

Town of New Paltz
Zoning Board of Appeals
FINAL Meeting Minutes

November 12, 2014
7:00pm

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

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

PUBLIC COMMENT ON ISSUES OTHER THAN PUBLIC HEARING:

MINUTES:

The August 12, 2014 minutes are presented.

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

2nd by Gail Christmann.

All others present in favor. Motion passed.

The October 14, 2014 minutes are presented.

Motion to accept the minutes made by Gail Christmann.

2nd by Ed Burke.

Pat Schwartz and Bob Hughes abstain from the vote.

All others present in favor. Motion passed.

Joe Moriello leaves the meeting at 7:05 pm.

OLD BUSINESS:

ZBA 2012-08, Wilmorite/Park Point, Rte. 32 S, Area Variance – Building Separation

ZBA 2012-09, Wilmorite/Park Point, Rte. 32 S, Area Variance – Building Height

ZBA 2013-02, Wilmorite/Park Point, Rte. 32 S, Area Variance – Number of Stories

Linda Donovan discusses the applications for relief from three separate Town Codes that the applicant, Wilmorite, has applied for. She states that this is the Boards last chance to make any more comments on the matter. No one has any additional comments since the close of the public hearings, and all of the subsequent discussions. Rich Olson has prepared sample resolutions for either approving or disapproving these area variances. The Board has had a chance to review these. All three of the variances are incorporated into these sample resolutions.

Bob Hughes asks Rich Olson to briefly discuss what each version says. Rich Olson goes over what each resolution says.

Linda Donovan reminds the ZBA members that their specific focus is on the validity of these variances, and that the Planning Board's SEQRA determination should not have any bearing on what the ZBA was asked to determine.

Gail Christmann makes a motion to grant the three variances requested. She reads the conclusion of the prepared resolution.

2nd by Pat Schwartz.

Ed Burke not in favor.

Bob Hughes not in favor.

Gail Christmann in favor.

Pat Schwartz in favor.

Linda Donovan in favor.

Three yay votes; two nay votes.

Variances are granted.

Bob Hughes wants to be sure that they are clear that by granting these variances, the ZBA is not negating the SEQRA denial of the PB based on the fiscal impact findings.

Rich Olson leaves the meeting at 7:18 pm.

Joe Moriello comes back into the meeting at 7:18 pm.

PUBLIC HEARINGS:

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

Motion to open the public hearing is made by Ed Burke.

2nd by Bob Hughes.

All others present in favor. Motion passed.

Elaine Purdy comes before the Board regarding her variance requests. The Board goes over the latest submission from her showing exactly what the setback relief she is seeking.

Ms. Purdy states that she needs three specific variances:

Pool to prop line – 1'9"

Pool to house – 5'

Deck to property line – 21'

A neighbor, Annette Donohue, 101 Shivertown Rd., has no objections to the granting of these variances.

Bob Hughes, who lives at 131 Shivertown Rd., is the Purdy's neighbors, states that his wife has entered her letter of support for the variances. He will make his own decision based on all the materials that are presented.

Kelly Ricci, of Shivertown Rd., also has no objections on the location of the pool or the deck. It has been that way for years.

Pat Schwartz states that it is a difficult property to do anything different with the location of the pool and the deck.

Bob Hughes agrees that it is a difficult property, and that it is done tastefully. It is also a pre-existing condition, as it was there when she inherited the property.

Linda Donovan goes over the five conditions for granting a variance:

- 1-No – does not create undesirable changes
- 2- No – it can't be achieved because it is a sloping flag lot
- 3- Yes - 21' relief is substantial; 1'9" is not substantial; and 5' is substantial
- 4- No – there is no adverse effect on environment
- 5- No - it was not self created, as it existed when she inherited the house

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

2nd by Pat Schwartz.

All others present in favor. Motion passed.

Motion to approve the three requested variances as submitted made by Ed Burke.

2nd by Bob Hughes.

All others present in favor. Motion passed.

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

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

2nd by Gail Christmann.

All others present in favor. Motion passed.

Mike and Carlos Rosa come before the Board to present their application. He is seeking a variance to build a pool on the side of his home, though based on the positioning of his house, the pool will really be in his back yard.

