



Town of New Paltz Zoning Board of Appeals  
 Regular Meeting of Wednesday, February 10, 2021  
 Live-streamed/Recorded Remotely at 7:00 PM  
 Available on YouTube: [https://youtu.be/Dcc\\_ZiO0hXU](https://youtu.be/Dcc_ZiO0hXU)  
**APPROVED MINUTES**

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

Absent:

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

***Welcome***

7:07

Mr. Gotto moves to open the regularly scheduled February 10, 2021 meeting of the Zoning Board of Appeals. Chair Loza seconds. 5 ayes. Motion carries.

***Administrative Business***

- *Approval of January 13, 2021 Minutes*

Ms. Donnelly moves to approve the January 13, 2021 Minutes as written. Mr. Gotto seconds. 5 ayes. Motion carries.

- *Quorum Check for Wednesday, March 10, 2021 at 7 PM*

All members intend to be present for the March 10, 2021 meeting.

***Public Comment(s)***

7:09-7:25

Ms. Donnelly moves to open the Public Comment period for the February 10, 2021 meeting. Mr. Gotto seconds. 5 ayes. Motion carries.

Ms. Susan Stessin is in attendance to read a letter submitted by Ms. Susan Blickstein regarding the Trans-Hudson application that was submitted before the Zoning Board for review. However, Attorney Moriello notes that this is not technically the Public Hearing for this project, which will

likely take place at the March meeting. Speaking on applications during their scheduled Public Hearing is a more official way of having that comment heard and included as part of the project record.

Mr. Daniel Schniedewind speaks regarding the Trans-Hudson application and questions whether the applicant needs to be requesting a Use Variance as opposed to an Area Variance.

Ms. Janelle Peotter, a resident of the Town of New Paltz and Climate Smart representative is in attendance to speak on the Trans-Hudson application, but reconsiders given Attorney Moriello's comments regarding the upcoming Public Hearing.

Attorney Moriello further clarifies the differences between "Public Comment" and a "Public Hearing."

Ms. Kitty Brown responds to Attorney Moriello's comments and mentions what she believes to be an error regarding the Trans-Hudson submission.

Ms. Donnelly addresses members of the public speaking on Trans-Hudson and asks that members be permitted to fully read and review comments on projects prior to their Public Hearings.

Ms. Donnelly moves to close the Public Comment period for February 10, 2021. 5 ayes. Motion carries.

### ***Public Hearing(s)***

#### ***1. Special Use Permit***

ZB19-280: 139 State Route 208

Applicant: Angelo Ruotolo

Zoning District: R-1

SBL: 86.4-1-34

7:26-7:48

Chair Loza confirms with the Planning and Zoning Secretary that the applicant has not provided the materials needed to open and close the Public Hearing.

Mr. Ruotolo argues that there is legal precedent which would, (1) not require him to have a Public Hearing on this application, and (2) disallow certain members from being qualified to vote on his application given when they were appointed to sit on the Board.

Attorney Moriello does not agree with Mr. Ruotolo's assessment and advises the Board on how to proceed given the lack of the Public Hearing and the applicant's preceding argument. Mr. Moriello asks if the applicant intends to comply with the Public Hearing requirement.

Mr. Ruotolo replies that he does not intend on complying with the Public Hearing requirement.

Attorney Moriello reiterates his previous advice to the Board, which is that the Zoning Board of Appeals and the Planning Board are not the deliberative bodies responsible for providing the applicant with the relief he seeks.

The Building Inspector clarifies that she has explained to the applicant that this was not the proper application for this project. Ms. Delarede had explained that this application should be for a Use Variance, to which the applicant had replied that the Building Inspector was not qualified to make that determination. The Building Inspector confirms that he did submit an application for a Use Variance but that they were withdrawn.

Mr. Ruotolo refers to a letter he had received from the Building Inspector noting the existence of pre-existing non-conforming multi-family residences in the R-1 district.

