



Town of New Paltz Zoning Board of Appeals
 Regular Meeting of Wednesday, April 14, 2021
 Live-streamed/Recorded Remotely at 7:00 PM
 Available on YouTube: <https://youtu.be/Ghf-32COvXE>
APPROVED MINUTES

Present: Leonard Loza, Chair
 Steven Esposito
 John Gotto
 Amy Donnelly
 Katherine Fuller

Absent: David Brownstein, Town Board Liaison

Also Present: Joe Moriello, Zoning Board Attorney
 Stacy Delarede, Building Inspector
 Alana Sawchuk, Planning and Zoning Secretary

Welcome

7:05

Chair Loza requests a motion to open the meeting. Ms. Donnelly moves to open the regularly scheduled April 14, 2021 meeting. 5 ayes. Motion carries.

Administrative Business

- *Approval of March 10, 2021 Minutes*

Chair Loza requests two minor changes to the March Minutes. Mr. Gotto moves to approve the March 10, 2021 Minutes as amended. Mr. Esposito seconds. 5 ayes. Motion carries.

- *Quorum Check for Wednesday, May 12, 2021 at 7 PM*

All members will be able to attend the May 12, 2021 meeting.

Public Comment(s)

7:09

Ms. Donnelly moves to open the Public Comment portion of the meeting. 5 ayes. Motion carries.

No general comments were submitted nor was any member of the public in attendance to speak on a general matter.

Mr. Gotto moves to close the Public Comment portion of the meeting. 5 ayes. Motion carries.

Public Hearing(s)

1. Area Variance

ZB21-70: 6 Spies Road

Applicant: James Geiser

Zoning District: A-3

SBL: 78.3-2-22

7:10-7:18

Ms. Fuller moves to open the Public Hearing for ZB21-70, 6 Spies Road, Geiser. 5 ayes. Motion carries.

Mr. Geiser and Mr. Jesse Conklin are in attendance to speak on behalf of the application.

Mr. Gotto seeks clarification on the visibility of the proposed pool.

Mr. Geiser explains how the pool would not be visible to neighbors, including during the wintertime when there's no greenery providing landscaping.

Ms. Delarede speaks to the unusual shape of the lot.

Chair Loza asks about the location of the septic fields.

There were no comments from the public at the meeting nor were any submitted in writing prior.

Ms. Fuller moves to close the Public Hearing for ZB21-70, 6 Spies Road, Geiser. 5 ayes. Motion carries.

The Board proceeds through the Balancing Test for ZB21-70 (7:18-7:20). Chair Loza asks that the applicant respond to the following questions:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Applicant responds, "No."

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Applicant responds, "No."

3. Whether the requested area variance is substantial.

Applicant responds, "No."

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Applicant responds, "No."

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Applicant responds, "No."

Chair Loza seeks comments from the Board regarding the answers provided by the applicant or any other aspect of the application.

There are no further comments from members.

Chair Loza makes a motion to grant the requested variance for 6 Spies Road (ZB21-70). Ms. Donnelly seconds.

Ms. Donnelly: AYE;
Chair Loza: AYE;
Mr. Esposito: AYE;
Mr. Gotto: AYE;
Ms. Fuller: AYE.

5 ayes. Motion carries.

2. Area Variance

ZB21-28: 12 N. Putt Corners Road
Applicant: Trans-Hudson Management, LLC
Zoning District: B-2
SBL: 86.12-4-5.1
7:21-7:32

Chair Loza entertains a motion to continue the Public Hearing for ZB21-28, 12 N. Putt Corners Road, Trans-Hudson Management, LLC. Ms. Fuller moves. 5 ayes. Motion carries.

Chair Loza notes that the applicant had asked for a continuance of their application for this evening as the comments from the UCPB were received earlier today and the applicant requires more time to respond.

Ms. Judy Dorney (8 Pinecrest Road) is in attendance to read a letter from Ms. Susan Blickstein who has written in opposition to the requested variances.

Chair Loza requests a motion for a continuance of the Public Hearing for ZB21-28 given the recent receipt of UCPB comments. Mr. Esposito seconds. 5 ayes. Motion carries.

