

Town of New Paltz
Zoning Board of Appeals
FINAL Meeting Minutes

April 14, 2015
7:00pm

The meeting was called to order at 7:05 pm by Linda Donovan.

Roll call: Linda Donovan – present; Patricia Schwartz – present; Phil Subey– present; Ed Burke – present; Joe Douso – present; Joe Moriello – present.

Linda Donovan introduces new member, Joe Douso to the Board.

PUBLIC COMMENT ON ISSUES OTHER THAN PUBLIC HEARING:

None

MINUTES:

The March 10, 2014 minutes are presented for approval. Motion to approve these minutes made by Phil Subey.

2nd by Linda Donovan.

All others present in favor. Motion passed.

PUBLIC HEARINGS:

ZBA 2013-06, Trans-Hudson Mgt./CVS, 22 N. Putt Corners Rd., Area Variances

The applicant has asked to keep this public hearing open until the May 11 meeting.

There is a discussion on the length that a public hearing can remain open.

Motion to keep the public hearing open until May 11, 2015 is made by Ed Burke.

2nd Pat Schwartz.

All others present in favor. Motion passed.

ZBA 2014-11, Vecchio, 9 Laura Dr., Area Variance

Motion to open the public hearing made by Pat Schwartz.

2nd by Phil Subey.

All others present in favor. Motion passed.

Mr. and Mrs. Vecchio come before the Board to present their application for a side yard setback variance for 13' of relief from the side yard setback. He states that there was previously a shed there, but it was removed by the previous owner. He also states that he is disabled, and with the bad weather and snow mounds, this is the best place for the shed.

Linda Donovan asks to see his proof of his disability. Joe Moriello states that anything that they present to the Board for consideration, will be part of the public record. Anything personal on it should be redacted, or he has the choice not put it in the record. Mr. and Mrs. Vecchio understand that this will be part of the record, and that personal information will be redacted and not for public view.

Linda Donovan reviews this information.

Pat Schwartz asks if this variance runs with the property. Joe Moriello states that variances do run with the land and not with the property owner. However, it can be considered, if the applicant requests this. This would be a very difficult condition to enforce.

Linda Donovan reads the information into the record from the office of Veterans' Affairs. It is addressed to Salvatore Vecchio, and states that he has 10% disability due to service. Since this is read into the record, the Board is fine with not accepting a paper copy since it is documented into the minutes.

Mr. Vecchio also mentions that he has been diagnosed with spinal stenosis. Mr. Douso states that he knows what this is, a thinning of the spine, as he too has it. Mrs. Vecchio shows evidence that she has had her spine fused, and presents a note from the doctor. She has also been diagnosed with Meniere's disease and is prone to episodes of vertigo.

Pat Schwartz asks Mr. Vecchio to go over the site plan, as she was not at the last meeting. Mr. Vecchio goes over the diagram. He also mentions that he does not have a garage. His daughter lives in the basement with her child. It is not an apartment, just living space.

Linda Donovan asks if this is a pre-fab shed, Mr. Vecchio states that it will be built by a friend. There is discussion on the location of a tree in the way, as well as where the septic and well are located. It will be a 12x16 shed with an 8' ceiling. He needs something to fit a tractor and storage above.

There is discussion on the two sheds that were there when he went to contract on the house. The two sheds were much larger than the shed he is looking to build.

Phil Subey questions if it will be a concrete foundation. Mr. Vecchio states that it won't be.

There is a discussion on the fact that the shed dimensions and setbacks keep changing. Mr. Vecchio states that it will be a 12' x 16' shed, no higher than 11 ½' high. It will be T-111 with a 30 year roof. It will be a barn style roof. Mr. Douso states that it won't work at 11'6"... it will need to be a flat roof or a split roof. He explains how construction works with the rise of height to roof. A gabled roof will work best. Mr. Vecchio shows a rendering of the shed he proposed, and it has a gabled roof. He will be fine with this type roof.

Phil Subey states that we are here to enforce the zoning codes, but when there are extenuating circumstances, they are willing to make considerations. He believes that it is worth considering, being

that it is a disability type situation; and the fact that it will be there for future owners should not be considered.

It is noted that Mr. Vecchio has submitted written letters from neighboring properties who do not object to this shed.

Linda Donovan opens it up for public comment. There is no one present to make comments.