Chair Loza reminds the applicant that the purpose tonight is to determine whether there will be a Public Hearing and the applicant has not, nor does he intend, to have one held. Based on the advice of Mr. Moriello, there is no reason to have any further discussion of this application.

Attorney Moriello advises that the Public Hearing remain open, and that the Board allow the Attorney to draft a decision based on the evidence before them.

Chair Loza moves to continue the Public Hearing for ZB19-280. Mr. Gotto seconds. Mr. Esposito recuses himself from matters pertaining to this application. 4 ayes. Motion carries.

Ms. Donnelly seconds Chair Loza's motion to allow Mr. Moriello to draft a decision for this application in advance of the March 10, 2021 meeting.

## *2. Area Variance*

ZB20-376: 6 Oak Street

Applicant: Mike Stepanovich

Zoning District: A-1

SBL: 86.13-3-16

7:48-7:55

Chair Loza moves to open the Public Hearing for ZB20-376. Ms. Fuller seconds. 5 ayes. Motion carries.

Mr. Stepanovich gives a brief summary of his application. The applicant's home is located at the end of a cul-de-sac with little in the way of immediate neighbors. The applicant is looking to put a sunroom off the back of the house, which would not be visible from the front of the street. It was recommended that the applicant request a 6'10" variance (which is more than they need) in the event of any construction-related errors.

Mr. Gotto asks if the applicant had considered any alternative designs that wouldn't require a variance.

The applicant did make an attempt at pursuing other options, but none were sufficient.

Mr. Gotto asks about the neighboring woods and if there are any residences within them.

Mr. Stepanovich explains that no, there are no residences in those wooded areas.

No one from the public is in attendance to speak on this application, nor were any written comments submitted prior to the meeting.

Ms. Donnelly moves to close the Public Hearing for ZB20-376. 5 ayes. Motion carries.

### ***Application Review***

#### ***1. Area Variance***

ZB20-376: 6 Oak Street

Applicant: Mike Stepanovich

Zoning District: A-1

SBL: 86.13-3-16

7:55-7:58

With no further comments from Board members, Chair Loza proceeds through the Balancing Test for granting an Area Variance.

#### **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, "Yes."

Mr. Moriello remarks that if the Board moves to approve the variance request, that this motion should mention that the variance is being granted on the condition of conformity with the plans that were submitted to the Zoning Board of Appeals by Opera Studio Architecture dated December 7, 2020, in order to ensure that no changes are made to the construction of the sunroom.

Mr. Esposito moves to approve the Area Variance request for ZB20-376, 6 Oak Street, Stepanovich on the basis of a submitted Site Plan dated December 7, 2020 by Opera Studio Architecture. Mr. Gotto seconds.

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

5 ayes. Motion carries.

*~~2. Special Use Permit~~*

~~ZB19-280: 139 State Route 208~~

~~Applicant: Angelo Ruotolo~~

~~Zoning District: R-1~~

~~SBL: 86.4-1-34~~

~~0:00-0:00~~

*3. Area Variance*

ZB21-24: 290 Old Kingston Road

Applicant: Keith Libolt

Zoning District: R-1

SBL: 78.15-1-22

7:59-8:15

Mr. Libolt is in attendance to speak on his application. Mr. Libolt explains that he had made a mistake and put a shed on his property prior to receiving the appropriate permit. This was brought to his attention when he and his neighbor resolved a lot line matter and adjusted a shared boundary. Even with the lot line adjustment, the shed is not compliant with the setback requirements. Ms. Patti Brooks is also in attendance to represent the applicant. Ms. Brooks further explains that because of topographic conditions, the shed cannot meet the 50' rear yard setback requirement. The applicant's first choice was to leave the shed where it is, however, it is the priority of a Zoning Board of Appeals to grant the smallest variance requests possible, which is why the applicant is willing to move the shed to a different location.

