



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

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Present: John Litton, Chair  
Anthony Saracino  
Rob Egan  
Michael Tierney

Absent: Victoria Danskin  
Sean O'Sullivan

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

***Welcome***

7:00

Chair Litton opens the regularly scheduled October 8, 2019 Zoning Board meeting.

***Public Hearing(s)***

1. *Area Variances: 212-13(B)(4)(a)/212-13(B)(8)(b)(1)*

ZB19-04: 4 Oakwood Court

Applicant: Noa Simons

Zoning District: R-2

SBL: 86.34-8-22

7:01-7:03

Mr. Saracino moves to open the Public Hearing for ZB19-04, 4 Oakwood Court, Simons, Mr. Egan seconds. 4 ayes. Motion carries.

Ms. Kristin Crawford, a neighbor at 3 Oakwood Court comes forward to speak in support of the project. Ms. Crawford explains that she is in favor of deck expansion in the back of the property, as it's always been there and she is okays with it becoming a little bigger. Ms. Crawford further

explains that she was initially uncomfortable with the 2-family residence and would have been more comfortable with an accessory apartment. She notes that the Applicants explained why they need to proceed in that fashion and that she agrees and supports it based on that.

No one else from the public comes forward to speak.

Mr. Saracino moves to close the Public Hearing for ZB19-04, 4 Oakwood Court, Simons. Mr. Egan seconds. 4 ayes. Motion carries.

### ***Application Review***

#### *1. Area Variances: 212-13(B)(4)(a)/212-13(B)(8)(b)(1)*

ZB19-04: 4 Oakwood Court

Applicant: Noa Simons

Zoning District: R-2

SBL: 86.34-8-22

7:04-7:59

Mr. Steve Shuryn, the applicant's proxy and architect approaches the Board. Attorney Torre summarizes the application. The applicant has requested 2 area variances: (1) A lot size variance for their requested conversion to a 2-family dwelling and, (2) A rear yard setback variance in connection with a requested repair and enlargement of a rear deck.

Mr. Shuryn reviews the previously submitted plans with the Board. He describes the property history, that of their being two separate apartments, but that county records have it listed as a single family (hence the requested conversion). County records also indicate the existence of 5 bedrooms, which is correct.

Board discusses the availability of parking spaces and number of bedrooms.

Chair Litton recalls a request made by the Board to potentially see other site plan options that would minimize the size of the variances being requested. Mr. Shuryn explains the client's decision to not provide new drawings and expresses their preference to have the Board make their determination based on the plans as submitted.

Mr. Egan asks Mr. Shuryn if there's any concern about water runoff with the expansion of the driveway. Mr. Shuryn explains that in terms of water flow the impact from the driveway expansion would be minimal.

The Board proceeds to move through the Area Variance Balancing Test for ZB19-04.1/212-13(B)(4)(a).

1. Will there be an undesirable change in the character of the neighborhood or present a detriment to nearby properties? **Board agrees, no it would not, as long as the structure is currently a legal 5-bedroom dwelling/the intensity of use is not increased (4).**
2. Can the benefit sought be achieved by some other feasible means? **Board agrees, no, it cannot, although the Applicant can continue the single-family dwelling use (4).**

3. Will it have an adverse effect or impact on the physical or environmental conditions? **Board agrees, no, it would not (4).**
4. Is the variance requested substantial? **Board agrees, no, although the size of the variance would increase for each additional bedroom created (4).**
5. Is the difficulty self-created? **Board agrees, yes (4).**

Mr. Saracino notes that as long as the 5 bedrooms are legal he sees no potential issue with approval. No other concerns brought forward by Board members.

The Board requests that the Code Enforcement Official confirm the legality of the 5 bedrooms.

Mr. Saracino seeks clarification on the exact size of the bedrooms from Mr. Shuryn.

Board asks after the applicant's timeline regarding this project. Mr. Shuryn explains that the applicant would prefer to begin as soon as possible, as they haven't been able to live in their house for at least a year due to a fire.

Board proceeds to move through the Area Variance Balancing Test for ZB19-04.2/212-13(B)(8)(b)(1).

1. Will there be an undesirable change in the character of the neighborhood or present a detriment to nearby properties? **Board agrees, no, as the deck will face the slope of a hill and there are no neighbors to the rear (4).**
2. Can the benefit sought be achieved by some other feasible means? **Board agrees, yes, noting other alternatives such as moving the stairs and repositioning the deck and explaining this is why they had requested alternative designs, (4).**
3. Is the variance requested substantial? **Board agrees, no when consisted as a single variance (4).**
4. Will it have an adverse effect or impact on the physical or environmental conditions? **Board agrees, no (4).**
5. Is the difficulty self-created? **Board agrees, yes (4).**

Board discusses the specifics of the deck expansion and whether it is the minimum variance necessary, including the applicant's plan to install a hot tub on the deck that would need to encroach into the setback. The encroachment is needed for the hot tub; if the hot tub were removed or relocated then the deck would barely encroach.

The Board summarizes their discussions. The Board sees no issue with the single to 2-family conversion requiring the lot size variance if the structure is currently a legal 5-bedroom and intensity of use is not increased, but does ask the applicant to consider a way to minimize the size of the setback variance. Mr. Egan asks Mr. Shuryn about moving the stairs in such a way that could meet this request.

Attorney Torre is asked to draft a resolution for ZB19-04.1 and ZB19-04.2 consistent with the Board's discussions.

***Administrative Business***

- *Reschedule November 2019 Meeting*

Mr. Saracino moves to reschedule the November 12, 2019 meeting to November 22, 2019 at 7 PM.

Mr. Egan seconds. 4 ayes. Motion carries.

- *Approval of Minutes from 8/13/19 and 9/10/19*

Minutes from either meeting cannot be formally approved due to absence of relevant members.

8/13/19 Minutes will be posted as is, 9/10/19 Minutes to be approved at the November meeting.

- *Village Board Updates*

Ms. Michelle Zipp, Board Trustee, gives a brief overview of projects from the Village Board: (1) The Planning and Zoning Secretary has been promoted; (2) The Village Board is asking members to participate in the Climate Vulnerability Study located on the Village website; (3) The Board participated in the Complete Streets training session; (4) The Board has asked that the Stewart's SWPPP waiver not be approved by DPW and that the vacated home on site not be demolished; (5) Work on the Hasbrouck Playground has been completed.

***Adjournment***

Mr. Saracino moves to close the October 8, 2019 meeting. Mr. Egan seconds. 4 ayes. The meeting adjourns at 8:10 PM.

Respectfully submitted by,

Alana Sawchuk  
Planning and Zoning Secretary