No one is present to make any comments.

Motion to close the public hearing is made Bob Hughes.

2nd by Pat Schwartz.

All others present in favor. Motion passed.

Linda Donovan asks the applicant to respond to the five criteria used to grant a variance:

- 1- No – does not create undesirable changes
- 2- No - if it goes in legal back yard, it would be across the driveway
- 3- No - they don't feel it is substantial – there is continued conversation on exactly where the pool is going. Where it is staked out is exactly where the pool is going. Joe Moriello asks how many

feet away from the house the pool is. It is 35'. If they went out further, they would have to remove the old oak tree. On the other side there are wetland's

- 4- No - it won't have an adverse affect on the environment
- 5- Yes - it was self-created

Bob Hughes makes a comment that this is another one of these unique properties, and this does seem to be the best location aesthetically. It is not visible to any neighbors now. It is noted that no further subdivision of this parcel could be done. He would also like to see a more accurate drawing of the location, along with a copy of these deed restrictions.

Motion to approve this variance, when a new site plan as well as a copy of the deed restrictions, is submitted, is made by Bob Hughes. This must be done within two weeks.

Made by Bob Hughes.

2nd by Ed Burke.

All others present in favor. Motion passed.

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

Motion to open the public hearing is made by Linda Donovan.

2nd by Bob Hughes.

All others present in favor. Motion passed.

Rob Schaller comes before the Board to present his variance application. He submits the other requested documents to the Board. Rob Schaller reviews his variance requests for the height and area of his pole sign. It is discussed that they were bringing the height down 16' from the height of the road. This was the determination made by the Building Inspector. As a show of good faith, he did start to remove the scaffold sign. They were able to get the brackets down, but the poles are cemented in. If they don't get the variances, he may need to apply to use this. However, he will definitely take it down when the time comes. There is continued discussion on the need for this pole sign.

Pat Schwartz comments on the directional signs that you usually see getting off of the Thruway. Mr. Schaller has applied to the state for this. She also comments on the recent changes to the area for the better of this area with the addition of Hampton Inn and Novellas. Linda Donovan agrees that this has become a more attractive area, though she doesn't feel that this pole sign is attractive. Rob Schaller states that the Hampton Inn sits at road level, and he doesn't.

Rob Schaller states that if he went in another direction, he would need a variance for signage in the side yard. Also, at that point he sits a bit below road level. He also states timing is imperative for him, because if they had to dig for any other type of sign, it is getting late in the season, and this is their slow time of the year.

Ed Burke asks if the sign would sit lower than the roof. Mr. Schaller is not sure, as he doesn't know the height of the building off the top of his head.

Bob Hughes asks if he could keep up the existing temporary sign while some other ideas are tossed around. Mr. Schaller states that he can't even take off the yellow face plates, as it would leave two strong lights shining out onto the highway.

Ed Burke doesn't want to delay him from doing anything, but he really wants to know the height of the sign above the building. There is continued discussion on the location of the sign.

Linda Donovan states that she doesn't feel the pole sign is aesthetically appealing, but she would like to see some other ideas for a design for monument signs. Ed Burke feels that this wouldn't work, as at that location, the property sits down so low. Mr. Schaller also mentions that there are three large utility poles at the corner of his property that also impede his line of sight.

Ed Burke would really like to see an actual rendering of where in relation the proposed sign height is, because he may be spinning his wheels, if this pole sign is in the direct line of sight with the building sign. He understands that his business relies on people coming from out of town. The Board knows it is there, but people from out of town don't, and they will need to be considerate of this.

Mr. Schaller asks if they would prefer if he planted trees to block off some of the pole sign. The Board doesn't feel that this would help.

Ed Burke states that maybe he would consider painting the pole the same color of the façade so that it would blend better. Linda Donovan agrees that something needs to be done to make it more attractive. She likes Ed Burke's idea.

Linda Donovan suggests keeping the public hearing open, and asks the applicant to come up with other ideas, and modify their application.

Motion to keep the public hearing open is made by Ed Burke.

2nd by Bob Hughes.

All others present in favor. Motion passed.

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

Motion to open the public hearing is made by made by Ed Burke.

