

Town of New Paltz
Zoning Board of Appeals
Final Amended Meeting Minutes
September 12, 2017

Chair Loza motioned to open the September 12, 2017 Zoning Board of Appeals meeting (at 7:02 pm). Motion 2 by Caroline Paulson. All present in favor.

The meeting was held in the Town Hall Conference Room.

Roll call: Steve Esposito –present, Joe Douso – present, Caroline Paulson – present, Kelly O'Donnell – present, Leonard Loza – present

Others Present: Stacy Delarede, Building Inspector and Attorney Joe Moriello

Review and Approval of Minutes

The minutes from the August 8, 2017 are presented.

Chair Loza asked for a motion to approve the amended minutes. Motion 1 by Caroline Paulson to accept the minutes. Motion 2 by Kelly O'Donnell. All present in favor. Minutes Approved.

Public Hearing

None

Public Comments

None

APPLICATION REVIEW:

ZBA-2017-07 Prohaska Area Variance (Fence)

Applicant Diane Prohaska discussed her request for a fence on her property, stating that her property has no depth, and wanted to utilize as much as space as she could for her dogs. The fence she proposed is a privacy fence in the front and a chain link on the side and back. Caroline Paulson asked why her proposed fence on her map shows it going into the area "proposed access to Town". Diane Prohaska stated that area back there is rocky and no way to access the area and wanted to get as much space as she can for her dogs. Joe Moriello asked her if the drawing was from the Subdivision map. Diane Prohaska agreed. Caroline Paulson stated if there's an easement there, she shouldn't be fencing it off. Joe Moriello added the Town's entitled to get back there. Diane Prohaska suggested putting a gate there for the Town. Chair Loza commented that trees and boulders can be removed but if a fence is there, it makes it more difficult, adding the access must be open and cannot block that particular access.

Joe Moriello stated that the original sub-division has deed restrictions, and read from the DEED RESTRICTIONS ON THE LENT SUB-DIVISION L. **The Town of New Paltz or their representative has access to maintain drainage ditches and plantings. Building or obstruction of these drainage ditches is not permitted and when requested the homeowner must remove any impediment within 24 hours so the drainage ditch can be properly maintained.** Joe Moriello also read I. **Any fence built upon any portion of the lot or on any boundary of a lot of wooden**

or metal composition shall be at least fifty back from the front of the lot and not have a height of more than five feet. Woven plastic fencing may be greater in height and placed anywhere on the lot to protect shrubbery, gardens, etc.

Joe Moriello advised Diane Prohaska to consult her attorney.

Chair Loza stated that the height can be no more than 5 feet. Diane Prohaska stated she'd like to make the front PVC fence higher to keep her dogs in and others from jumping over it into her yard. Chair Loza asked if neighbors were notified of the fence she was applying for and Diane Prohaska stated just a couple in passing since she was new to the neighborhood.

Chair Loza stated next step is the public hearing. Caroline Paulson stated it will change how the neighborhood looks. Stacy Delarede asked Diane Prohaska if she thought she'd want to amend her request for the fence at this time because she (Diane) couldn't come back before the board again. Joe Moriello added that now is the time to do it. Diane Prohaska agreed and stated she is officially amending her application that the fence to be installed will not be within the proposed access to the Town. Discussion on the height of the proposed fence and where gates would be followed. Joe Moriello stated it would be helpful if a better diagram of exactly where the fence would be placed was given to them. Stacy Delarede stated that the new proposal (for fencing) to the side and the back of the house does not need a variance but the frontage on the road, the sideyard, has to meet front yard standards so that would need a variance. Joe Moriello added that the application questions would need to be answered, if the area variance is substantial which is c. on the application. Diane Prohaska added she also may be adding a shed to the property, and Joe Moriello suggested she may want to show the actual dimensions of where she'd place the shed on the updated diagram.

Joe Moriello asked how many dogs there were. Diane Prohaska stated she had two adult dogs, and a baby, adding they are show dogs and are not neutered or spayed. She added they are bird dogs, very active, bred to hunt and like to run. Diane also added she breeds her show dogs and is very selective where the puppies go. Joe Moriello asked what her reasoning was for this breed and a 6 foot fence. Diane Prohaska explained she is always fearful of deer jumping into her yard, and a solid fence is helpful. Diane Prohaska also added they are sporting dogs, jumping out, when in heat, fearful of neighbors' dogs, and to keep other dogs out of the property. Joe Moriello added there is a Zoning Law for kennels for 4 or more dogs, and more than 4 months of age. Stacy Delarede stated a kennel is not permitted in R1 district. Diane Prohaska commented it is not a kennel, **adding that she doesn't breed to sell, she breeds when she wants a puppy.** Stacy Delarede read the Town's Code for a Kennel as **Any place at which there are kept four or more dogs more than four months of age or any number of dogs that are kept for the primary purpose of sale or for the boarding, care or breeding of which a fee is charged or paid.** **Stacy Delarede added that's the definition until its changed kennel includes bred for sale.** After a short discussion, Stacy Delarede commented she needs in writing why this isn't a primary purpose so Stacy can make a determination if it's permitted.

Joe Moriello summarized and advised Diane Prohaska to read the deed restrictions on the Schedule -1. Stacy Delarede also advised Diane Prohaska to come into her office to discuss further.

Chair Loza asked for a motion for a public hearing for Diane Prohaska be set for the October 10 meeting. Motion 1 by Caroline Paulson, Motion 2 by Kelly O'Donnell. All in favor. Motion approved.

Chair Loza mentioned the Thursday, September 14 meeting in Marlborough and Pat agreed to send a note on time, date and place to ZBA members. Chair Loza also mentioned the September 25 training offered by the Planning Board, and asked Pat to find out if the education meeting is open to the public. Chair Loza asked for a quorum check for October 10 meeting; 3 and himself will be there, and Pat to check if Joe Duoso will be attending.

**Chair Loza asked for motion to adjourn the meeting.
Motion 1 made by Caroline Paulson. Motion 2 by Kelly O'Donnell. All present in favor.
Meeting adjourned at 7:47pm.**

These minutes respectfully submitted by Pat Atkins, Secretary