

Town of New Paltz
Zoning Board of Appeals
FINAL Meeting Minutes

December 10, 2013
7pm

The meeting was called to order at 7:05 pm by Linda Donovan.

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

Linda Donovan reads a letter from the Building Inspector regarding the use of Building Department offices during meetings.

PUBLIC HEARINGS:

None

APPLICATION REVIEWS:

ZBA 2013-05, Dunkin Donuts, 250n Main St., Area Variance

Jeff Schiller of Schiller Engineering speaks to the ZBA regarding the application from Dunkin Donuts. Due to a mandatory franchise renovation, they need to place an outdoor walk-in cooler outside of the building. At the Planning Boards request, it would be better to place it in the back of the building, due to the fact that then they would not need additional variances for parking requirements.

Linda Donovan questions the use of the house behind the Dunkin Donuts. It was a Rapid Tool Rental, which is owned by the Tru-Value Hardware. It currently isn't being occupied by a business.

Ed Burke asks the applicant to point out the exact location of the proposed outside cooler. Linda Donovan questions why it can't be placed inside of the building. The applicant states that it has to do with the fact that there just wasn't enough space within the existing building.

There is conversation that this application needs to be referred to the Ulster County Planning Board.

Linda Donovan states how the ZBA needs to do three things: Refer the application to the UCPB, Refer the variances to the Planning Board for their Advisory Opinion, and set the date for the public hearing. The ZBA needs to find out what the 2014 meeting date schedule is for the UCPB, as it is not yet posted. There is concern on getting their response back in time for the public hearing.

There is continued discussion on the actual site plan itself; as well as access to the walk-in cooler. There is also a conversation regarding the requested easement. Jeff Schiller states that this was a request of the Planning Board to the actual owner of the property to be able to re-locate the pole and guide wire, and that they are working with the owner on this.

A motion to refer this to the Ulster County Planning Board is made by Bob Hughes.

2nd by Gail Christmann.

All others present in favor. Motion passed.

A motion to get Advisory Comments from the Planning Board is made by Bob Hughes.

2nd by Gail Christmann.

All others present in favor. Motion passed.

A motion to set the public hearing for January 14, 2014 is made by Gail Christmann.

2nd by Bob Hughes.

All others present in favor. Motion passed.

Joe Moriello leaves the meeting.

CONTINUED APPLICATION REVIEW:

ZBA 2013-08, Wilmorite/Park Point, Rte 32 S, Area Variance

ZBA 2013-09, Wilmorite/Park Point, Rte 32 S, Area Variance

ZBA 2013-02, Wilmorite/Park Point, Rte 32 S, Area Variance

Doug Eldred of BME and Associates and Mike Moriello appear before the ZBA to discuss the variance applications. Linda Donovan requests the representatives to summarize the applications. They are asking for a variance for a reduction in the distance between the buildings, a variance for 3 stories and not the 2 ½, and a variance for height of the structures. Doug Eldred points out on a site plan why they are requesting these variances. They looked at the site to choose a lay-out that fits the site. They were able to position it in a way that wouldn't need variances; however, when they went through the process, they really wanted to preserve the woodlands in the rear. They tried to get it all in the abandoned apple orchard so as to use less valuable land. This building separation keeps the footprint smaller, which allows for more environmental conservation.

Linda Donovan states how she spoke with the Building Inspector, and she is fine with the building separation variance provided that it has a sprinkler system as per NYS Building Code. There is a discussion on the sprinkler system, and that it would need to be stipulated as a condition of granting this variance, that they could not then seek a variance from NYS Building Code to not install the sprinkler system. Doug Eldred states that they have no plans to do that, and that this could be made a condition of approval.

There is discussion on the building height, in order to gable it for aesthetics. This also keeps in line with the character of the neighborhood visually. Everything will be below the tree line. There is discussion on the drop in the land, and how there is a 20' height difference in the property from the front to the rear.

Gail Christmann questions who owns the separate 8 acre parcel where the sewer/water treatment plant will be. Currently it is separate, but it will be merged with the other parcel and then owned by the Foundation.

There is continued discussion on the design of the building, the zoning code and the difference between 2 ½ and 3 stories. Linda Donovan inquires as to limiting the number of units, and that would also keep the footprint smaller and not require the additional story on the buildings. They then discuss Spider Barbour's findings. Bob Hughes states how these recommendations need to be followed, they are not merely suggestions. Mike Moriello agrees, and he states that is why they are trying to keep all of these sensitive areas undisturbed.

Ed Burke is wondering about the fact that the project had been almost cut in half from 1400 to 700. Mike Moriello discusses how the original plans consisted of five very large buildings, and this was even before Wilmorite was involved. When Wilmorite became involved, they were more sensitive to the issues, and they refined the plan to more of a dormitory project. This project still does not bring SUNY New Paltz up to the typical SUNY average for number of beds. Doug Eldred states how they think they have the right number of beds at this point, to continue to cut more beds just doesn't meet the Foundations goals of providing beds for the college, nor does it make it financially worthwhile. Ed Burke states how what they were saying was that if they ran this through the dormitory authority, they could have gotten 1400 beds out of this parcel.

Ed Burke questions if the Foundation has the ability to break the lease before the 47 years is up? Doug Eldred and Mike Moriello both state that they are not really sure, they don't believe the developer would allow for a break out clause. Mike Moriello states that this is not germane to the granting of a variance.

They then discuss the different types of units, and the number of student and faculty units. Ed Burke questions whether these units could be interchangeable. Wilmorite's lease with the Foundation states that specific units are for faculty only. This verbiage is also used in the PILOT application.

Pat Schwartz asks what would happen if the PILOT was not approved. Mike Moriello states that they cannot say what the applicant would do. Doug Eldred is the Engineer and Mike Moriello is the Land Use Attorney, they would not be at liberty to comment on this.

There is a discussion on the Fire Chief's letter, as well as the letter from the Town Building Inspector.

There is discussion on how the ZBA can set the date for a public hearing, refer it to the UCPB, and request advisory comment from the Planning Board; however, they can't vote on anything until the Planning Board has drafted their Findings Statement. Linda Donovan also explains how the ZBA usually only has three members present at their February meeting.

A motion to refer these applications to the Ulster County Planning Board is made by Gail Christmann.
2nd by Pat Schwartz.

All others present in favor. Motion passed.

A motion to request an Advisory Comment from the Planning Board is made by Bob Hughes.
2nd by Ed Burke.

All others present in favor. Motion passed.

A motion to set the date for the Public Hearing for January 14, 2013 is made by Gail Christmann.
2nd by Bob Hughes.

All others present in favor. Motion passed.

Bob Hughes questions whether the School District has been made aware, as the Middle School and the High School are near the project lands. Mike Moriello states how the School District was made an Interested Agency.

There is also a discussion on how Bob Hughes and Ed Burke walked the property with the applicants, and that they have a whole new perspective on the scale and visual of the project.

MINUTES:

October 8, 2013 minutes were presented.

Motion to approve the minutes made by Ed Burke.

2nd by Bob Hughes.

All others present in favor. Motion passed.

PUBLIC COMMENT ON ISSUES OTHER THAN PUBLIC HEARING:

None

OLD BUSINESS:

None

ADMINISTRATIVE ISSUES:

There is discussion on attendance for February meeting, as Pat Schwartz and Linda Donovan will not be there.

Motion to adjourn made by Bob Hughes.

2nd by Pat Schwartz.

All in favor,

Adjourned 8:30 pm

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