

Town of New Paltz
Zoning Board of Appeals
FINAL Meeting Minutes
July 12, 2016
7:00pm

The meeting was called to order at 7:02 pm by Ed Burke.

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

Others Present: Stacy Delarede, Building Inspector; George Rodenhausen, alternate counsel

PUBLIC COMMENT ON ISSUES OTHER THAN PUBLIC HEARING:

None

MINUTES:

The June 14, 2016 minutes are presented for approval.

Motion to approve these minutes made by Leonard Loza.

2nd by Caroline Paulson.

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 August 2016 meeting, as the Planning Board has still not completed SEQRA.

Motion to keep the public hearing open until the August 9, 2016 meeting is made by Leonard Loza.

2nd by Caroline Paulson.

All others present in favor. Motion passed.

ZBA 2016-03, Spool, 11 Cicero Ave., Area Variance

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

2nd by Leonard Loza.

All others present in favor. Motion passed.

Roger Spool comes before the Board to present his application for an area variance, as he was not available to be present at the last meeting. His associate was there to represent him. He presents the Board with a rendering of the actual proposed shed and the new septic tank information. He discusses

the location of the leach field. There is no exact location known, as the UCHD does not have records prior to 1975. Therefore this is an approximation of the exact size of the leach field. There is a discussion on the size of the shed. The current garage is being used as storage, and the tenants would like to use it as a garage.

Fred Bunt of Howard Street speaks to the Board with regards to this project. He questions the size and use of the shed, as well as wonders if student housing is allowed. There seems to be a large amount of student housing in this area now.

Stacy Delarede speaks about the Town Code with regards to being allowed to rent your home out. It can be rented out as a single unit on one lease with no more than 5 unrelated people living together.

Ed Burke reads the comments from Janice Pickering that were emailed to Stacy Delarede. She has concerns with regards to this variance request. Unfortunately she can't attend tonight's meeting.

Mr. Spool states that there are only four students and one kitchen. It is one unit not two, and he is fine with the Building Department coming out to inspect it.

Ed Burke states that the Board likes to really take a hard look to be sure there is no other place to locate the shed.

Lillian Spool states that it is also much easier with regards to plowing when they have two cars in the garage. She also wants to clarify that this is not a storage unit for their other properties. This storage will be used for the equipment to maintain this property only. They have other rental properties and all can be inspected, as they have never had any code violations.

Caroline Paulson mentions that she went out to the property, and noted that there was a neighboring property that had a shed behind this proposed location. It did not detract from the views of the neighborhood.

Leonard Loza agrees with Caroline Paulson, as he visited the property also.

Joe Douso questions the storage of furniture. He wants to be sure that it is not for storage of any furniture for any other units. Lillian Spool states that they have enough storage at their own home, their office and their other units. This is strictly for this house. The Spools mention that they have put in a lot of work to the property. They have made a lot of improvements, and maintain it very well.

Ed Burke questions Mr. Spool if he would be willing to move the shed further in so as not to need such a large variance.

Leonard Loza states that this is a rather unique situation because of the sewage line.

There is a discussion on this being a non-conforming corner lot.

Ed Burke goes through the five criteria for the granting of an area variance, and Mr. Spool answers as follows:

1. No.
2. No.

3. No, because the neighbors are not objecting
4. No.
5. Yes.

Mr. Burke questions if there is anyone else who would like to make public comments.

Mr. Bunt does mention that the Spool property is well taken care of and is an asset.

Motion to close the public hearing is made by Leonard Loza.

2nd by Caroline Paulson.

All others present in favor. Motion passed.

Ed Burke would like to see the shed moved in more so that the variance is not so substantial. He asks the applicant if they would be willing to go 10' instead of 5'. Mr. Spool would prefer to move it 8', but he is willing to amend his application tonight to place the shed 10' off of the property line.

Motion to approve a variance for 15' of relief from the rear lot line, thus making the shed 10' off of the lot line, as amended by Roger and Lillian Spool, is made by Ed Burke.

2nd by Leonard Loza.

All others present in favor. Motion passed.

Joe Moriello excuses himself from the meeting. George Rodenhausen comes to the table.

APPLICATION REVIEWS:

ZBA 2016-02, Bolder Architecture/Master's Touch Church, 161 Route 208, Area Variance

Dave Toder or Bolder Architecture comes before the Board to discuss this application for an area variance. He goes over the revised site plans and discusses the changes including the DOT completed and approved review.

Ed Burke discusses the fact that the Planning Board changed the monthly meeting calendar, and therefore this applicant has yet to go before the Planning Board for its initial review. They will be before the Planning Board on July 25.

George Rodenhausen discusses the proposed variances, in that there is two subsections of the code involved. As per Stacy Delarede the use doesn't require a variance, it simply requires ZBA approval for the use.

The applicant mentions that it is existing parking and they are pushing it back and adding landscape screening.

Mr. Rodenhausen did discuss this with Mr. Lithco, and they did agree that it appears to be an unlisted action. He recommends that they declare the action as unlisted under SEQRA, and go through the EAF

short form and make a negative declaration. He feels it best practice to complete SEQRA first and then hold the public hearing.

Ed Burke believes that the Board should set the public hearing for August, then complete SEQRA, in the meantime this can be sent to the UCPB.

Motion to send this to the UCPB is made by Ed Burke.

2nd by Joe Douso.

All others present in favor. Motion passed.

Motion to set the public hearing for August 9, 2016, for a variance from Town Code Section 140-34 D (1) to allow 7 parking spaces in the side yard; approval of a change in a non-conforming use to a less non-conforming use to allow the conversion to a church pursuant to Town Code Section 140-43 C; and a variance from Town Code Section 140-34 D (3) to reduce the front yard setback, for parking, from 50' to 21', is made by Ed Burke.

2nd by Joe Douso.

All others present in favor. Motion passed.

OLD BUSINESS:

None

ADMINISTRATIVE ISSUES:

There is a discussion on a quorum for the August 9, 2016 meeting.

Motion to adjourn made by Ed Burke.

2nd by Phil Subey.

All in favor,

Adjourned at 8:04 pm.

These minutes respectfully submitted by Kelly O'Donnell, Secretary