

Town of New Paltz
Zoning Board of Appeals
Final Meeting Minutes
August 14, 2018

Chair Loza called the meeting to order at 7:00 pm. Chair Loza asked for a motion to open the meeting.

Motion 1 by Caroline Paulson to open the meeting. Motion 2 by Joe Douso. All present in favor. Motion carried.

Chair Loza stated he will now turn the meeting over to Caroline since the Deputy Chair is absent tonight and he will be present until the second application of the evening is before them and he will then recuse himself.

Caroline Paulson started with the approval of the minutes from the last meeting.

Review and Approval of Minutes

The minutes from the May 8, 2018 are presented. Caroline Paulson accepted the minutes, and asked for a motion to accept the minutes.

Motion 1 by Joe Douso. Motion 2 by Leonard Loza. All present in favor. Motion carried. Minutes Accepted.

Caroline Paulson asked if anyone present had a desire to make public comments on anything other than business on the agenda. No public comments.

Roll call: Steve Esposito – present, Joe Douso – present, Caroline Paulson – present, Leonard Loza – present

Others Present: Attorney Joe Moriello, Secretary Pat Atkins

Excused: Stacy Delarede, Building Inspector and ZBA member Kelly O'Donnell

Application Review

ZBA 18-164 Apex Solar Power – Area Variance

Ron Nelson from Apex Solar Power approached the Board. Caroline Paulson asked him to explain the request to the Board members. Ron Nelson began to explain that they wanted to stay 50 feet away from Rt. 208 and apologized that the map they were given shows 47 feet. Caroline Paulson asked if he could please introduce himself for the record and video. Ron Nelson stated he was with Apex Solar Power. He commented that they were installing a ground mount and to avoid a double variance they moved the line to 50 feet from Rt. 208. He mentioned he had updated the plan, and apologized when Members did not have new copies of the updates. Leonard Loza noted that the setback (the map provided in the application was marked at 47.2) was now 50 feet. Caroline Paulson asked if there were any other changes to the application. Joe Douso asked if he could see the new drawing. ZBA members looked at the new drawing provided by Ron Nelson, and verified it was a similar map with that only change to 50 feet. Caroline verified that 3 feet revision is the only change on the map. Caroline asked Ron Nelson the reasons for this application since it doesn't comply with the Town Code.

Ron Nelson stated that it is the only place on the site to place a ground mounted PV system because of the wooded area behind the house, and added that the home had electric heat and wanted to help conserve the fossil fuel. Joe Douso stated he didn't want to hear about the history and saving of fossil fuel, but wanted to know about the real issues of the distance and where it's supposed to be placed. Caroline agreed and stated they need to know about the placement and about the need for the variance since it doesn't comply with the building codes. Joe Douso asked about the second variance, and the closeness to the home and what the distance should be. Leonard Loza mentioned the Building Inspector's memo. Joe Moriello commented that the front yard setback for any structure is 50 feet for the front yard, and the memo states it does not meet the requirement. The amendment seeks to push it back further than 50 feet from the road, and the other issue is having an accessory structure within the front yard. Leonard Loza read the last page of the code, stating the question is what is the distance from the array to the house since it's not on the plan. Red rectangle to the building structure what is it? Joe Douso stated on second page of the plan it states 50 feet for the AC trench. Leonard Loza asked what is the land like? Ron Nelson stated it slopes down from NY 208 and is very wooded behind the home. Joe Douso stated

to get this correct in his mind, Rt. 208 is your front yard and so this monstrosity is going in the front yard, to which Caroline added the side yard too. Leonard Loza asked what is the length and width of the structure. It seems bigger than the house. Leonard Loza stated if you could revise the drawing put the length of the width of the house, and the length and width of the panels adding if you could put a number there on page 2 of the actual length to the house since you have approximately 50 feet. We'll all go out to the site to visit, and if you stand and take some photos, and the land slopes down and is surrounded by trees, the better answer you'll have for the public hearing, the better answer you have the better it will be. Joe Douso commented on the size of the thing, and mentioned the second variance. Joe Moriello summarized that the application is amended by the edge of the panel being more than 50 feet from the road, is withdrawn, and the application remains for the structure to be placed in the front yard as opposed to the rear yard which is the only allowable place in the ordinance. Leonard Loza asked if the ZBA would need a written submission from the applicant to withdraw that. Joe Moriello stated it would be good for the record that its being withdrawn based on new diagrams that is sufficient enough tonight for setting the public hearing. Leonard Loza asked if the town has adopted a solar code yet. Pat verified it is not done. Since there's a lot of woods there, Joe Douso asked why not put on the roof?

Owner Renato Margariti stated he just bought the home, and the roof is old but may have to do the roof in 2-3 years but if they put on the panels, they'd have to come back to remove them, then place them back on after new roof is installed. It would cost him too much money. Mr. Margariti stated he has electric heat and is looking for some help with energy costs with the solar panels after looking at the bills of the previous owner with electric heat and appliances. Joe Moriello asked if it was a single family residence. Mr. Margariti said they are considering an accessory apartment.

