



---

Village of New Paltz Zoning Board of Appeals  
Regular Meeting of Tuesday, May 8, 2018  
Village Hall – 7:00 PM  
**APPROVED MINUTES**

---

Present: Rob Egan, Chair  
Victoria Danskin, Alternate  
Terrence Dungan  
Anthony Saracino

Absent: Kaitlin Gallucci

Also Present: Alana Sawchuk, Planning and Zoning Secretary  
Ashley Torre, Zoning Board of Appeals Attorney  
KT Tobin, Village Board Liaison  
Eve Waltermaurer, Planning Board Alternate

***Administrative Business***

7:02-7:04

- *Approval of Minutes from 3/13/2018*  
Due to lack of Board Members present at March 13, 2018 Meeting, the Minutes will be approved at the June 12, 2018 Meeting.
- *Approval of Minutes from 4/10/2018*  
Ms. Danskin moves to approve the April 10, 2018 Minutes. Mr. Saracino abstains. 3 ayes.  
Motion carries.

***Ongoing Applications***

*1. Area Variance*

ZB18-05: 195 Huguenot Street/212-17C.

Applicant: Julie Hyland

Zoning District: H

SBL: 78.82-1-22.100

*2. Area Variance*

ZB18-06: 195 Huguenot Street/212-13(D)(4)(a)

Applicant: Julie Hyland

Zoning District: H

SBL: 78.82-1-22.100

7:05-7:30

Ms. Hyland reviewed what had previously been discussed in front of the Planning Board. She will not be pursuing a “breezeway,” connecting the barn and the primary residential building, so the two variances are needed. Additionally, the Planning Board has asked for a photo of the driveway in order to establish fit for at least 5 cars; the application has been approved by the Historic Preservation Committee; and water and sewer lines have been approved by Village Superintendent Terwilliger, who will return for inspection after construction has been completed.

The Board asks how far the barn is from the residence; Ms. Hyland responds that it is 16 feet.

Mr. Dungan references a specific piece of code following 212-17C. with regards to a specific prohibition of more than one single-family and two-family dwellings on one lot. 212-17D states that no exception will be made for single family and two family homes.

Ms. Torre, Zoning Board of Appeals Attorney, remarks upon the nature of the Zoning Board of Appeals, namely that the Board exists in order to grant relief from restrictions within the Zoning code. Ms. Torre explains that the Board has the authority to grant a variance from the Code’s restriction of the maximum number of principal buildings allowed on a lot, and that the applicant is seeking such a variance here to allow a second single-family dwelling.

The Board discusses Mr. Dungan’s concerns with a contradiction he feels makes the Board unable to vote upon the application in question.

Ms. Danskin suggests tabling the current discussion and setting the Public Hearing, giving the Board more time to analyze Mrs. Hyland’s application in order to reach a determination.

Ms. Danksin moves to set the Public Hearing for ZB18-05/212-17C. and ZB18-06/212-13(D)(4)(a), 195 Huguenot Street, Hyland, for June 12, 2018. Chair Egan seconds. 3 ayes. Mr. Dungan abstains. Motion carries.

Ms. Danskin suggests a future executive session to discuss the concerns raised in more detail. Ms. Torre notes that the Board can have an attorney client meeting in this regard.

Ms. Danskin leaves at 7:30 PM.

***Break (5 minutes)***

*3. Area Variance*

ZB18-02: 48 North Chestnut/212-13E(4)

Applicant: Roger Spool

Zoning District: B-1

SBL: 86.34-3-24

*4. Area Variance*

ZB18-03: 48 North Chestnut/212-17C.

Applicant: Roger Spool

Zoning District: B-1

SBL: 86.34-3-24

7:39-8:15

A break was requested by Chair Egan to see if Mr. Spool could be reached by telephone. The Board continued with the meeting and spoke via telephone with Mr. Spool regarding the status of his application. Chair Egan informed the applicant of his options: The applicant could consent to an extension of the time for the Board to decide the application until the next June Meeting or have the Board vote on the application as it currently stands, despite missing two members. Since there are only 3 members in attendance, the vote to approve must be unanimous.

Mr. Spool did not consent to an extension, and asked that the Board vote. Mr. Spool commented that should the Board decline his request for a variance, he plans to connect the two buildings, therefore negating a need for a variance.

The Board apprises Mr. Saracino of the details regarding this application.

The Board discusses Mr. Spool's statement that he would build a connection between the two buildings if the variance is denied.

Mr. Dungan expresses his concerns with this application, namely the classification, that of an Area Variance as opposed to a Use Variance, and the lack of valid Building Department records regarding the property. Mr. Dungan notes that the building is not legally habitable and that the applicant plans no new construction. Mr. Dungan expresses concern regarding the Board possibly allowing the use of a non-habitable building as a residence.

Ms. Waltermaurer, the incoming Planning Board Chair, explains that when applications intending to fix pre-existing code violations appear in front of the Board, they find it to be a positive component of the application, and that Mr. Dungan's concerns could therefore be addressed in front of the Planning Board.

Mr. Saracino expresses concern about visual impacts of the proposed residence.

Mr. Dungan notes that a variance would not be needed if the structure were to stay as an office or if it were changed to something other than a second residence. Attorney Torre advises that this is relevant to the Board's consideration of feasible alternatives under the area variance test.

Chair Egan moves to approve the decision for ZB18-02/212-13E(4) and ZB18-03/212-17C., 48 North Chestnut, Spool. Mr. Saracino seconds. The Board votes as follows:

Mr. Saracino: abstains

Mr. Dungan: nay

Chair Egan: nay

The variances are denied by default.

***Adjournment***

Chair Egan moves to close the May 8, 2018 Zoning Board Meeting. Mr. Saracino seconds. 3 ayes.  
The meeting adjourns at 8:16 PM.

Respectively submitted by,

Alana Sawchuk  
Planning and Zoning Secretary