Linda Donovan goes over the five criteria for the granting of an area variance. She asks Mr. Vecchio to respond to the five questions:

1. Will there be an undesirable change – No
2. Can it be achieved by another method – No
3. Is it substantial – yes - it is more than 50%
4. Adverse impact – No
5. Self created – No

Linda Donovan asks if there are any other comments from the Board. Ed Burke states that he wants to be sympathetic, but he does have a challenge with number two, as he feels it can be achieved by another method. He understands that there was a shed there, and he would like to have the shed back there. However, he feels that there are plenty of other areas where the shed can go.

Linda Donovan agrees that it is very substantial. Ed Burke points out there were other people in his neighborhood who had to physically move their sheds because they didn't meet the setback requirements.

It is suggested that the applicant could have gone to a shed company to get the dimensions of the actual shed that he wants to put up. The Board has concerns that he has changed his renderings so many times that they Board is unclear of the exact shed he wants to put up.

Joe Moriello states that the Building Department will need actual plans in order to approve a building permit. He will need exact specs to do this, and he states that this is what the Board members are looking for.

Phil Subey questions if he considered placing the shed in the opposite way, so that it would be a bit more behind the house.

Mr. and Mrs. Vecchio discuss how they want to keep their rear yard open, keep it aesthetically appealing. Mrs. Vecchio also mentions that tree that is in the way, and it also has very large above ground roots.

Ed Burke asks the applicant if they would be flexible to the placement of the shed, in order that it would only require 6' of relief.

Linda Donovan asks the applicant if they want the Board to vote on it tonight, or would they like to go back and reconsider the size or location, in order to not need such a substantial variance. Mr. Burke would like him to reconsider, and he really would like to see an actual set of plans. He is uncomfortable with setting precedents. Mr. Vecchio states that he just wants to follow the law. He sees other people

with things right up against their homes going down Main Street. Mr. Moriello mentions that if he gets more specific plans, it could be a more favorable outcome.

Ed Burke states that if the Board doesn't grant this variance, he could still put up the shed anywhere on his property that meets the setback requirements. If he wants to be closer to his needs, he might want to reconsider.

Mr. Vecchio states that he wants the Board to vote on the variance as it stands.

Joe Douso states that he has plenty of room on the other side of the house. He is still close enough to the house to access it in the winter. It won't be right off of the driveway, but it would still be easily accessible, as well as not taking up space in his back yard.

Motion to not approve the variance application, as submitted, due to lack of specificity, with taking into account the applicants disabilities, is made by Ed Burke.

2nd by Pat Schwartz.

Phil Subey says he does struggle with this as he is sympathetic, but it is the Boards job to not set precedents based on the five criteria to grant a variance.

Joe Douso has no further comments.

Linda Donovan believes that what they want to accomplish can be achieved by other methods, and that it is substantial. It could clearly be reduced, so she too must vote to not grant the variance.

Pat Schwartz - yes

Ed Burke- yes

Phil Subey – yes

Joe Douso – No

Linda Donovan – yes

Motion passed. The variance is not granted.

ZBA 2015-01, Kira Kinney, 283 Springtown Rd., Area Variance

Motion to open the public hearing is made by Joe Douso.

2nd by Phil Subey.

All others present in favor. Motion passed.

Kira Kinney discusses her application before the Board requesting relief from the height of fencing. She goes over her actual diagram. Kira Kinney submits emails, letters and names of neighbors she spoke with who have no objections to her being granted a variance for the height of the fencing.

Kristine Logan, Town resident, speaks in support of Kira Kinney's request. She states that she is a good neighbor, and she supports the use of the land as it is in the agricultural zone. This type of fencing is vital to farming operations.

Ms. Logan then reads a letter from her husband, who could not be present, he too is in support of granting this variance.

There is discussion on where the deer will be re-routed to. Since there is already temporary fencing there, it won't be a problem.

Ed Burke asks what type of fencing will be used. Kira Kinney states it will be 30 year pressure treated with wire fencing.

There is question on where she sells her produce. She sells it in the city. She does have an electronic pricing system.

Ed Burke questions if she has a nuisance permit, which she does. Kira Kinney discusses her property layout and how the fence will not be extremely visible.

Linda Donovan asks Kira Kinney the five considerations for the granting of an area variance:

- 1- No
- 2- No
- 3- Yes
- 4- No
- 5- No

Motion to approve the requested area variance is made by Pat Schwartz.

2nd by Ed Burke.

All others in favor. Motion passed.

APPLICATION REVIEWS:

None

OLD BUSINESS:

None

ADMINISTRATIVE ISSUES:

None

Motion to adjourn made by Pat Schwartz.

2nd by Joe Douso.

All in favor,

Adjourned 8:30pm

These minutes are respectfully submitted by Kelly O'Donnell, Secretary