



Village of New Paltz Zoning Board of Appeals
Regular Meeting of Tuesday, September 11, 2018
Village Hall – 7:00 PM
APPROVED MINUTES

Present: John Litton, Chair
Victoria Danksin
Liz Harschow
Rob Egan
Anthony Saracino

Absent: KT Tobin, Village Board Liaison

Also Present: Alana Sawchuk, Planning and Zoning Secretary
Ashley Torre, Zoning Board of Appeals Attorney

Welcome

6:59

Chair Litton opens the meeting of the Zoning Board of Appeals for September 11, 2018.

Public Hearing(s)

1. Area Variance

ZB18-04: 6 Grove Street/212-13(B)(8)(b)&(c); 212-20(A)

Applicant: Thomas Olsen

Zoning District: R-2

SBL: 86.34-10-13

2. Area Variance

ZB18-08: 6 Grove Street/212-13(B)(7)

Applicant: Thomas Olsen

Zoning District: R-2

SBL: 86.34-10-13

7:00-7:01

John Litton opens the Public Hearing for ZB18-04 and ZB18-08, 6 Grove Street, Olsen.

No one from the public comes forward to speak.

Ms. Danskin moves to close both ZB18-04 and ZB18-08, 6 Grove Street, Olsen, Mr. Litton seconds. 5 ayes. Motion carries.

3. Area Variance

ZB18-07: 36 South Manheim Blvd./212-13(B)(8)(a)

Applicant: Jason Vandermer

Zoning District: R-2

SBL: 86.42-4-31

7:02-7:03

Ms. Danskin moves to open the Public Hearing for ZB18-07, 36 S. Manheim Blvd., Vandermer.

Mr. Egan seconds. 5 ayes. Motion carries.

Mr. Mulvihill comes forward to speak. No one else from the public comes forward to speak.

Mr. Litton moves to close the Public Hearing for ZB18-07, 36 S. Manheim Blvd., Vandermer. Ms. Danskin seconds. 5 ayes. Motion carries.

4. Area Variance

ZB18-09: 9 Tricor Avenue/212-47.1 & Schedule E

Applicant: Celia Cuomo

Zoning District: R-2

SBL: 86.42-5-17.200

7:03-7:04

Mr. Litton moves to open the Public Hearing for ZB18-09, 9 Tricor Avenue, Cuomo. Mr. Egan seconds. 5 ayes. Motion carries.

No one from the public comes forward to speak.

Mr. Litton makes motion to adjourn the Public Hearing to the next meeting as the applicant nor their proxy could attend the September meeting. Ms. Danskin seconds. 5 ayes. Motion carries.

Application Review

1. Area Variance

ZB18-04: 6 Grove Street/212-13(B)(8)(b)&(c); 212-20(A)

Applicant: Thomas Olsen

Zoning District: R-2

SBL: 86.34-10-13

2. Area Variance

ZB18-08: 6 Grove Street/212-13(B)(7)

Applicant: Thomas Olsen

Zoning District: R-2

SBL: 86.34-10-13

7:05-7:34

Ashley Torre, the Zoning Board of Appeals Attorney, summarizes the applications. Mr. Olsen is seeking variances from the rear and side yard setbacks as well as lot coverage. The Board discusses

the lot coverage percentage, as a Board member came to a different number than the engineer working with the applicant. Chair Litton recommends going with the number arrived at by the engineer, with a request for 44% coverage.

The Board discusses a letter Linda Fredericks regarding this application.

The Board runs through the list of 5 factors that must be considered when approving or rejecting an Area Variance: (1) Will the Area Variance create an undesirable change in the neighbor or be a detriment to nearby properties? **The Board determines, no, it would not.** (2) Can the benefits of this variance be achieved by some other manner? **The Board determines, no.** (3) Is the requested Area Variance substantial? **Board finds yes, but is less non-conforming than before.** (4) Will the Area Variance have an adverse impact on environmental conditions? **Board finds, no.** (5) Is this a self-created hardship? **Yes.** The Board finds that the variances are the minimum necessary.

