

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 March 26, 2013 Meeting

CALL TO ORDER: Chairman, Don Cole, called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Also present: Mike Goudy

MINUTES

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

VOUCHERS

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

INFORMATIONAL

03-26-13-01

Venditti Properties LLC
832 Broadway

72.1-1-12.100
use variance

Jeff Venditti was present representing his brother and sister-in-law, owners of the property. Applicants would like to convert a commercial structure, which has been occupied by several businesses over the years. The plan is to build an addition to the structure comprised of a bedroom and a shower to make it a rental apartment. They believe that will be more suitable for the building and hope to keep it rented steadily. It has been a bike shop, a gym and a consignment shop and none of them have been very successful. Mr. Venditti explained that applicants wish to convert to an apartment because some of the other prospective tenants have been “undesirable” to the neighborhood. They prefer not to rent it to, for example, a tattoo shop. An apartment would be more in line with the rest of the neighborhood.

Chairman Cole asked if the property was Lindemann Properties and Mr. Venditti replied that it had been and that Lindemann Properties is dissolving and selling all the parcels. Applicants purchased this parcel from Lindemann Properties and it is now Venditti Properties.

Joe asked the location of the property and Mr. Venditti replied that it is a strip of land just after the turn for Esopus Avenue going south and that the road between 9W and the property was sold with the property.

Mr. Venditti explained that there is a larger house on the property, which was his grandfather's house, that was divided up into three apartments, two upstairs and one downstairs. Applicants are requesting to add one more apartment on the property.

Chairman Cole asked if there was a kitchen in the (commercial) building. Mr. Venditti replied that there is no kitchen currently but it is part of the conversion plan. He explained that there is a small bathroom with a toilet and sink. The plan is to add a shower and a bedroom. Mr. Venditti showed the Board on the site plan where the addition and the septic area would be.

Joe stated that he would like to have more information for the next meeting: layout of the building, how far the addition will be from the property lines, setbacks, septic tank distance.

Joe stated that the zoning district is General Commercial and Mr. Venditti explained that applicants want to change the zone to be mixed for commercial and residential. Joe asked secretary if the entire area was zoned General Commercial. She stated that she did not know.

Joe also requested parking plan for the entire property –the large house and the smaller commercial structure.

Mr. Venditti stated that currently the small building is an art studio and the plan is to put the addition on so that when this tenant leaves, applicants can rent it as an apartment.

Mr. Venditti was asked to re-appear for the public hearing on April 16.

INFORMATIONAL

03-26-13-02

Wayne & Joan Geraci
60 River Road

56.76-2-22
area variance

Wayne Geraci was present and explained his variance request. Three years ago he finished his basement into a small apartment so that his grandmother could live there. Last week applicant spoke with Building Inspector, Tim Keefe, who told him that in order to have an accessory apartment, the property needs to be a minimum of one acre or be served by municipal sewer and water. Mr. Geraci is on $\frac{3}{4}$ of an acre, has a well and a leach field at 60 River Road.

Joe asked if applicant obtained a building permit when he put in the apartment and Mr. Geraci replied that he did not. He explained that he put in a small kitchen, carpeting and paneling. There was a bathroom already. Joe asked if applicant was requesting to legalize the apartment in order to sell the house. Applicant replied that that is his intention.

Joe asked if there were two electric meters on the house and applicant replied that there is just one.

Kathy asked if there was access to the outside from this apartment. Mr. Geraci replied that there was not because it was for his grandmother.

There was discussion on the floor plan of the apartment. Applicant stated that he made no structural changes.

Joe asked applicant to bring photos to the next meeting and a time line of when the addition and finished basement were built.

Sean asked if applicant was told the basement was an accessory apartment. Mr. Geraci stated that Tim Keefe looked at the regulations and said it would be considered an accessory apartment; but in order to be an accessory apartment, one must have a full acre (applicant has $\frac{3}{4}$), municipal water and sewer (he has private).

Karl asked if there was a separate entrance and if the kitchen and bath were used exclusively by the occupant of the apartment. Applicant replied no separate entrance, exclusive kitchen and bath. The bath was already in the basement and Mr. Geraci put in a 2-burner stove, a refrigerator, and a sink. Karl stated that, in effect, he would like a variance to be able to have an accessory apartment. Mr. Geraci said it was virtually unused now that his grandmother had passed away.