The Building Inspector requests clarification on the Planning Board resolution for the lot line revision. Ms. Brooks refers to the language that was approved by Planning Board attorneys on the approved plan and will forward the Building Inspector her e-mail exchange with attorneys regarding this.

This application will have to be referred to the Ulster County Planning Board due to its distance to Rt. 32.

The building permit application for this shed was submitted by the applicant for 25 ft., but Ms. Brooks recommended a 20 ft. rear yard setback. The Building Inspector recommends that the more conforming the variance request the better. The building permit application will be revised to match the Zoning Board application (20 ft. as opposed to 25 ft.).

Ms. Donnelly moves to set the Public Hearing for ZB21-24 to be held on March 10, 2021 at 7 PM. Mr. Esposito seconds. 5 ayes. Motion carries.

*4. Area Variance*

ZB21-28: 12 N. Putt Corners Road  
 Applicant: Trans-Hudson Management, LLC  
 Zoning District: B-2  
 SBL: 86.12-4-5.1  
 8:15-8:45

Attorney Kathy Zalantis is in attendance to speak on behalf of the applicant (Mr. Ary Freilich). Ms. Zalantis explains that the applicant is seeking 3 variances (per a letter submitted by the applicant):

- From § 140.22.2(C)(7)(a), which provides as an “Area and Bulk Regulation”: “(7) Building height. (a) Stories: A minimum of two occupiable stories are required for principal buildings. . . .”□
  - From §§ 140.22.2(D)(3)(a) and 140.22.2(D)(3)(c), which provides the following “Design Standards” (under “Architecture”): “(a) Buildings shall have at least two occupiable stories.  
 \* \* \* \* \*
- (c) . . . . Drive-through windows for food and beverage service uses are prohibited.”

Ms. Zalantis further explains that the applicant is seeking to do a less dense development than what was initially proposed in 2013. Regardless of the intent of the newly created Gateway District, the standard applied to the Zoning Board of Appeals is the same.

Ms. Zalantis provides a timeline of the Trans-Hudson application, which was initially submitted to the Planning Board in 2013. After a Negative Declaration was made by the Planning Board and the project was in the final stages of Site Plan review, the Town established the Gateway District which had new requirements. The applicant submitted a new plan that would generally meet these new requirements. Ms. Zalantis notes that this project would extend the Empire State Trail throughout the entire property; include 19 municipal spaces, and a municipal restroom. It would be a mixed-use layout, which would be more consistent with the Gateway re-zoning.

Ms. Zalantis addresses some written comments from the public that have been submitted regarding this application.

Attorney Moriello asks Attorney Zalantis about the specific cases she has cited in her argument.

Mr. Gotto asks if the applicant has had a Site Plan application for the concept plan reviewed by the Planning Board and referred to the Zoning Board of Appeals. Ms. Zalantis reiterates that there had been a Site Plan application, but due to the re-zoning it had to be revised. Under this re-zoning, the applicant had the options of either seeking waivers or seeking variances. They had sought the waivers from the Planning Board which were granted; they were not granted by the Town Board, which is why they have made a submission to the Zoning Board of Appeals.

Mr. Gotto expresses some uncertainty regarding whether requesting relief from the second story requirement under the Design Standards qualifies as an Area Variance.

Attorney Moriello cites a previous Area Variance that was requested for the height of a hotel in New Paltz.

Mr. Freilich is in attendance but will wait to speak at the Public Hearing.

Ms. Donnelly moves to set the Public Hearing for ZB21-28 to be held on March 10, 2021 at 7 PM. Mr. Esposito seconds. 5 ayes. Motion carries.

This application will have to be forwarded to the Ulster County Planning Board.

***Adjournment***

Ms. Fuller moves to close the February 10, 2021 meeting. 5 ayes. The meeting adjourns at 8:50 PM.

Respectfully submitted by,

Alana Sawchuk  
Planning and Zoning Secretary