

Town of New Paltz  
Zoning Board of Appeals  
FINAL Meeting Minutes

March 12, 2012  
7pm

The meeting was called to order at 7:02 pm by Linda Donovan.

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

**MINUTES:**

January 8, 2013 minutes presented.

Motion to approve the minutes was made by Gail Christmann.

2<sup>nd</sup> by Ed Burke.

All others present in favor. Motion passed.

**PUBLIC HEARINGS:**

**ZBA 2012-11, Lilah Sheehan, 2 Gatehouse Rd., Setback Area Variance for a shed**

A motion to open the public hearing is made by Bob Hughes.

2<sup>nd</sup> by Gail Christmann.

All others present in favor. Motion passed.

Lilah Sheehan speaks to the Board regarding her application for a set -back variance for a shed. There used to be a shed in that location that the previous owners placed there. It was removed when they sold it. They believe it is the best location for the shed, as it is hidden in the trees and out of the line of sight of all of the neighbors. They will be putting the shed on item 4. It was previously on a concrete slab, but her contractor suggested they use item 4. There is discussion on tree roots disturbing the base of the shed in the future as the tree continues to grow.

**PUBLIC COMMENT:**

None

A motion to close the public hearing is made by Bob Hughes.

2<sup>nd</sup> by Ed Burke.

All others present in favor. Motion passed.

Linda Donovan goes over the five considerations for granting a variance that are part of the application.

Lilah Sheehan answers these questions for the Board as follows:

1. No – it is out of the line of sight to all neighbors
2. No – this location makes it the least obtrusive to all neighbors
3. No – it is just shy of 6'

4. No – though there is discussion on root system effecting the shed over the years
5. No – not necessarily self created... it was there, they are just looking to replace with least impact

A motion to approve this variance is made by Gail Christmann.

2<sup>nd</sup> by Bob Hughes.

All present in favor.

Though Bob Hughes and Ed Burke feel that for the longevity of the shed, it is not the best place.

Motion passed.

#### **APPLICATION REVIEWS:**

##### **ZBA 2013-03, Wilson/Franks, 1 Old Mill Rd., Area Variance for a Fence**

Hillary Wilson and Rebecca Coupe-Franks come before the Board to present their application for a variance for a fence. They would like to amend their originally submitted application to remove a portion of the requested fence from the north side of their property, as well as change the configuration of the requested fencing that runs along Henry W. DuBois Road.

There is discussion about their dogs now being able to jump over their current fence, which they originally put up to pen them in, as well as to allow for a safe area for their children to play. The applicants state that the primary purpose of the new taller fence is to create a side yard, as well as help with privacy and noise reduction. This is a corner lot, on a busy road, so they don't have much privacy.

Bob Hughes asks the applicants if they have considered the rear yard, which may be better for the dogs, as there would be fewer distractions. The back yard is not only shallow, but it is very steep. They don't use their back yard for anything.

Linda Donovan has issue with choppy nature of all the existing fencing, and would like more clarification on exactly where this new fencing will go, as well as what part of the existing fencing will remain. Ed Burke is also concerned about the amount of fences and the aesthetics of how it will look. He also suggests the use of landscaping. Linda Donovan agrees that using landscaping outside of the 6' fenced area will soften the look of the fence.

There is continued conversation about where the rear yard actually is, being though it is a corner lot it actually has two front yards. Linda Donovan questions whether or not the applicants use both of the existing driveways. The applicants state that they use the driveway on Old Mill Road as their every day driveway, and the use the driveway on Henry W. DuBois Road to park their truck.

Linda Donovan asks the applicant to submit two new drawings. One drawing noting where the current fencing is, and a second noting where the new fencing will be, as well as making note of any landscaping to be used. She would like this in to the Board two weeks before the April 9, 2013 meeting.

Motion to hold a public hearing on this application on April 9 is made by Bob Hughes.

2<sup>nd</sup> by Gail Christmann.

All others present in favor. Motion passed.

## **ADMINISTRATIVE DISCUSSION**

A discussion was held on the establishment of escrow accounts for variances.

Joe Moriello leaves the meeting.

## **APPLICATION REVIEWS:**

- 1. ZBA 2013-02, Wilmorite/Park Point, 141 Rte 32 S, Building Stories Variance**
- 2. ZBA 2012-08, Wilmorite/Park Point, 141 Rte 32 S, Building Height Variance**
- 3. ZBA 2012-09, Wilmorite/Park Point, 141 Rte 32 S, Building Separation Variance**

Linda Donovan explains to the applicant that we will only be hearing information regarding the variances they requested. The ZBA does not have an attorney present tonight.

Mike Moriello , Jim McKenna and Tom George come before the ZBA to speak about their requested variances.

Tom George states how they have had conversations with the Fire Chief concerning the siding and sprinklers.

Linda Donovan discusses the ENCB's letter from John Wilson regarding their recommendation of denying any height variances until the effects of the impacts on view shed are addressed. Ms. Donovan then suggests that they get a copy of the Scenic Resources Guide for Planning Boards. She will be sure that they get a copy.

Mike Moriello and Tom George state how the ENCB might not have really gotten to look closely at the DEIS, as the visual impacts were analyzed and addressed in the document. It was looked at from the Ridge as well as the road. Because of the drop of the property, the top of the tallest building will only be 17' over the height of the road. They are seeking a height variance simply to build a peaked roof. They could build a flat roof and not need a height variance. They are doing this for aesthetic reasons, at the urging of the Planning Board.

Jim McKenna states how they also did 3 dimensional view analyses from the Ridge, at the turn around, at the recommendation of the Planning Board.

Linda Donovan suggests that they pull out this specific information and get it to the ENCB.

Bob Hughes asks where the information is that they requested at the last meeting. Tom George states that it is on the disc that they were given.

There is discussion on the need for a variance for building separation. Mike Moriello states how by laying out the complex as they have done, they are using less land, which was of great value to Spider

Barbour and the Planning Board. If they spread the buildings out and used more land, they wouldn't need a variance for this either.

The attorneys for Goshawk won't make a commitment to making a conservation easement with the lands in the rear.

It is confirmed that there will be 2 bathrooms in a 4 bedroom unit, and they are approximately 1200 square feet. The 2 bedroom unit is 850 square feet.

Linda Donovan asked what would happen if the number of units would be reduced.

Mike Moriello states how this project already went from 1250 beds to 730 total occupants at the urging of the Planning Board. Tom George states how they need to balance everything.

Bob Hughes asks how things went with the Planning Board on the issue of sustainability. Tom George states how they are up to LEED Silver. However, they are using NGBS Energy Star 3.0, which has higher standards than LEED Silver. Any building built on campus must meet LEED Silver.

There is discussion on HERS rating, as well as the use of gray water being unfeasible.

A motion to set the appeal hearing for April 9, subject to the availability of the ZBA attorney, is made by Bob Hughes.

2<sup>nd</sup> by Gail Christmann.

All others present in favor. Motion passed.

**OLD BUSINESS:**

None

Motion to adjourn is made by Ed Burke.

2<sup>nd</sup> by Bob Hughes.

All others present in favor,

Meeting adjourned 8:35pm

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