

Town of New Paltz
Zoning Board of Appeals
FINAL Meeting Minutes
November 10, 2015
7:00pm

The meeting was called to order at 7:05 pm by Ed Burke.

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

Others Present: Stacy Delarede, Building Inspector

PUBLIC COMMENT ON ISSUES OTHER THAN PUBLIC HEARING:

None

MINUTES:

The October 13, 2015 minutes are presented for approval.

Motion to approve these minutes made by Pat Schwartz.

2nd by Phil Subey.

All others present in favor. Motion passed.

PUBLIC HEARINGS: 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 December 8, 2015 meeting, as the Planning Board is still completing their review of the EAF.

Motion to keep the public hearing open until December 8, 2015 is made by Leonard Loza.

2nd by Phil Subey.

All others present in favor. Motion passed.

ZBA 2015-06, Thomas Wanning, 320 Route 32 N, Area Variance

Motion to open the public hearing for the night is made by Pat Schwartz.

2nd by Leonard Loza.

All others present in favor. Motion passed.

Mr. Wanning comes before the Board with his revised subdivision plan. He goes over this with the Board. He points out the second lot and it's driveway on Mountain View Place. He also points out the new well location for this lot. The Superintendent of Highways was out there and delineated where the driveway would need to go. The new well location will not interfere with the reserve septic of Mr. Strousers property. There is continued discussion on the location of the well, with regards to other neighboring properties reserve septic areas. The Town did grant an easement off of Mountain View in order to make the road meet the property. There is discussion that lot 1 has an existing driveway off of Route 32 N. Ed Burke notes that the UCPB misinterpreted these plans. This is also the preferred plan of the Planning Board.

Mr. Moriello notes that if a variance is granted that it would need to be conditional on the Planning Board granting subdivision approval, as well as the filing of the easement with the County.

Ed Burke goes over the five criteria for the granting of an area variance, Mr. Wanning responds:

1. No
2. Not feasible
3. No
4. No
5. Yes

Ed Burke notes that he did speak with one of the neighbors, and though they did not give public comment, they have no objections. No other correspondence was received, and there is no one present at the public hearing to make a comment.

Motion to close the public hearing is made by Phil Subey.

2nd by Pat Schwartz.

All others present in favor. Motion passed.

Mr. Wanning questions if he needs to apply for the driveway cut permit. He did receive approval from the Highway Superintendent, so that should remain valid while he is in office.

Motion to grant the area variance, conditional upon the granting of final subdivision approval from the Town Planning Board, and including any conditions imposed by them, as well as receiving the signed documentation of the easement filed with the Town and the County, is made by Pat Schwartz.

2nd by Joe Douso.

All others present in favor. Motion passed.

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

Motion to open the public hearing for the night is made by Pat Schwartz.

2nd by Phil Subey.

All others present in favor. Motion passed.

Sam Dillehey of Alfandre Architecture comes before the Board to go over the revised submission of the site plan. He goes over the plan. He states that they are seeking 21' of relief for the front yard set-back for the existing parking lot. He states that the Town Planning Board did submit a letter of support for this variance. It was also referred to the UCPB, and they returned it with no comments.

Ed Burke polls the Board to see if anyone has any comments. No one does. They continue to review the plans with Mr. Dillehey. Ed Burke questions the landscape plans. He notes that they have taken the steps to mitigate the drainage issues, and they will continue to do so through the Planning Board process.

Joe Moriello notes that a variance could be granted conditional upon site plan approval by the Town Planning Board, and adhering to any conditions that they impose.

Ed Burke goes over the five criteria for the granting of an area variance again, Mr. Dillehey answers them:

1. No
2. No
3. No
4. No
5. Yes

Motion to close the public hearing is made by Pat Schwartz.

2nd by Phil Subey.

All others present in favor. Motion passed.

Motion to grant the area variance as presented in plan dated 10/19/15, conditional upon site plan approval by the Town Planning Board, as well as any conditions that they may impose, and compliance with the approved site plan, is made by Leonard Loza.

2nd by Joe Douso.

All others present in favor. Motion passed.

ZBA 2015-07, McGurn, 391 Springtown Rd., Area Variance for set-back requirements

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

2nd by Phil Subey.

All others present in favor. Motion passed.

Mr. McGurn comes before the Board and shows his plans for his home addition, which will require a variance as he will not meet the rear yard set-back requirements.

There is discussion on whether or not this needs to be referred to the UCPB, since Springtown Road is a County Road. This is exempt because it is a rear yard set-back. The County no longer reviews this as of 2004.

Ed Burke goes over the five criteria for the granting of an area variance, Mr. McGurn answers these:

1. No
2. No
3. Yes, as it is over 50%
4. No
5. No

Motion to close the public hearing is made by Phil Subey.

2nd Leonard Loza.

All others present in favor.

Pat Schwartz notes that this is a very non-conforming lot, and they are not doing anything detrimental to the area.

Motion to approve this variance, as requested in the application, is made by Pat Schwartz.

2nd by Phil Subey.

All others present in favor. Motion passed.

ZBA 2015-08, Rhodes/Nigrelli, 32 Duzine Rd., Area Variance for fence height

Christina Nigrelli-Rhodes comes before the Board and discusses her application for an area variance for a 6' fence in the front yard wherein they are only allowed a 4' fence. This will only be in the front portion, and it is 124 lineal feet of fencing. The Board questions the location of the proposed fence with regards to the stone wall. The fence will be more than 20' behind the wall, it is also behind the tree line.

Motion to open the public hearing is made by Pat Schwartz.

2nd by Phil Subey.

All others present in favor. Motion passed.

The Board continues to ask Mrs. Rhodes about the location of the fence with regards to the slope of the yard. She states that you won't even be able to see the fence from the stop signs at either Duzine or HW Dubois. The rest of the fence is 4' high, but they are requesting this section of 6' along HW Dubois for privacy and safety. Mr. Rhodes points out that the solid line is all 6' fence and the 4' fence is the dotted line.

No one is present to make comments. No correspondence was received from the mailings.

There is discussion on the style and color of the fence. Joe Moriello questions if the plan for the fencing has changed from what is on the estimate. The poles and caps will be beige, the fence panels will be white, and it is all PVC. This can be part of their conditions, as it does need to be considered, though it does not need to be a condition. There is continued discussion on what happens if they take the fence down at some point, and then wanted to put up a new fence. They could put up a different fence if it is not a condition of the variance, but it would need to be the height that was granted in the variance. Pat Schwartz does believe that the Board needs to think about this. Ed Burke believes that as this road gets busier, the Town may need to look at the possibility of more and more fences going up. The Board agrees that they need to be wary of aesthetics.

Ed Burke reviews the five criteria for the granting of the variance, Mrs. Rhodes answers them:

1. No
2. No
3. No
4. No
5. No- when the house was built, HW DuBois wasn't even there.

Motion to close the public hearing is made by Phil Subey.

2nd by Pat Schwartz.

All others present in favor. Motion passed.

Motion to grant the area variance for the 2' of relief for the fence height, in the area proposed only, with the condition that it is generally consistent with the style, design and materials of the Adams Fence Proposal dated 7/20/15, is made by Joe Douso.

2nd by Leonard Loza.

All others present in favor. Motion passed.

APPLICATION REVIEWS:

None

OLD BUSINESS:

None

ADMINISTRATIVE ISSUES:

None

Motion to adjourn made by Ed Burke.

2nd by Leonard Loza.

All in favor,

Adjourned at 8:05 pm.

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