

Town of New Paltz
Zoning Board of Appeals
FINAL Meeting Minutes
October 13, 2015
7:00pm

The meeting was called to order at 7:04 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 September 8, 2015 minutes are presented for approval.

Motion to approve these minutes made by Phil Subey.

2nd by Joe Douso.

All others present in favor. Motion passed.

PUBLIC HEARINGS:

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

Mr. Wanning is not present. Mr. Moriello notes that he still has some outstanding issues with the Planning Board, as well as recreating the easement with the Town.

Motion to keep the public hearing open until November 10, 2015 is made by Pat Schwartz.

2nd by Phil Subey.

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 November 10, 2015 meeting, as the written public comment period for their application before the Planning Board ended at the close of business today.

Motion to keep the public hearing open until November 10, 2015 is made by Leonard Loza.

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 is made by Pat Schwartz.

2nd by Phil Subey.

All others present in favor. Motion passed.

Dr. Brian Kolber is present to comment on the application. He is a neighbor of this parcel. He has concerns, as he does have drainage issues. The applicant's parcel does give run-off to his property. He also has concerns that their existing parking lot in the front was constructed without Planning Board approval, and he wonders if this is why he now has water issues.

Pat Schwartz questions if Mr. Kolber has been to the Planning Board meetings. He has been to the Planning Board meetings. She states that drainage is a Planning Board issue, and not a ZBA issue. He just wants to be sure that after this whole process is over, that the run-off is diverted.

Mr. Schain makes a statement of apology with regards to this parking lot. He states that his contractor had made suggestions about additional parking as well as having handicapped parking close to the door. It has been this way for 20 years, and he assumed that it was done through the proper channels. He states that he too has had drainage issues. He had to have all new drainage put in, as a result of plantings that had grown too large and the effect of their underground root systems.

Sam Dillehey of Alfandre Architecture speaks to the Board as the representative for Mr. Schain. He shows the Board the site plans. He states that through the Planning Board, they did have Willingham Engineering do a SWPP.

Mr. Kolber asks if this site plan has been revised, as it appears to be the same one. Mr. Dillehay states that they are the same plans, but the SWPP is new. They are addressing these concerns.

Stacy Delarede states that she doesn't have the plan that is being shown. These plans have again been revised based on the parking calculations that were noted by the Planning Board. They are only showing the two additional parking spots as well as the paths of traffic.

Leonard Loza states that the ZBA is only concerned with the front parking lot.

Rick Alfandre states that this lot is the driver for this variance request. Since it already exists, it requires less disturbance, and provides better handicapped accessibility, which is why the Planning Board has supported this variance request.

There is continued discussion on this existing lot. Joe Moriello questions the triangle of existing asphalt that is noted on the plans. They are simply formalizing this parking area, and squaring it off. There will be no further encroachment into the front yard set-back.

Ed Burke questions if there is a way to do this plan without the need for a variance. It is noted that the site plan process can't continue without the variance, as then they would need to recreate the proposed site plan and putting all the parking in the rear of the property.

Joe Douso questions the exact relief that they are seeking. They are seeking 22' of relief only.

Stacy Delarede makes a comment on the ADA laws, and the equitable treatment of people with disabilities, when it is mentioned that possibly this lot could be handicapped parking only.

There is a discussion on the referral of this application to the UCPB. This needs to be done by both the ZBA and the Planning Board. Revised plans showing all distances should be used for this referral. These will need to be provided by the applicant before it can be sent to the UCPB.

There is a conversation on moving the parking back 22', and the location of the septic and the reserve septic. Moving the lot back would encroach on the septic reserve area. They also discuss the run-off and the location of the proposed rain garden.

There are some comments on lighting and location. These are pointed out on the site plan.

Chairman Burke feels that it is best to go over the five criteria for the granting of this variance. The ZBA goes over these criteria with Rick Alfandre and Dam Dillehay:

1. Undesirable change – No
2. Is there another way to do this – Not really; not without effecting handicapped accessibility and site disturbance, as well as removal of a large tree and losing the reserve septic site.
3. Substantial – No, it's 22' of relief
4. Adverse impact on environment – No, it is existing, and will only be enhanced.
5. Self created – Yes, 20 years ago it was self-created

Motion to keep the public hearing open until the November 10, 2015 meeting, as well as refer this up to the Ulster County Planning Board, is made by Pat Schwartz.

2nd by Phil Subey.

All others present in favor. Motion passed.

APPLICATION REVIEWS:

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

Bryan McGurn comes before the Board to present his application. He discusses his proposed construction project to expand his entryway. This will be on a slab. The Board reviews the application and the renderings. This is a pre-existing non-conforming lot. The applicant needs relief from the rear yard set-back, because of the location of the house. He can't make the lot more non-conforming, this is why it needs a variance.

There is a discussion on the lot itself, as it is shown on the plan.

Leonard Loza questions the percentage of the lot coverage, and how much more lot coverage is being proposed, as per the density control schedule. Stacy Delarede would need to calculate this. It is a very low number.

Motion to set the public hearing for the November 10, 2015 meeting is made by Phil Subey.

2nd by Joe Douso.

All others present in favor. Motion passed.

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

Mrs. Rhodes comes before the Board to present their application for an area variance to put up a fence that does not meet the height requirements. She states how the fence will be inside of the tree line. She also discusses her need for this fencing, with regards to the safety of her small children. There is heavy traffic, as well as heavy pedestrian traffic with people using this as a cut through to the apartment complex. If the bike lane and rail trail are continued down this way, it will be right up against their property, so they would like to protect their privacy as well.

Their driveway is on Duzine Road, and their address is Duzine Road, so to them they are fencing in their back yard. This is a corner lot.

Stacy Delarede states that since it is parallel to the road, it needs to meet front yard standards, which only allows for a 4' fence. They are seeking a variance for 2' of relief for a 6' fence that is 20' in length. The fence will be a beige PVC.

It is noted that the neighborhood has several 6' high fences.

Motion to set the public hearing for November 10, 2015 is made by Leonard Loza.
2nd by Pat Schwartz.

All others present in favor. Motion passed.

OLD BUSINESS:

None

ADMINISTRATIVE ISSUES:

None

Motion to adjourn made by Phil Subey.

2nd by Pat Schwartz.

All in favor,

Adjourned at 7:56 pm.

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