Karl asked applicant to give the Board the square footage of the main residence and the apartment at the next meeting.

Sean asked if there was one additional parking space for the apartment. Applicant replied that the end of the driveway has a huge parking area and he added a parking area when he built an addition in 2005. There is room for 7 cars in one area and 8 cars in another area.

Joe asked if Mr. Geraci knew the recovery rate of his well. He replied that he does not. When he moved in in 2005, the well went dry and he drilled a new well. It was at 125 feet and they drilled another 120 feet. The motor burned up and a new motor was installed. Joe said that the driller gives the owner a gallons-per-minute rate and asked that Mr. Geraci see if he can find that out. Joe said it would be to his advantage the higher that rate.

Karl stated that the lot size is the issue – accessory apartments are permitted as long as there is an

acre or central water and sewer. If you have an acre, you don't need sewer and water.

Applicant explained that he and his brother-in law who lives next door both asked to be connected to Town water and sewer and were denied by the County because they did not want to dig up the street. Since that time, two new houses on River Road have been connected to Town water. Joe asked if he had documentation and asked Mr. Geraci to include that on the time line.

Applicant was asked to re-appear at the April 16 public hearing.

PUBLIC HEARING

02-19-13-01

Stephen Johnson & Mary Ellen Frankini
10 Rousner Lane

71.4-1-2.134
area variance

Stephen Johnson was present and he explained the he is requesting to build a lean-to garage on to the left side of his present garage. It will extend into the required setback on that side. It will be 14x28.

Karl asked if it was the south side of the property and owner replied that it was.

Chairman Cole asked about the front fence. Applicant replied that the fence is about five feet from the location of the proposed structure and that he would be sealing it off because there is a pool in the back yard. The property line is another five feet on the other side of the fence.

Joe stated that he needed to see where the pool and septic area are. Secretary had copies of a survey from another permit application showing these.

Mike Goudy, 901 Old Post Road, was present for the public hearing. His property adjoins Mr. Johnson's and stated that he was there to see what he had been notified about regarding the variance. Joe explained the variance request and the process. Mr. Johnson showed Mr. Goudy and the Board where the structure would be built. Mr. Goudy had no questions or comments.

Joe stated that the wooden fence is five feet from the property line and the addition would be another four feet in from the fence. There was discussion as to where the neighbors' houses and wells were in relation to the new structure.

Sean asked if the stockade fence already existed and applicant answered, "yes."

Karl made a motion to close the public hearing, seconded by Sean. All in favor.

MOTION

Karl made a motion to grant a variance from Article V Section 123-20 to allow a variance of three feet on the south side setback. Required side setback is 20 feet. Variance allows

applicant to build a 14x28 garage addition 17 feet from the south side property line.

Motion was seconded by Sean.

VOTE:

Joe – In favor. Even though it's a large lot, you cannot get to the backyard because there is the septic system and an in-ground pool. There is a stone wall that will be dividing his property from the other property so it is a unique case.

Kathy – In favor for the same reasons as Joe and I don't think it's a detriment to the area. None of the neighbors have voiced any objections.

Don – In favor for all the reasons already discussed and it's not a detriment to the area.

Vic – In favor for all the reasons stated. I don't think it is going to jeopardize the character of the neighborhood.

Sean – In favor for all the reasons stated. There is nobody opposing the project. The work compliments the house and is not detrimental to the character of the neighborhood, the specific requirements and limitations of the property, and the needs of the property and the family.

Karl – In favor for the same reasons as everyone else. I don't think it is going to change the character of the neighborhood. There is no detriment, there is a certain benefit to the owner and it is a minor variance.

Motion approved.

Chairman Cole reminded applicant to obtain a building permit.

Chairman Cole stated that he is submitting Greg Wilcox's name to the Town Board for appointment to the ZBA to fill the opening.

Joe remarked that the Board should get out and look at some of the properties that go before the Board for variances.

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

Meeting adjourned at 7:45 pm.

Respectfully submitted,

Joan Boris, Secretary
Zoning Board of Appeals