



Town of New Paltz Zoning Board of Appeals
Regular Meeting of Wednesday, October 13, 2021
Live-streamed/Recorded Remotely at 7:00 PM

Available on YouTube: <https://www.youtube.com/watch?v=PyznvcqToXI>

APPROVED MINUTES

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

Absent:

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

Welcome

7:04

Chair Loza requests a motion to open the regularly scheduled October 13, 2021 meeting of the Zoning Board of Appeals. Ms. Donnelly moves to open, Ms. Fuller seconds. 5 ayes. Chair Loza confirms that all members are in attendance, as well as the Building Inspector and Zoning Board Attorney.

Administrative Business

- *Approval of June 9, 2021 Minutes*

Mr. Gotto moves to approve the June 9, 2021 meeting Minutes as amended. Ms. Fuller seconds. 5 ayes. Motion carries.

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

Chair Loza confirms that all members will be able to attend the November 10, 2021 meeting.

Public Comment(s)

7:08

Chair Loza notes that the Public Hearing period pertaining to ZB20-50, 60 Jansen Road, Homeland Towers, has been closed.

No one from the public was in attendance to speak nor was anything submitted in writing prior to the meeting.

Application Review

1. Use Variance

ZB20-50: 60 Jansen Road

Applicant: Homeland Towers

Zoning District: R-1

SBL: 86.4-2-16

7:08-8:42

Chair Loza confirms that Board members have reviewed the Findings Statement that was written and approved by the Planning Board.

Chair Loza requests advice from Attorney Moriello on next steps regarding the Findings Statement. The Board has the option of accepting the Findings Statement as approved by the Planning Board or revising with their own comments.

The Board may adopt all the findings other than those that the Planning Board had delegated to the Zoning Board of Appeals (“B. Potential Impacts on Consistency with Community Plans and Mitigation Measures”).

Chair Loza notes that the Public Hearing for this application was closed on July 22, 2020. Additional time was allocated for any written comments until August 6, 2020. 27 people had spoken against the project and 2 had spoken in favor, one of which was the property owner who expressed a financial need.

Chair Loza requests comments from Board members regarding the Findings Statement approved by the Planning Board.

Mr. Gotto does not disagree with the majority of what the Planning Board has concluded, with one exception on page 5 of the document: “There are optional locations on the Property that would allow the Facility to be sited in a location that would avoid the wetland buffer and avoid any tree clearing. The project sponsor states that the property owner has declined to consider optional locations on the property.

Therefore the Planning Board finds that, with the conditions and mitigation measures described above, the Proposed Action’s potential significant adverse impacts on plants and animals have been mitigated or minimized to the maximum extent practicable.”

Mr. Gotto does not find this to be a logical conclusion.

Mr. Gaudioso speaks on behalf of the applicants, Homeland Towers and Verizon Wireless. The facility is not located within any of the wetlands, and only part of it is in the buffer (which is in the access drive). The applicants did offer an alternative that would be out of the buffer, but it would require more tree removal. The applicant has no ability to lease another portion of the property as the property owner would not allow it. Mr. Gaudioso reviews the environmental mitigation measures that they've since proposed to the Planning Board.

Ms. Donnelly seeks clarity regarding the relevancy of the environmental mitigation measures to the Zoning Board of Appeals.

Attorney Moriello clarifies that the property owner did not arbitrarily decide that he did not want the tower elsewhere. Mr. Gaudioso has expanded upon other reasons as to why there were no other feasible options for the location of the tower.

Attorney Moriello responds to Ms. Donnelly by explaining what the role of the Zoning Board is in this case. The standards on the review for this application are different than those typically employed for use and area variances due to it being a public utility.

The applicant maintains that they have done considerable studies reviewing alternate sites and now feel that they are unable to meet their requirements for service in any of those other locations. It's for this reason that they have sought this alternative.

Mr. Gaudioso reviews the steps that the applicant has taken in determining this location over others.

Ms. Donnelly asks about the site's location in relation to the Town of Gardiner and the Town of Plattekill. Can the service be provided from either of these municipalities?

Mr. Gaudioso explains that their engineer determined that the existing facilities in those towns are being overloaded.

The Board/applicant discusses letters that were mailed to nearby properties which explained why the chosen property was the most appropriate for the tower.

Mr. Xavier gives a brief presentation of the project and how it pertains to the use variance request.

The Secretary will request that Mr. Mike Musso (ZBA consultant) keep the November 10, 2021 meeting available.

Mr. Gotto moves to adopt the Planning Board's Findings Statement (dated September 13, 2021) with a minor revision on page 5 ("Therefore the Planning Board finds that, **within the constraints imposed by the non-availability of a lease on alternative sites on the property with the conditions and mitigation measures described above**, the Proposed Action's potential significant adverse impacts on plants and animals have been mitigated or minimized to the maximum extent practicable."). Chair Loza seconds. 5 ayes. Motion carries.

Adjournment

Chair Loza requests a motion to adjourn the October 13, 2021 meeting. Ms. Donnelly moves, Mr. Gotto seconds. 5 ayes. The meeting adjourns at 8:42 PM.

Respectfully submitted by,

Alana Sawchuk
Planning and Zoning Secretary