

TOWN OF ESOPUS  
P.O. Box 700  
Port Ewen, NY 12466  
***Zoning Board of Appeals***

**845-331-8630**

**Fax 845-331-8634**

TOWN OF ESOPUS ZONING BOARD OF APPEALS  
Minutes of the February 18, 2014 Meeting

**CALL TO ORDER:** Acting Chairman, Joe Guido, called the meeting to order at 7:04 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: Vic Barranca, Sean Fitzgerald, Joe Guido, Kathy Kiernan, and Karl Wick.

Excused: Dick Wenzel

Also present: Diane McCord, Town Board member

**MINUTES**

Karl made a motion to approve the January minutes as written. Seconded by Sean. All in favor.

**VOUCHERS**

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

**PUBLIC HEARING**

01-21-14-01	Jonathan Ahmadjian	area variance
	121 River Road	56.20-3-22

Colin Houston was present representing Mr. Ahmadjian. He explained there is a small encroachment between Mr. Ahmadjian and Mr. Saccoman. Applicant is trying to sell his property and the attorney for the prospective buyer will not allow the closing with the existing encroachment. Applicant needs a lot line adjustment to clear up the encroachment and needs a variance in order to do the line revision. He is in front of the Planning Board for the lot line adjustment.

Joe stated that an undersized lot is having property added to it.

Karl asked if there were any riparian (underwater) rights involved with the lot line adjustment, Mr. Houston replied that there were not. Karl noted that the dock was not an issue.

Mr. Houston handed out three Metes & Bounds descriptions of the parcels in question: the small triangular parcel going from Ahmadjian to Saccoman and the two resulting parcels.

Karl stated that we are reducing a large lot by 5/8 of a percent and increasing a tiny lot by 4.7 percent. He said there is no question that this is a good thing to do.

Joe asked if the Board members had received a copy of the e-mail sent by Mr. Saccoman and he read it aloud. In part it reads, "I am writing to you to express my wholehearted favor in seeking approval from the Town of Esopus Zoning Board of Appeals for this proposal."

Karl made a motion to close the public hearing. Seconded by Vic. All in favor.

Joe polled the Board and all were in favor of voting on the application tonight.

Karl made a motion to table the **DECISIONAL** for Quetzal Saunders for 15 minutes to see if Mr. Saunders showed up. Motion seconded by Vic. All in favor.

**DECISIONAL**

01-21-14-01

Jonathan Ahmadjian  
121 River Road

area variance  
56.20-3-22

Joe stated that (we're) taking an undersized lot and making it less undersized and the other existing lot is not being made illegal in any way.

**Motion**

**Karl made a motion to grant a variance from Article VII Section 123-35 to allow a lot line adjustment as proposed between Jonathan Ahmadjian and Thomas Saccoman, transferring .004 of an acre to Saccoman, as shown on map dated January 6, 2014 by Colin Houston, Professional Land Surveyor.**

**Motion seconded by Sean.**

**VOTE:**

**Kathy – In favor. The (lot line adjustment) probably will not be noticeable but will correct a pre-existing situation where the dock is on the other property. No one has come forward with any objections.**

**Joe – In favor. There will be no adverse effects. You're taking an undersized lot and making it less undersized, and not doing any infractions on the other property.**

**Vic – In favor. I don't see any problems with this. It is such a menial adjustment. I don't think we'll have any problems with jeopardizing the characterization of the neighborhood.**

**Sean – In favor. I don't think it will have any negative effect on the central character of the neighborhood. It is making an otherwise useless, for lack of a better word, parcel into a useful parcel.**

**Karl – In favor. I think this is a minimal variance and the overlap in usage is within tolerance of the original surveys. There is no negative impact on the neighborhood, in fact no change. It probably will benefit both applicant and neighbor.**

**Motion approved.**

Joe added that applicant must return to the Planning Board for final approval for the lot line adjustment.

Mr. Houston asked if he and the Planning Board would get copies of the decision and Joe told him that would happen.

Karl made a motion to reopen the **DECISIONAL** for Saunders. Sean seconded. All in favor.

**DECISIONAL**

01-21-14-01

Quetzal Saunders  
1356 Old Post Road

area variance  
71.30-4-27

Applicant was not present.

Joe stated that although he has no problem granting this variance, he does not like the fact that applicant was not honest with the Board up front. He ended up hurting himself in the long run because the decision was delayed by two months. Joe said that the house needs some kind of step coming down and, with the wall (in front of the house), he doesn't see any problem with traffic.

Sean agreed with Joe. He looked at the property again and there is additional encroachment with all the snow present- the snow creates smaller roads. He added that the yard for which the variance is requested is all behind that retaining wall so it is really not impacting anything that isn't impacted already by nature and Town maintenance.

Karl stated that he also does not like the way the owner approached this. He got a Stop Work Order in July and he didn't come to this Board until the end of the year. He said that if he treated this application like a legitimate one he would probably vote in favor.

Joe stated that he would like to add a stipulation that the deck remains open and any other changes to the deck would have to come before the ZBA again.

**Motion**

**Kathy made a motion to grant a variance to allow the existing front deck seven feet from the front property line, a variance of 33 feet from the required front yard setback, with the stipulation that the structure remains an open deck.**

**Motion seconded by Sean.**

**VOTE:**

**Karl – In favor. It is a substantial variance – 40 feet to 7 feet. However, the topography, the presence of a wall that's been dividing use for decades, certainly makes it an easier decision. I don't see any change in the character of the neighborhood. That wall has**

been there a long time. The deck is almost necessary for the occupant's use to access his house. I don't see any detrimental effects as long as he does not close in the deck.

Sean – In favor. The deck is pretty much necessary to make the house functional. That makes it unique to the property in question. It also does not appear that the need for the variance is self-created and it doesn't appear to affect the neighborhood in any negative way.

Vic – In favor for all the reasons mentioned previously.

Kathy – In favor. It is a substantial variance. I think the fact that there is a wall that separates the yard from the road makes a difference. No one has objected to it.

Joe - In favor. I think it is a substantial variance, but because of the topography, the way the stone wall is there and has been there, and there are other houses close by that are close to the road also. It is not out of context with the neighborhood.

**Motion approved.**

#### **OTHER BUSINESS**

Vic asked Diane McCord if there was a replacement for Don Cole on the Board. Diane replied, "Not that I am aware of." She said the Town Board was reviewing applications at their workshop meeting tonight. Joe asked if they were going to address the chairperson issue for the ZBA. Diane stated that nobody really wants that job, but Kathy (Kiernan) has said that she would be willing to do it and Diane will bring it up at the meeting.

Karl stated that Kathy would do a good job. She has been a Board member and secretary and has a good amount of experience and common sense.

Sean told the Board that he may need to resign because of a pending opportunity at work which would change his schedule. He isn't sure when the decision will be made. He was expecting to hear by now. Joe said that was too bad for us and asked Sean to tell secretary when he knows.

Joe made a motion to close the meeting. Seconded by Vic. All in favor.

Meeting adjourned at 7:28 p.m.

Respectfully submitted,

Joan Boris, Secretary  
Zoning Board of Appeals