

TOWN OF ESOPUS

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Zoning Board of Appeals

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TOWN OF ESOPUS ZONING BOARD OF APPEALS

Minutes of the December 20, 2011 Meeting

CALL TO ORDER: Chairman, Don Cole, called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Vic Barranca, Joe Guido, Rob Hare, Kathy Kiernan, Karl Wick, and Chairman, Don Cole.

Excused: Linda Smythe

Also present: Gloria VanVliet

MINUTES

Vic made a motion to approve the November minutes as written. Seconded by Rob. All in favor.

VOUCHERS

Kathy made a motion to approve the voucher for secretarial work. Seconded by Joe. All in favor.

PUBLIC HEARING

11-15-11-01	Raymond Wapner & Peter Courmont	Area Variances
	135 River Road	64.01-2-6

Angela Garnier was present representing owners. No members of the public were in attendance.

Karl asked if Ms. Garnier had brought the items asked for last month. She replied that circumstances came up that prohibited her from bringing what was asked. She will bring them next month.

Chairman Cole stated that the Board probably will not be voting tonight on this application because there are issues that need to be considered. He said that there was a possibility that the application may be changed from a Bed & Breakfast to a Tourist Home, which does not need to be owner/occupied and it doesn't serve meals. Chairman Cole will contact the Town attorney to see what is the proper way to handle this. A decision can be made at the next meeting after discussion by the Board.

Joe stated that the public hearing would have to remain open until next month. If the applicants change the application to a Tourist Home, a new legal notice would have to be published announcing another public hearing. Chairman Cole stated that he would ask the attorney how we should go about this.

Chairman Cole added that the County Planning Board as recommended that the applicants contact the County Board of Health to have the "adequacy of the existing well, septic and 100% reserve area verified."

Kathy stated that the Town Planning Board's notes mention that meals would not be offered if the residence was a Tourist Home. Joe asked what the definition of a Tourist Home was and the definition was pointed out to him. He asked, "What would stop a Tourist Home from becoming

a rented apartment?"

There was discussion on Tourist Homes and what Town zoning law says about them: "A building containing individual living and sleeping accommodations, each of which is accessible through interior hallways and is offered for rental use by transient guests."

Joe asked Ms. Garnier if the guests were going to be in the garage or the main house and she answered "in the house."

Kathy asked if anything was being done about a lot line revision. Ms. Garnier asked if that was one of the variances and Kathy replied that a setback was one the variances and (the garage) is over the property line. The Board cannot give a variance on someone else's property.

Ms. Garnier stated that it was like that when applicants bought property and they did not put the building up. She asked if that was the point of the title search and Karl replied "to see if there were proceedings for adverse possession." Ms. Garnier will have this information next month.

Joe asked if the property was just recently purchased and Ms. Garnier replied, "1994."

Secretary stated that if a new legal notice needs to be published she needs to know if there are any changes from the two variances being requested. Chairman Cole stated that he doesn't know yet – that is what he will ask the attorney. He added that there may be a charge if the legal notice needs to be repeated. Ms. Garnier stated that she needs to know if there will be another charge before the legal notice is sent.

Rob stated that he is interested in the genesis of this project. What brought about the need or the interest in having a bed & breakfast? Ms. Garnier replied that she has managed the property for a few years. She has a hotel management degree and she thought this property had some possibilities. She spoke with people and realized that Esopus doesn't have a Bed & Breakfast and its an amazing location with river access. Other Bed & Breakfast owners are booked up as people are not going to hotels – many prefer B&B's.

Rob asked if the owners approached her and Ms. Garnier replied that she had approached them with the idea and they were very enthusiastic about it. She added that it will increase the value of the property.

Chairman Cole dismissed Ms. Garnier and asked that she return on January 17 for the next meeting. He said that the Board will make a connection with her before that date.

The Public Hearing for Wapner and Courmont was left open.

Chairman Cole reminded the Board about a workshop notice they had received for January 12, 2012. He also noted that the new time for ZBA meetings will be 7 pm instead of 7:30 pm.

Chairman Cole presented Rob with a framed certificate honoring him for his service to the Town of Esopus. Rob expressed that he had enjoyed getting to know everyone on this Board and if life slows down, maybe he will be back.

Kathy asked where Tourist Home was on the "permitted uses" chart in the zoning regulations. Tourist Home was not under lodging. Secretary will bring in the more detailed listing from the Standard Industrial Classification Manual (SIC) next month.

Vic made a motion to close the meeting and Don seconded. All in favor.

The meeting was adjourned at 7:47.

Respectfully submitted,

Joan Boris, Secretary

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