



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

Present: John Litton, Chair
Anthony Saracino
Liz Harschow
Victoria Danskin

Absent: Rob Egan

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

Welcome

7:01

Chair Litton opens the regular meeting of the Zoning Board for December 11, 2018. Chair Litton announces to Board members that there will be a SEQRA training in the large meeting room at Village Hall on December 20, 2018 at 7 PM.

Public Hearing(s)

1. Application for Reconstruction/212-54(D)

ZB18-11: 76 N. Chestnut Street

Applicant: Stewart's Shops Corp.

Zoning District: NBR

SBL: 86.26-2-34.100

7:02-7:03

Ms. Danskin opens the Public Hearing for ZB18-11, 76 N. Chestnut, Stewart's. Mr. Saracino seconds. 4 ayes. Motion carries.

No one from the public comes forward to speak.

Ms. Harschow moves to close the Public Hearing for ZB18-11, 76 N. Chestnut, Stewart's. Mr. Saracino seconds. 4 ayes. Motion carries.

2. Area Variance/212-13(F)(4)

ZB18-10: 17 Academy Street

Applicant: Jack Gordon

Zoning District: B-2

SBL: 86.127-1-6

7:03-7:08

Chair Litton notes the submission of a written comment by Rick Fischer for the record.

Ms. Danskin moves to open the Public Hearing for ZB18-10, 17 Academy Street, Gordon. Mr. Saracino seconds. 4 ayes. Motion carries.

David Santner comes forward to speak in order to encourage Board members to take this application under careful consideration given the lack of space in the downtown area.

No one else from the public comes forward to speak.

The Board notes that additional variances are required and decides to keep the public hearing open because additional information is needed (i.e., an amended application for additional variances or plans that eliminate their need).

Chair Litton moves to keep the Public Hearing for ZB18-10, 17 Academy Street, Gordon, open until the January 8, 2019 meeting. Mr. Saracino seconds. 4 ayes. Motion carries.

Application Review

1. 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

7:08-7:09

The Board cannot move to approve the written decision due to Mr. Egan's absence. Approval of the written decision is moved to the January 8, 2019 meeting.

2. Application for Reconstruction/212-54(D)

ZB18-11: 76 N. Chestnut Street

Applicant: Stewart's Shops Corp.

Zoning District: NBR

SBL: 86.26-2-34.100

7:09-7:32

Mr. Marshall comes before the Board.

Attorney Torre summarizes the application as it currently stands. This project is being proposed on a lot where a pre-existing non-conforming gas station currently exists. This current application is not an Area Variance, but rather a unique provision in the code which requires Zoning Board authorization for reconstruction of a pre-existing, non-conforming use or building. Once the Zoning Board makes a determination, the application will go back to the Planning Board. The Zoning Board must determine if the project meets the following: (1) No substantial enlargement of the use

and the rebuilding will do one or more of the following: (2) provide better aesthetics; (3) higher setbacks; (4) or assist in alleviating existing nuisance characteristics.

Mr. Marshall refers to the “enlargement of the use,” and the intensity of the project. Overall there is a reduction in the building square footage and the same number of pumps as exist. Feasibly, the “intensity” of the use will remain the same as the current Stewart’s location on Route 32.

As for aesthetics and setbacks, Mr. Marshall explains that the existing building is set back further from the road and there are 4 pumps with a canopy and kiosk in the middle. The proposal includes a Hardie board building with stone veneer and setbacks that are closer to the road, which is consistent with the NBR District regulations. The applicant submits favorable comments from SHPO and the HPC.

On whether or not the project might alleviate existing “nuisance characteristics,” Mr. Marshall refers to a letter from the Building Department denoting code violations on the existing site.

Chair Litton asks after the abandoned house on the lot. Mr. Marshall explains that Stewart’s plans to sell it.

The Board moves through the checklist: (1) Board agrees that there will be no substantial enlargement of the use; (2) Board agrees that the applicant would be providing better aesthetics; (3) Board agrees that there would not necessarily be a larger setback, but would be more consistent with current NBR zoning code; (4) Board agrees that the applicant would be alleviating existing nuisance characteristics.

