

Town of New Paltz  
Zoning Board of Appeals  
FINAL Meeting Minutes

July 14, 2015  
7:00pm

**AGENDA**

**ZBA 2015-03, Brett Crompton, 172 Plains Rd., Area Variance**  
**ZBA 2013-06, Trans-Hudson Mgt./CVS, 22 N. Putt Corners Rd., Area Variances**  
**ZBA 2015-04, Rachele Ottens, 1 High Pasture Rd., Area Variance**  
**ZBA 2015-05, Marc and Colleen Schain, 70 N. Putt Corners Rd., Area Variance**

The meeting was called to order at 7:02 pm by Pat Schwartz.

**Roll call:** Patricia Schwartz – present; Phil Subey– present; Joe Douso – present; Leonard Loza – present; Joe Moriello – present; Ed Burke – absent.

**Others Present:** Stacy Delarede, Building Inspector

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

None

**MINUTES:**

The June 9, 2015 minutes are presented for approval.  
Motion to approve these minutes made by Phil Subey.  
2<sup>nd</sup> by Pat Schwartz.  
All others present in favor. Motion passed.

**PUBLIC HEARINGS:**

**ZBA 2015-03, Brett Crompton, 172 Plains Rd., Area Variance**  
Motion to open the public hearing is made by Leonard Loza.  
2<sup>nd</sup> by Phil Subey.  
All others present in favor. Motion passed.

Mr. and Mrs. Crompton come before the Board to discuss their application. They are going to replace their pre-existing older mobile home with a brand new manufactured home. The size of the structure is increasing by 66%.

Stacy Delarede notes that it doesn't matter what direction the home is facing, this is a non-conforming structure on a non-conforming lot. It is pre-existing and non-conforming. The law allows him to replace the mobile home, but he does need a variance to increase the size.

Leonard Loza questions if the septic will still be the correct size for the number of bedrooms. The Crompton's state that it is still the same amount of bedrooms, so it doesn't need an upgraded septic.

Phil Subey states that he has been out to the site, and he feels that this would be an aesthetic upgrade in the neighborhood.

The ZBA notes that it received no written comments or calls. All the neighbors were notified. It was legally noticed, and there is no one present to comment on this application.

The Building Inspector notes that she has no objections to this project.

Phil Subey notes that one of the applicant's neighbors, Jeff Logan, has also expressed his support of project.

Joe Douso notes that no one in the neighborhood has an issue with this project.

Mr. Crompton notes that it is a beautiful structure, and it is energy star compliant. Pat Schwartz confirms that the home will be skirted. This is still a mobile structure, as it can be removed, because it is on a chassis.

Motion to close the public hearing is made by Joe Douso.

2<sup>nd</sup> by Phil Subey.

All others present in favor. Motion passed.

Pat Schwartz goes over the five criteria for the granting of an area variance with Mr. Crompton:

1. Undesirable change to neighborhood? No
2. Can this be achieved by another method? No, as this existing structure can't be renovated.
3. Substantial? Yes, it is a 66% increase.
4. Adverse on environment? No.
5. Self created? No, it was a pre-existing structure.

Motion to grant the variance is made by Phil Subey.

2<sup>nd</sup> by Joe Douso.

All others present in favor. Motion passed.

#### **ZBA 2013-06, Trans-Hudson Mgt./CVS, 22 N. Putt Corners Rd., Area Variances**

The applicant has asked to keep this public hearing open until the August 11, 2015 meeting, when hopefully the Planning Board will have closed their public hearing.

Motion to keep the public hearing open until August 11, 2015 is made by Leonard Loza.

2<sup>nd</sup> Joe Douso.

All others present in favor. Motion passed.

#### **APPLICATION REVIEWS:**

##### **ZBA 2015-04, Rachele Ottens, 1 High Pasture Rd., Area Variance**

Rachele Ottens comes before the Board, with her husband and grandson, to discuss her application. They want to continue an existing fence that was placed there by the neighbor. She discusses the problems with the conditions of the neighboring property, with regards to how it has changed her property value. There are dogs constantly barking. They destroy the peace of her gardens and pond. They also discuss the neighbors existing deer fence, and how it has turned into more of a stockade fence. They also discuss how the neighbors come to the fence and harass their grandchild.

Joe Douso states that this is a neighbor dispute. Ms. Ottens mentions that it is not just an issue with the dogs. He has heavy equipment, loud vehicles that he revs up all day long, and he leaves heavy equipment running to bother the other adjoining neighbor. He also recorded the noise of the day care center on the other side, and then he played it back very loud all day long on speakers directed at the day care. These neighbors have been to court with him.

