the development of the Stop N Shop plaza.

Joe Moriello questions lot coverage. They are at 4%, and they could be at 50% as per code.

Ed Burke questions what the percentage of sales from the drive-thru are. The applicant doesn't know those numbers.

Charlie Badzylo next discusses the parking variance request. He states how a facility such as this needs parking close to the front door; for older people as well as people who may be sick, as it is a pharmacy. They have made many changes, as well as added much more landscape to reduce the view. It is noted that from Route 299, because of the grade differential, you will be looking at the tops of cars in the lot. They are providing street trees, as well as leaving an easement for the rail trail connection. They want to keep the entrance separate from the rear operations of the building, as well as away from the drive-thru. They also need the entrance to be in the front of the building, as the pharmacy is located in the rear of the building. A full landscape plan will be developed with the site plan.

Mike Calimano mentions that they will be doing a full SEQRA review. The applicant will need some type of indication of whether they will be able to get a variance in order to continue to develop their site plan. No decision needs to be made yet, as the Planning Board needs to make a SEQRA determination.

Charlie Badzylo would like the ZBA to set a public hearing, in order that they may get more feedback from the public.

Joe Moriello questions whether there are recommended guidelines or standards for buildings like this in a location such as this. Mr. McCoy knows there are guidelines with regards to legibility and letter size with regards to highways signs.

A motion to set a public hearing for the November meeting is made by Gail Christmann.

2nd by Ed Burke.

All others present in favor. Motion passed.

Linda Donovan asks for Mike Calimano to discuss his reactions to the ZBA variance applications. Mr. Calimano states how the application has changed quite a bit from their original application. They have reduced the sign package a great deal. He mentions that the Planning Board had asked them to address other ideas for the additional pad sites, which is why they came in with a possible filing station. They have since decided that they just want a stand-alone store for now. They would come back to the Planning Board for full site plan if they ever want to do anything else in the future. He also discusses why they are seeking front yard parking, with regards to the room needed for the future rail trail.

Ed Burke questions whether they could get the applicant to walk the Board members through the site. We will check with the applicant. Joe Moriello states how they can go if it is for information gathering, they can't discuss the application.

OLD BUSINESS:

None

ADMINISTRATIVE ISSUES:

There is a discussion on the Wilmore application extension, and if there is now too much on the agenda for November. This will need to be discussed with counsel, to see if we can extend this out until the December meeting.

Motion to adjourn made by Gail Christmann.

2nd by Ed Burke.

All in favor,

Adjourned 9:01pm

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