



Village of New Paltz Zoning Board of Appeals
Regular Meeting of Tuesday, January 8, 2019
Village Hall – 7:00 PM
APPROVED MINUTES

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

Absent:

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

Welcome

7:03

Chair Litton opens the regular meeting of the Zoning Board of Appeals for January 8, 2019.

Public Hearing(s)

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

ZB18-10: 17 Academy Street

Applicant: Jack Gordon

Zoning District: B-2

SBL: 86.127-1-6

7:03-7:04

This Public Hearing is being held open from a previous meeting because it was determined that additional variances would be needed if the plans were to remain as is. The applicant adjusted their plans so that the other variances would not be needed.

Ms. Danskin moves to open the continued Public Hearing for ZB18-10, 17 Academy Street, Gordon. Mr. Saracino seconds. 5 ayes. Motion carries.

No one from the public comes forward to speak.

Mr. Saracino moves to close the Public Hearing for ZB18-10, 17 Academy Street, Gordon. Ms. Danskin seconds. 5 ayes. Motion carries.

2. 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

7:05

Ms. Danskin moves to open the Public Hearing for ZB18-12, 4 Grove Street, Serdah. Mr. Saracino seconds. 5 ayes. Motion carries.

No one from the public comes forward to speak.

Ms. Harschow moves to close the Public Hearing for ZB18-12, 4 Grove Street, Serdah. Mr. Saracino seconds. 5 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

7:05-7:06

This is simply an approval of the written decision that was verbally approved on October 30, 2018.

Mr. Saracino moves to approve the decision as written, Mr. Egan seconds. Ms. Danskin and Ms. Harschow abstain. 3 ayes. Motion carries.

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

7:07-7:48

The Board considers recommendations given by the UCPB subsequent to their meeting on January 3, 2019. Mr. Egan concurs with their recommendations regarding landscaping, charging stations, and consistency with NBR zoning regulations.

Chair Litton recommends that the Zoning Board of Appeals not adopt the UCPB's required modifications because they concern Site Plan elements, which is the Planning Board's purview. In order to reject these recommendations the Board must approve to reject by super majority.

It is noted that this application will go back to the UCPB via the Planning Board.

The Board agrees that UCPB's required modifications address site plan elements in the Planning Board's purview.

The Board must complete SEQRA and and make a determination of significance before taking action. The Board moves through SEQRA items (Part 2 – Impact Assessment) as follows:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **Board answers: No, or small impact may occur.**
2. Will the proposed action result in a change in the use or intensity of use of land? **Board answers: No, or small impact may occur.**
3. Will the proposed action impair the character or quality of the existing community? **Board answers: No, or small impact may occur.**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **Board answers: No, or small impact may occur.**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **Board answers: No, or small impact may occur.**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **Board answers: No, or small impact may occur.**
7. Will the proposed action impact existing:
 - a. public / private water supplies? **Board answers: No, or small impact may occur.**
 - b. public / private wastewater treatment utilities? **Board answers: No, or small impact may occur.**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **Board answers: No, or small impact may occur.**
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? **Board answers: No, or small impact may occur.**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **Board answers: No, or small impact may occur.**
11. Will the proposed action create a hazard to environmental resources or human health? **Board answers: No, or small impact may occur.**

The Board engages in a brief discussion regarding #5 of Part 2. Attorney Torre reads examples of small impacts and moderate to large impacts from the DEC’s Short Environmental Assessment Form (SEAF) Workbook. The Board takes an informal vote on whether the impact will be small or moderate in scope. Ms. Danskin, Ms. Harschow, and Chair Litton all vote for small impact. Mr. Saracino and Mr. Egan vote moderate impact.

Ms. Danskin moves to declare the Zoning Board of Appeals as lead agency and issue a negative declaration of significance under SEQRA for this application. Mr. Egan seconds. 5 ayes. Motion carries.

The applicant discusses current regulatory issues with regards to charging stations.

The Board discusses the factors in Village Code § 212-54(D) that are relevant to this application and reviews the proposed Resolution of Decision.

Mr. Saracino moves to approve the Resolution of Decision as written as well as reject the recommendations supplied by the UCPB. Ms. Harschow seconds. 5 ayes. Motion carries.

Name	Ayes	Nays	Abstain	Absent
Chair <i>John Litton</i>	✓			
Member	✓			

<i>Anthony Saracino</i>				
Member <i>Rob Egan</i>	✓			
Member <i>Victoria Danskin</i>	✓			
Member <i>Liz Harschow</i>	✓			
Totals:	5			

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

7:49-7:57

Mr. Serdah and Mr. Willingham approach the Board. The Public Hearing has been opened and closed with no comments from the public. The Board will continue to discuss the requested variance and move through the 5 factors used when determining a granting or denial of a variance.

Seeing no further questions from the Board, Chair Litton moves to run through the five factors.

1. Will there be an undesirable change in the character of the neighborhood or a detriment to nearby properties? **Board answers: no. The Board discusses how it is consistent with the character of the neighborhood and other 50-foot lots on the street.**
2. Will it have an adverse effect or impact on the physical or environmental conditions? **Board answers: no.**
3. Can the benefit sought be achieved by some other feasible means? **Board answers: no.**
4. Is the area variance substantial? **Board answers: no.**
5. Is the alleged difficulty self-created? **Board answers: yes.**

Chair Litton requests a motion to authorize the attorney to draft a written decision in time for the February 2019 meeting. Ms. Danskin moves, Mr. Saracino seconds. 5 ayes. Motion carries.

Attorney Torre notes that that is a Type II action and not subject to review under SEQRA.

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

ZB18-10: 17 Academy Street

Applicant: Jack Gordon

Zoning District: B-2

SBL: 86.127-1-6

7:58-8:00

Mr. Gordon and Mr. Miller approach the Board. This application still needs to be referred to the UCPB for review and will be on next month's Agenda if SEQRA is completed and UCPB's referral response is received.

Chair Litton notes that the applicant still requires feedback from the Health Department.

Administrative Business

- *Approval of Minutes from 12/11/18*

Mr. Saracino moves to approve the Minutes from December 11, 2018. Ms. Harschow seconds. Mr. Egan abstains. 4 ayes. Motion carries.

Adjournment

Ms. Danskin moves to close the January 8, 2019 meeting. Mr. Saracino seconds. 5 ayes. The meeting adjourns at 8:04 PM.

Respectively submitted by,

Alana Sawchuk
Planning and Zoning Secretary