

Town of New Paltz
Zoning Board of Appeals
Final Meeting Minutes
December 11, 2018

Chair Loza welcomed everyone to December 11th Zoning Board of Appeals meeting held in the Community Center in New Paltz, NY at 7:00pm.

Roll Call: Joe Douso – present, Steve Esposito – present, Kelly O'Donnell – present, Caroline Paulson – present and Leonard Loza – present. Others Present: Building Inspector Stacy Delarede, Attorney Joe Moriello

Review and Approval of Minutes

The minutes from the November 13, 2018 are presented by Chair Loza, who asked for a motion to approve the minutes.

Motion 1 by Caroline Paulson. Motion 2 by Kelly O'Donnell. All present in favor. Minutes approved.

Chair Loza asked if anyone was there for public comments. No public comments.

Public Hearing – Andrew Stone, 1 Canaan Road - Area Variance

Chair Loza stated he'd motion to open the public hearing for ZBA 18-259, Andrew Stone of 1 Canaan Road-Area Variance.

Motion 1 by Caroline Paulson. Motion 2 by Kelly O'Donnell. All present in favor. Motion carried.

Mark Masseo approached the Board members. Mr. Masseo stated he was the contractor for Andrew and Mary Stone, and he was there for an area variance for a 6 foot fence on the side (of the home) located west of Canaan Road. Mr. Masseo stated the fence would be a solid wood fence, with provisions being made to realign the wire fence as well. Mr. Masseo stated that there were 4 dead trees that would have to come down. Stacy Delarede commented that Mr. Masseo should verify with her about the dead trees before cutting them down.

Chair Loza asked if anyone had any comments (for the public hearing). No comments. Chair Loza asked for a motion to close the public hearing.

Motion 1 by Kelly O'Donnell to close the public hearing. Motion 2 by Caroline Paulson. All present in favor. Motion carried.

Chair Loza stated next that there are 5 questions for area variances (on the application) that must be answered (which Chair Loza read):

- a) **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. NO**
- b) **Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance. NO**
- c) **Whether the requested area variance is substantial. NO**
- d) **Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. NO**
- e) **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. NO**

Chair Loza asked if there were any further questions from the Board.

Motion 1 by Kelly O'Donnell to approve ZBA 18-259.

Motion 2 by Caroline Paulson. All present in favor. Variance approved.

McDonald's Renovation – Main Street – Area Variances

Chair Loza stated the next items on the agenda are the variance applications for McDonald's Renovation.

Motion 1 by Kelly O'Donnell to amend original application ZBA 18-260 with the changes made and submitted on November 30th.

Motion 2 by Caroline Paulson. All present in favor. Motion carried, application amended.

Chair Loza asked the Board if they had all received the letter from the Planning Board with its recommendation for double striping (for the parking layout lines). After referring to the letter from the Town of New Paltz Planning Board, Chair Loza proceeded with the application reviews (following the agenda listing):

ZBA 18-260

Alan Roscoe, from Corp State Groups, in Watertown, Massachusetts, who is representing the McDonald's Corporation on the renovation project on Main Street stated he had a very productive meeting with Stacy and as well with the Planning Board. Mr. Roscoe also stated he had received the County Planning Board's comments. Mr. Roscoe stated he is working on the crossing access investigation that the County had commented on as well as the left hand turn out of the site. Mr. Roscoe noted he had also received the memo from the (Town) Planning Board that they would prefer the double striping, but would have a reduction in three parking spaces or lose the bus parking, but they will comply with whatever the Board requests. Joe Douso stated to clarify that it is required to have 38 parking spaces, and right now you (the applicant) can only get 35 spaces, so without the easement you won't comply. Joe Douso asked if there was any way that with the diner next door to work the easement into the diner parking, and have a walk across?

Stacy Delarede stated that the purpose for the cross easement is for more vehicle path, adding that after she looked at the site plan for the New Paltz Plaza when Stop N Shop was built, and there are provisions for chamber properties behind it and going West there is provisions for a cross easement. Stacy stated that the Planning Board has to look at this, they've been notified of this, as this is a Planning Board matter. After further discussion, Attorney Moriello stated that the Planning Board would like to see the double striping, but would lose potential parking spaces. Mr. Roscoe stated that they would lose a few spaces and if he asks for the maximum of 35 with double striping and minimum of 32, he believes they would eventually end up with enough spaces. After further discussion, Stacy Delarede reminded the Board that the cross easement is a matter for the Planning Board. Chair Loza stated that this request was for relief from the code for double striping. Attorney Moriello stated that as this (applicant) winds through the Planning Board site plan process, that it should become clearer to this Board to make a decision as they will know what the parameters are.

ZBA 18-285

Chair Loza stated it was for the outdoor display menu board at the rear of the building, commonly known as the menu display board. Stacy Delarede stated it was no different (from the existing board). Mr. Roscoe stated that the board will be reduced in size, rear facing, and illuminated.

ZBA 18-286

Chair Loza stated it was for the arch logo on the east side of the building. Chair Loza read Section A on the application, adding that there are two variances in this application, and if one variance fails, both variances fail. Discussion followed on illumination standard, and if the M logo would remain orange/yellow in color, and if the exterior renovations would fit into the scheme of the Town. Caroline Paulson noted that the Board wants to be fair to Town's independent shop owners and not to show preference to the franchise. Mr. Roscoe stated that the restaurants in the area have more muted colors and lighting. Stacy Delarede read the Town Code for illumination for signs to the Board. Mr. Roscoe stated that the new signs are low-light.

ZBA 18-288

Chair Loza asked Mr. Roscoe to explain after reading Section A on the application. Mr. Roscoe explained that the clearance bar is in the drive-thru lane.

ZBA 18-289

Mr. Roscoe explained this is the pre-sell board sign, same size as existing sign, other than the type is changing, a preview of specials, and separate from the other display board.

ZBA 18-290

Mr. Roscoe stated that it a PLAYSPACE sign on the building (exterior), illuminated with LED lighting. After discussion, Chair Loza stated before a decision can be made on this application, the Board would need to know the tinting of the windows. Mr. Roscoe stated the Planning Board had requested a tint on the windows.

ZBA 18-291

Mr. Roscoe stated this is for an Arch sign on the front façade of the building.

ZBA 18-292

Mr. Roscoe stated this sign with McDonalds wording on the approach of the building from west to east.

Chair Loza commented that concludes the discussion on the requests for the variances. Chair Loza stated next would be the public hearings for the public to appear or write in for or against the variances.

Attorney Moriello stated the preference is to set the public hearing for all (the variance requests).

Motion 1 by Caroline Paulson for McDonald's public hearings be set for January 8, 2019.

Motion 2 by Kelly O'Donnell. All present in favor. Approved.

Mr. Roscoe was thanked by the Board.

Administrative Issues

Attorney Moriello commented on the Notice document to let the Town Planning Board know about the public hearings.

Quorum Check for **January 8** – Joe Douso stated he wasn't attending. Attorney Moriello wasn't sure as well. Stacy as well wasn't sure she'd attend. All others stated they should be in attendance.

Chair Loza commented on the 2019 ZBA meeting dates schedule.

Chair Loza also mentioned as the last item is the request from the Town Clerk for each member to submit the Financial Disclosure statement for 2019 (which will be emailed to each member from the Ethics Committee) and to be returned to the Town Clerk when completed.

Motion 1 by Joe Douso to adjourn the meeting. Motion 2 by Caroline Paulson. Meeting adjourned at 8:44 pm.

These minutes respectfully submitted by Pat Atkins, Secretary