2nd by Bob Hughes.

All others present in favor. Motion passed.

Charles Badzylo, Justin Dates and Gary McCoy come before the Board to discuss the area variances that they have requested.

Charles Badzylo goes over the actual relief numbers that they are applying for.

Justin Dates goes into more detail on the site plans with regards to the parking in the front yard setback, and the signage area variance requested.

There is discussion on parking requirements of the code, what they are proposing, and what they actually need.

Charlie Badzylo reminds the Board that this property is unique, in that it has a large county right of way, and then add to that the 35' town required set back requirement. The original plan showed much more parking in the front yard, they have scaled down the numbers based on suggestions by the Planning Board. They have been working on this project for a year now.

There is a conversation on the character of the area, in that this location is like a gateway to the Town. There is a discussion on the aesthetics of the building as well. It is pointed out how the Hampton Inn modified their look from other Hampton Inns around the country to be more in tune with the look of the town. They discuss the flat roof, and the over look of this proposed CVS, in the fact that it doesn't appear to be any different from other CVS locations.

Joe Moriello asks if, as Ed Burke mentioned, the building could be moved back in order to not need a variance.

Linda Donovan asks if they could provide information that shows that a building this size is necessary. Charlie Badzylo states that this is not in the purview of the ZBA, and it would not be in the best interest of the applicant. Disclosure of this information could be used by competitors.

There is a conversation on how they will leave the area to continue the rail trail by the county.

Kitty Brown, a town resident, speaks about her concerns with regards to this project. She mentions that now-a-days, most people rely on their GPS. In this respect, signage is not always as critical. She questions if this would be a 24 hour location. It will not be a 24 hour location. She wants to be sure we send a clear message, and not duplicate past mistakes. She discusses her concerns with the location being in the back of the store.

Miriam Strauss, town resident, speaks about her concerns with the proposed plan. She has concerns with the scale of the project. She is concerned that this is the gateway to the community, and is skeptical of the parking on the Southside of the building.

Justin Dates states that the hours of operation will be from 7 am to 11 pm.

Linda Donovan mentions to the applicant that this Board is willing to work with them, but they must in turn be willing to work with them.

Joe Moriello discusses the landscape issues with regards to the set back issues of this parcel. Justin Dates states that they have been working with the DOT as well as the county, as far as what they can do in this right-of-way, as well as who would maintain it.

Ed Burke discusses the public comment that was received that showed other options for CVS facades. We must move forward, we can't keep looking back. The ZBA needs to address all new applications based on what they want, not on what exists in town now.

The Board really wants them to reconsider their design.

Gary Mc Coy goes over their signage plans. He shows the original sign plan, and then the plan that they have amended based on the suggestions of the Planning Board. They have made significant changes, and have been reasonable.

There is continued discussion on the signage that is allowed, and what the Board feels is acceptable, being as though this is the gateway. Gary McCoy states that if the Board wants other options, they are willing to entertain ideas in place of what they are allowed to have.

Charlie Badzylo would like to understand what the ZBA is saying. He feels that they Board is basically saying they don't support the variances. He is concerned that if they don't move this project along, that they won't have a deal.

Joe Moriello states that this Board has consistently paid attention to the criteria to grant variances. They will entertain these variances based on these five criteria. They are not stating that they are against them, but that they have to base their decisions based on this. They may not yet feel that these criteria have yet to be addressed by the applicant.

Ed Burke questions why it is necessary for the building to say pharmacy everywhere. Justin Dates comments that is how CVS stores are designed.

Gail Christmann asks if the proposed pylon sign is meant to identify curb cut. Justin Dates responds that is not an actual curb cut, it just identifies the intersection.

There is a discussion on DOT suggestions to change this intersection.

Gail Christmann points out a possible move of the proposed building might be a good idea, but she is just making a suggestion.

Motion to continue the public hearing to next meeting is made by Ed Burke.

2nd by Bob Hughes.

All others present in favor.

APPLICATION REVIEWS:

None

ADMINISTRATIVE ISSUES:

None

Motion to adjourn made by Pat schwartz.
2nd by Gail Christmann.
All in favor,

Adjourned 10:10pm

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