Board discusses lighting and parking plans. As the SEQRA regulations are amended effective in January, this application will no longer be classified as Type I, but will be considered unlisted. Once the Planning Board withdraws their intent to be lead agency, the uncoordinated reviews can begin after January 1, 2019.

Chair Litton moves to authorize the attorney’s drafting of a written decision reflective of the Board’s discussion of the application. Mr. Saracino seconds. 4 ayes. Motion carries.

3. Area Variance/212-13(B)(8)(c)[1]

ZB18-12: 4 Grove Street

Applicant: Radi Serdah

Zoning District: R-2

SBL: 86.034-10-12

7:32-7:44

Mr. Serdah and Mr. Willingham approach the Board. The applicant is currently pursuing a subdivision with the Planning Board, but requires a sideyard setback variance on the existing house of 0.7 ft.

Mr. Willingham explains that it is currently an oversized lot that was at one point two lots. The applicant seeks to split the lot down the middle. The existing house needs 12.5 feet on the sideyard setback and currently has 11.8 ft. The applicant intends for a new house to be constructed on the new lot after the subdivision has been approved. Each lot has its own parking spaces. All codes are met except for the sideyard setback.

Ms. Harschow asks about plans to put a garage on either lot. Applicant confirms no.

Mr. Saracino asks about trees. Mr. Willingham confirms that some trees will need to come down but do not fall within the requirements for meeting with the STC. Mr. Saracino asks about splitting of the driveway. Mr. Willingham confirms that it will be split with a strip of grass.

Ms. Harschow asks about the allowance of driveways in the setbacks in that district. Mr. Willingham believes that they are allowed in residential. Ms. Torre believes that it is dependent upon the width of the lot. The Board requests clarification from the Code Enforcement Officer.

Mr. Saracino moves to set the Public Hearing for ZB18-12, 4 Grove Street, Serdah, on January 8, 2018 at 7 PM. Ms. Danskin seconds. 4 ayes. Motion carries.

Attorney Torre clarifies that this application is exempt from referral to the UCPB.

4. Area Variance/212-13(F)(4)

ZB18-10: 17 Academy Street

Applicant: Jack Gordon

Zoning District: B-2

SBL: 86.127-1-6

7:46-8:09

Mr. Jack Gordon and Mr. Richard Miller, Architect, approach the Board. Chair Litton explains that the Board had questions that were submitted to Cory Wirthmann, CEO, prior to the meeting. The Board reviews the submitted comments by the Code Enforcement Officer regarding:

- The height of the building, as well as the number of stories.
- The use of a cellar as habitable space.
- The Planning Board determination of no parking requirement for commercial use.
- The sideyard setback requirement. Attorney Torre explains that while none is required, if there is a setback, it must be at least 8 ft. As such, the applicant would require another variance.
- The rearyard setback requirement. The property should have a 10 ft. rearyard setback at least. If not available, a 4 ft. variance would be needed. It is recommended that the applicant meet with the CEO regarding this discrepancy.
- Chair Litton seeks to clarify with applicant the bar designation. If it is a separate bar use, it requires a special use permit and will require a larger lot area variance. Applicant confirms it will be part of the restaurant and only be wine and beer. Mr. Miller explains there is no separate entrance for the bar area and clarifies that the plan shows a fire exit that is only for egress in an emergency.
- Applicant confirms that there would not be multiple transient tenants, but should be considered as one business.

Board discusses the entrances and exits on site and requests a marking of the fire exit.

The Board has no further questions and will wait to hear from the CEO before moving forward. The ZBA will also have to move through the SEQRA process.

Mr. Saracino moves to consent to the Planning Board declaring themselves to be lead agency for SEQRA. Ms. Harschow seconds. 4 ayes. Motion carries.

Mr. Miller reviews the 3D renderings of the building with the Board.

Administrative Business

- *Approval of Minutes from 10/30/2018*

Adjournment

Ms. Danskin moves to close the meeting for December 11, 2018. Mr. Saracino seconds. 4 ayes. The meeting adjourns at 8:13 PM.

Respectively submitted by,

Alana Sawchuk
Planning and Zoning Secretary