The Board agrees to vote on this application at tonight’s meeting so that the Applicant can proceed before the Planning Board, with the written Resolution to follow at next month’s meeting. The Resolution will include a reasonable restriction, that no plumbing can be constructed within the structure so that it cannot be used as a residential unit. Chair Litton moves to authorize the ZBA attorney to prepare a resolution for the next meeting, Mr. Egan seconds, 5 ayes. Motion carries.

The applicant requests language in the resolution specifically allowing, “not less than 4 feet from the rear lot line and not less than 2 feet from the side lot line.” Chair Litton moves to approve the variances requested by the applicant, with conditions of no plumbing and a change in the language regarding the setbacks. Mr. Saracino seconds. 5 ayes. Motion carries.

Name	Ayes	Nays	Abstain	Absent
Chair <i>John Litton</i>	✓			
Member <i>Rob Egan</i>	✓			
Member <i>Anthony Saracino</i>	✓			
Member <i>Victoria Danskin</i>	✓			
Member <i>Liz Harschow</i>	✓			
Totals	5	0	0	0

3. Area Variance

ZB18-07: 36 South Manheim Blvd./212-13(B)(8)(a)

Applicant: Jason Vandermer

Zoning District: R-2

SBL: 86.42-4-31

7:36-7:43

Mr. Vandermer approaches the Board. Ms. Torre summarizes the application. The applicant seeks a variance from the front yard setback in order to include a step on his porch. The Applicant is

seeking a variance of 1 ft. from the 25 ft. setback. Chair Litton asks if the Board has any questions or comments.

Ms. Danskin asks why the applicant cannot make the porch and step meet the Code. The applicant refers to the initial plans for the porch and how he would have to shrink the size of the porch and it would create a cramped space.

The Board moves through the 5 factors for granting the variance. (1) Will the Area Variance create an undesirable change in the neighbor or be a detriment to nearby properties? **The Board determines, no.** (2) Can the benefits of this variance be achieved by some other manner? **Yes, they could.** (3) Is the requested Area Variance substantial? **No, not a substantial variance.** (4) Will the Area Variance have an adverse impact on environmental conditions? **No, it will not have an adverse impact on the environment. Mr. Egan asks if it will have an effect on drainage. Applicant explains no, it will not.** (5) Is this a self-created hardship? **Board finds, yes.** The Board finds that the variance is the minimum necessary.

The Applicant asks that the Board take action tonight so that he can proceed before the Planning Board.

Mr. Litton moves to approve ZB18-07, 36 S. Manheim Blvd., Vandermer with no restrictions. The resolution memorializing the decision will be written by the attorney and received at the next meeting. Mr. Saracino seconds. 5 ayes. Motion carries.

Name	Ayes	Nays	Abstain	Absent
Chair <i>John Litton</i>	✓			
Member <i>Rob Egan</i>	✓			
Member <i>Anthony Saracino</i>	✓			
Member <i>Victoria Danskin</i>	✓			
Member <i>Liz Harschow</i>	✓			
Totals	5	0	0	0

4. Area Variance

ZB18-09: 9 Tricor Avenue/212-47.1 & Schedule E

Applicant: Celia Cuomo

Zoning District: R-2

SBL: 86.42-5-17.200

7:43

The applicant nor their proxy is not in attendance, so the Board cannot fully discuss the application. It will be tabled until the next meeting.

Administrative Business

- *Approval of Minutes from 8/14/2018*

Mr. Litton moves to approve the August 14, 2018 Minutes. Mr. Saracino seconds. Mr. Egan abstains. 4 ayes. Motion carries.

- *Closure of T/A Accounts*

Mr. Litton requests a motion to approve the closure of the listed T/A accounts. Ms. Danskin moves, Ms. Harschow seconds. 5 ayes. Motion carries.

Adjournment

Mr. Saracino moves to close the September 11, 2018 meeting. Mr. Egan seconds. Meeting adjourns at 7:47 PM.

Respectively submitted by,

Alana Sawchuk
Planning and Zoning Secretary