Application Review

1. Area Variance

ZB21-100: 33 Cragwood Road

Applicant: Edward Olebe

Zoning District: A-3

SBL: 78.1-3-4.200

7:32-7:49

Mr. Jesse Conklin is in attendance to speak on behalf of Mr. Olebe. Mr. Conklin explains that the house is in the center of the property and is surrounded by geographical challenges, including grading and the location of the septic. The applicant is seeking a variance to install the pool at the front of the property; however, they are still over 400 feet away from the road and it would not be visible to neighbors.

Mr. Gotto asks about the large amount of acreage towards the north side of the property.

Mr. Conklin notes severe grade changes, bedrock, and a wooded area. Mr. Conklin invites members to walk the property and see the topographic challenges.

Ms. Donnelly asks about scheduling a site visit.

Mr. Moriello explains that if the Board visits as a group or as a quorum (3 members), the concern is always to make sure that there is no violation of the OML (Open Meetings Law). There will be no violation if the members are together for the purposes of acquiring information only. No discussion can be had regarding the application or its merits. There can be no discussion between members or with the applicant. General/fact-based questions are allowable (i.e., Who placed the flags).

The Board schedules a site visit for Tuesday, April 20, 2021 at 4 PM.

Mr. Moriello asks if there's any way to better distinguish the contour lines on the submitted map. Ms. Fuller asks that the map include more of the northern part of the property. Mr. Gotto and Chair Loza agree.

Chair Loza requests a motion to set the Public Hearing for May 12, 2021 at 7 PM. Mr. Gotto moves. 5 ayes. Motion carries.

Ms. Donnelly confirms that the flags for the proposed pool will be visible.

3. Area Variance

ZB21-119: 19 Outlook Farm Drive

Applicant: Kris Schmitt

Zoning District: A-1.5

SBL: 86.3-3-2

7:49-8:08

Mr. Kris Schmitt is in attendance to speak on behalf of the property owner. The applicant is seeking a variance because the proposed pool can only be located within the side yard due to the location of septic fields and wetlands/wetland buffers.

Ms. Delarede mentions that the referenced accessory apartment is an illegal one if it is indeed a dwelling. The Building Inspector asks Mr. Moriello if the Zoning Board can move forward with the variance request if there is a violation on the property. Ms. Delarede clarifies that the septic field was approved when the garage was built, but there was no approval granted for an accessory apartment. Mr. Moriello does not find that this would prevent the Zoning Board from proceeding with their review, but that it is a matter for the Building Inspector's office as an enforcement issue.

Ms. Donnelly speaks to the memo submitted by the Building Inspector regarding both septic systems and the location of the wetlands/wetland buffers. Ms. Donnelly also asks about how the pool will built.

Ms. Schmitt indicates that the wetland buffer is denoted on the site plan. The applicant intends to drive through the front yard so as not to disturb the septic.

Chair Loza speaks further regarding the identification of the wetlands/wetland buffers.

Mr. Schmitt believes that they are actual wetlands as identified by the DEC but will seek confirmation from them.

Ms. Delarede explains that it's important for the Board to know exactly where the wetlands are located so that the Board knows how much space the applicant is working with.

The Board intends to make a site visit on April 20, 2021 after their visit to Cragwood Road at 4 PM.

Chair Loza will recommend a Public Hearing for the May 2021 meeting.

Ms. Delarede speaks to the submitted split-rail fence diagram and expresses the possibility of a second variance being needed for fence height. Mr. Schmitt explains that it's an error; it's a 4-foot fence, not 6-foot.

Ms. Donnelly moves to set the Public Hearing for May 12, 2021 at 7 PM. 5 ayes. Motion carries.

Admin. Business (Cont.)

- *ZB19-280, 139 State Route 208, Ruotolo*

Mr. Moriello informs the Board that an Article 78 petition has been filed by Mr. Ruotolo after his request for a SUP was denied. Mr. Moriello asks that the Board provide a resolution allowing him to represent the Zoning Board in this matter. Ms. Donnelly moves to grant Mr. Moriello's

Resolution and to approve any overtime required by the Zoning Board Secretary in pursuit of this matter. 5 ayes. Motion carries.

Adjournment

Mr. Gotto moves to close the April 14, 2021 meeting. 5 ayes. Motion carries. The meeting adjourns at 8:15 PM.

Respectfully submitted by,

Alana Sawchuk
Planning and Zoning Secretary