There is continued discussion on the issues with the dogs, and this would act as a barrier. Phil Subey discusses his site visit, and explains what he saw, and what the Ottens are intending to do. He shows the Board photos that he took while visiting the site.

Stacy Delarede notes that this neighbor does have a legal fence, as he does have a permit, though it is yet to be completed. The problem is that his house is closer to Butterville Road, so the fence height changes based on the lot lines. The Ottens' have a corner lot, so they have two front yards. She discusses the Town Code, as well as shows the Board where the height in fencing changes based on front, rear and side yard set-backs.

There is a conversation on what the applicant considers the front of the house. The driveway, mailbox and door are on High Pasture Rd. Even though the side is on Butterville Road, it is still on a road, and needs to meet the requirements of the front yard.

They discuss exactly what the applicant is asking for. They are asking for 88' of 6' high fencing along their lot line.

Leonard Loza asks if the neighbor put up the fence, if it would be allowed. It is noted by the Building Inspector that it could still not go the full length of 88'.

Motion to set the public hearing for August 11, 2015 is made by Phil Subey.

2<sup>nd</sup> by Joe Douso.

All others present in favor. Motion passed.

**ZBA 2015-05, Marc and Colleen Schain, 70 N. Putt Corners Rd., Area Variance**

Sam Dillehay, of Alfandre Architecture, comes before the Board to discuss this application on behalf of Marc and Colleen Schain. They are seeking 22' of relief for parking in the front yard set-back. He discusses the current set-backs and parking areas. He goes over the proposed site plan with the Board members.

There is discussion on the parking, the building expansion, as well as handicapped parking.

There is a conversation on the existing building originally being a residence, at some point it became an office. The current parking lot is in violation of the existing site plan, as it was done without approvals in 1995.

Sam Dillehay mentions how the Planning Board seemed supportive of the project.

There is a discussion on the concerns the ZBA has with regards to potential other variances that may be needed as the Planning Board continues their site plan review.

Joe Douso has concerns on the fact that they will need to add spaces to the rear parking lot.

If the front lot was lost, the handicapped parking would also need to be moved to the rear, and there is a slight slope that would have to be navigated.

There is a discussion on how the Planning Board needs to send a formal recommendation to the ZBA.

Joe Douso would like to see the slopes and the runs of these parking lots. There are too many unanswered questions on this, as well as drainage issues. He would like to see more of a finalized full site plan.

Leonard Loza comments on the fact that, if they remove the front parking lot, they would not be before the ZBA.

Pat Schwartz would like to see the exact numbers with regards to the increase of non-conformity.

There is a discussion on whether or not they could do this another way, as well as the consequences of doing this. Sam Dillehay notes that there are other ways for the applicant to achieve the change in their site plan, but this is the preference, as there will be less disturbance to the site.

It is noted that they are not enlarging the existing front parking lot, they are simply squaring it off.

Phil Subey questions what exactly is in the ZBA's purview.

Joe Moriello discusses the potential interplay of the loss of spaces in the front.

There is a discussion on the process between the Planning Board and the ZBA, and how if they don't receive a variance, then they must change the site plan. The ZBA members all have concerns with the lack of information. If they don't know what is required, and what is being provided, it is hard to determine if they could approve this variance. They are also concerned that at this point in the Planning process, that there could be more changes to the site that they and the public should be able to review.

Joe Douso would really like more information. Phil Subey has concerns that this may be a case of putting the cart before the horse.

Leonard Loza questions if this is going to the UCPB twice, once from the ZBA and once from the Planning Board. Joe Moriello states that both Boards need to refer this to the UCPB. It would be helpful if the UCPB had a clearer picture from the Planning board with regards to the site plan, in order to make a recommendation on the variance request. He believes that the referral should go up first from the Planning Board, and either then, or simultaneously, it should go up from the ZBA.

Phil Subey notes that since this is an existing lot, it is obviously not going to change drainage, but removing it might. Changes with construction might do that as well.

Motion to set the public hearing for August 11, 2015 is made by Joe Douso.

2<sup>nd</sup> by Phil Subey.

All others present in favor. Motion passed.

#### **OLD BUSINESS:**

None

#### **ADMINISTRATIVE ISSUES:**

Jeff Logan welcomes Leonard Loza as the new ZBA member.

Motion to adjourn made by Phil Subey.

2<sup>nd</sup> by Pat Schwartz.

All in favor,

Adjourned 8:53pm

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