



Village of New Paltz Zoning Board of Appeals
Regular Meeting of Tuesday, February 11, 2020
Village Hall – 7:00 PM
APPROVED MINUTES

Present: Anthony Saracino
Michael Tierney
Victoria Danskin
Sean O’Sullivan
Noa Simons, Alternate

Absent: John Litton, Chair
Michele Zipp, Village board Liaison

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

Welcome

6:59

Mr. Saracino opens the regularly scheduled February 11, 2020 Zoning Board meeting in Chair Litton’s absence.

Public Hearing(s)

1. *Area Variance: 212-13(D)(8)(b)*

ZB19-05: 65 Huguenot Street

Applicant: Dina DuBois

Zoning District: H

SBL: 86.33-1-3

7:00-7:02

Ms. Danskin moves to open the Public Hearing for ZB19-05, 65 Huguenot Street, DuBois. Mr. O’Sullivan seconds. 5 ayes. Motion carries.

No one from the public comes forward to speak.

Ms. Danskin spoke with Historic Huguenot Street and they have yet to respond with any comments regarding this application.

Ms. Danskin moves to close the Public Hearing for ZB19-05, 65 Huguenot Street, DuBois. Mr. O'Sullivan seconds. 5 ayes. Motion carries.

Application Review

1. Area Variance: 212-13(D)(8)(b)

ZB19-05: 65 Huguenot Street

Applicant: Dina DuBois

Zoning District: H

SBL: 86.33-1-3

7:02-7:20

Mr. Aebi appears before the Board on behalf of Ms. DuBois. Mr. Saracino asks if there are any further questions from the Board. Attorney Torre advises that the Board can move through the five factors needed to approve or deny a variance, as well as authorize her to draft a Decision.

Mr. Aebi shares comments from Ms. DuBois regarding the aesthetics of the shed and discusses the submitted photos.

Mr. Tierney visited the site and agrees that the proposed location is the best and least invasive place to install the shed.

No further questions or comments from the Board.

Attorney Torre mentions a condition of the (Certificate of Appropriateness) COA granted by the HPC regarding aesthetics. The Applicant will have to conform to the requirements given by the COA.

- (1) Whether there will be an undesirable change in the character of the neighborhood: The Board agrees no and notes the presence of other sheds on this block;
- (2) Can the benefit sought be achieved by some other feasible means: Mr. Tierney finds that if it was moved closer it would not look aesthetically pleasing. The Board agrees that while the shed could probably be placed elsewhere it would likely be more disruptive work and a detriment to the overall appearance of the property;
- (3) Is the area variance substantial: The Board agrees that no, it's not substantial given its size and presence of other similarly size sheds in the area;
- (4) Having an adverse effect or impact on the physical or environmental conditions: The Board agrees, no, as the shed will be completely within an existing foundation;
- (5) Is the difficulty self-inflicted: Board agrees that yes, most variances are to some extent.

Board members have no concerns with this project so long as HHS and the HPC have no problems.

Mr. Saracino requests a motion to authorize Attorney Torre to draft a Decision. Ms. Danskin moves, Mr. Tierney seconds. 5 ayes. Motion carries.

2. Area Variance: 212-13(A)(8)(a)(1)

ZB20-01: 17 Cooper Street

Applicant: David Toder

Zoning District: R-1

SBL: 78.82-3-30

7:20-8:22

Mr. David Toder (architect) and Mr. Jonathan Crystal (buyer) appear before the Board. The owner's representative Mr. Anthony Aebi is also present. Mr. Toder summarizes the history and scope of the property and project. A number of variances had already been granted to certain lots in this development. In 2001 the zoning code was revised in such a way that created a very large front yard setback, prompting a necessity of variance requests. The previous variance approvals have expired, hence the need to renew the request.

The corner of the building comes into the front yard setback. Most of the 14 ft. variance requested is for the grade-level deck; if it were only for the house it would require a 9 ft. variance for the corner. Aesthetically it's a bit more contemporary than the surrounding houses. The footprint of the house is 1,355 sq. ft. Total for the first and second floor is 2,710 sq. ft. + 1,355 sq. ft. finished cellar.

Mr. Toder asks if the Board has any other questions.

Mr. Saracino requests clarification about how much is encroaching into the setback. Mr. Toder explains that they are asking for more footage than the encroachment to give leeway for builder safety. Really the deck encroaches about 12.5 ft.

Mr. Saracino asks about the setback on the opposite side of the property. Mr. Toder explains that the corner of the garage extends about 8 ft. into the side yard setback which is allowed per the code. Mr. Saracino asks if the house can go further into the side yard and not need a variance. Mr. Toder states that the geometry doesn't work.

Ms. Danskin clarifies that the deck is what is encroaching the most and asks about a smaller deck.

The Board discusses other possibilities for the location of the deck to avoid any or less encroachment.

Mr. Saracino asks about topography and if it's higher than other houses in the neighborhood. Mr. Toder responds that the roofline is both lower and higher than other houses in the neighborhood. The height is pretty comparable to the other homes, however.

Ms. Danskin asks about the square footage of the deck. The deck is 16' x 16'.

Mr. O'Sullivan asks about the size of other houses in the neighborhood. The existing houses in the neighborhood are between 2,400-3,400 sq. ft. Mr. O'Sullivan expresses concern about how much bigger the proposed house is than the rest of the homes in the area.

Ms. Danskin says if the deck is the issue it could easily be smaller; she asks about an alternative.

Mr. Toder explains that most decks in the area are 12' x 16' so this is slightly bigger. Mr. Toder acknowledges that the house is a bit bigger but that the lot itself is also bigger.

Mr. Saracino speaks to maintaining the "character of the neighborhood," as a factor in making a final determination.

Mr. Toder has spoken to neighbors who seem to be fine with some of the more modern elements.

Attorney Torre explains why the side yard setback variance is not needed.

Mr. Aebi clarifies that there are 5 other houses in the neighborhood sized at 4,000+ sq. ft. because of the basements.

The applicant plans to submit detailed plans regarding the surrounding homes in order to clarify the discussion regarding maintaining the character of the neighborhood.

Mr. Toder talks about the design in terms of allowing a better play area for kids.

The applicant is waiting for a decision from the DPW regarding the SWPPP.

Ms. Danskin moves to set a Public Hearing for March 10, 2020 at 7 PM. Mr. O'Sullivan seconds. 5 ayes. Motion carries.

Ms. Sawchuk will submit these plans to the UCPB for their review.

Administrative Business

- *Approval of January 14, 2020 Minutes*

Ms. Danskin moves to approve the January 14, 2020 Minutes. Mr. O'Sullivan seconds. Ms. Simons abstains. 4 ayes. Motion carries.

- *Village Board Updates*

Ms. Zipp is absent.

Adjournment

Ms. Simons moves to close the February 11, 2020 meeting. Mr. O'Sullivan seconds. 5 ayes. The meeting adjourns at 8:28 PM.

Respectfully submitted by,

Alana Sawchuk
Planning and Zoning Secretary