Caroline Paulson stated it would be a good idea to add some screening, some bushes, landscaping to make the solar less obvious on the plan. It wouldn't be a pleasing structure. Suggesting a good addition to the plan. Leonard Loza stated that bushes must be placed on the plan, your choice any type that might not be as visibly obtrusive as the panels. Joe Douso asked about the height and angle of the panels. Leonard Loza stated the size is not what they're here for. Leonard Loza stated he is going to visit the site himself to get an idea. Joe Douso said he'd like them to give them (ZBA) the height front and back of the panels (as well as the other requests).

Joe Moriello stated there is no alternative that there is no other place to put the accessory. Trees may have to be topped or taken down if the rear yard were considered. The owner said the cost to remove the trees is high. He also stated he didn't have a survey when he bought the property. Joe Moriello suggested he use Ulster County Parcel Viewer. Joe Douso stated then how do we know these measurements are correct then?

Joe Moriello stated that they review the criteria and how it affects the character of the neighborhood.

Caroline Paulson stated that they have uncovered a lot of issues, asked for data, and asked if they were ready to move to a public hearing. Ron Nelson stated they were ready for the public hearing. Ulster County will receive the application for their review when the applicant updates the application with the data Board members asked for.

Motion 1 by Leonard Loza to accept the application as is. Motion 2 by Steve Esposito. All in favor. Motion approved.

Motion 1 by Caroline Paulson to set the public hearing for September 11, 2018. Motion 2 by Joe Douso. All in favor. Motion approved.

Quorum check for September 11. Everyone present will attend so far, Joe Douso is not sure but could be 4 of 5 present with Kelly back.

Chair Leonard Loza recuses himself and leaves the meeting.

ZBA 18-172 New Paltz Canine Education Center – Area Variance

Valerie Erwin stated, at the suggestion of Joe Moriello since Leonard Loza has recused himself, that Leonard (Loza), is the owner of the company and Valerie is the representative for the company, and Leonard's spouse, and has recused himself so there was no conflict of interest between the Board and the proposal.

CP asked if there has been any changes to the application since they've received it. Valerie Erwin stated that after the Planning Board meeting last night, the Building Inspector and PB lawyer had discussed that her memo about

continuing the school as same use (canine educational center). Valerie Erwin read the Corporation Statement, and stated the reason to build the center is to provide education, seminars, conservation wolf center, and presentations given to serve programs, as well as provide interactive training with owner and their dogs.

No grooming or boarding is planned with the exception of, where code and location allows to have 4 paying kennels and those 4 kennels will be used to board dogs for any military deployed, special training rather than to local shelters, and clients with special needs that don't fit into day training program.

Joe Moriello commented getting back to the Planning Board meeting, did the PB request any changes to the application.

Valerie Erwin stated she doesn't believe so, she hasn't looked into it yet (with Pat) after the PB meeting, but her written memo states a school and it doesn't affect this application that the Building Inspector and PB Lawyer will discuss further the difference for a not for profit and benefit company.

Joe Moriello commented there are no changes to the application.

Caroline Paulson stated getting back to the reason for the variance request. Valerie Erwin stated she wanted the higher fence so there were no deer or dogs over or out and asked for the max. Maximum height is for safety and security, and the level of fence she has chosen is sturdy, strong and see thru. Valerie did add she has flexibility to the height of the fence but minimum height is 6 feet. Steve Esposito mentioned that this fence is similar to the fence on North Ohioville Road by the apple orchard (Ugly Apples/Twin Star Orchards).

Joe Moriello asked if you consider a 6 foot fence would it all be around.

Joe Douso asked if the dogs that would be boarded would they be outside in the fence. Valerie stated no dogs will be outside unattended.

Joe Moriello if the facility to train people to train dogs, is there a great likelihood with their owner and skilled trainer are going to scale even a 4 foot fence? Valerie Erwin stated that there is a dog that could be reactive type dog that would require some type of fencing. Joe Douso asked you may have 30 dogs in there at one time?

Valerie Erwin stated we could but that's been in other programs and wants to start out with less dogs first.

Joe Moriello stated that the variances run with the land, so if it's not you, Valerie, than they're entitled to the fence. Would you consider amending the application to a 6 foot fence instead of an 8 foot fence so that it goes out to the Public for the Public Hearing notice as a 6 foot fence variance request. Valerie Erwin agreed to amend the application and wants to make sure the containment system works.

Joe Moriello stated that you would amend paragraph A from an 8 foot fence to a 6 foot deer fence with 2x4 wire structure.

Steve Esposito asked what happens to the fence if they move? Joe Moriello stated the new occupants would need a valid condition that fence can be removed if the use changes and occupant consents to that. That is when a carefully worded resolution is considered.

Joe Douso asked what if the Neighbors would care?

Joe Moriello stated that would be part of the PB site plan review. One of the concerns that they come to the ZBA for a variance because the PB wants a difference fence in that location, and we can't promise that won't happen and may be back here again.

Motion 1 to set public hearing for the application amended per the applicant for September 11 made by Steve Esposito. Motion 2 by Joe Douso. All in favor. Approved.

No further old or new business. Joe Douso is probable along with Kelly for attending September 11.

Caroline Paulson asked for motion to adjourn the meeting.

Motion 1 by Joe Douso. Motion 2 by Steve Esposito. Meeting adjourned at 8:17 pm.

These minutes respectfully submitted by Pat Atkins, Secretary