

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 April 17, 2012 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, Joe Guido, Kathy Kiernan, Karl Wick, Linda Smythe, and Chairman, Don Cole.

MINUTES

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

VOUCHERS

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

PUBLIC HEARING

03-20-12-01

Peter Speliopolous
153 Carney Road

63.3-1-17
2 area variances

Al Wolcott, the building contractor, was present representing the applicant, Peter Speliopolous. No members of the public were present for the public hearing. A neighbor, Jay Edelman, signed in before the meeting but left after speaking with Mr. Wolcott.

Mr. Wolcott explained that the proposal in front of the Board was to build a studio building that is designed to look like a barn. It would provide for art storage and art studio space and room to store one car in a garage. The area variance is required because the structure is technically in front of the house. It is between the house and the road, 25 feet back from the edge of the road. There is a parking area there now, which would remain. He stated that the applicant is trying to make the building non-descript to fit in with the house.

Joe asked Mr. Wolcott if he was aware that applicant also needed a variance for the height of the building. Mr. Wolcott stated that he assumed that after last month's meeting, the height variance was added to the application.

Joe stated that there were questions from the last meeting that Mr. Wolcott was going to answer tonight:

What kind of studio is proposed? Mr. Wolcott stated that the lower portion of the building will be used as an art studio, e.g. painting. It is messy so that is why a shower is needed. The upper room will be used for sketching, designing, sewing and storage of costumes. Applicant is a researcher of costumes and possesses antiques and has many costumes in archives.

Vic asked, "How will the septic system tie in?" Mr. Wolcott met with the applicant and architect and they came up with the plan to have a pump in the basement of the new building which will pump to the septic system of the main house. Chairman Cole stated that the plumbing will be reviewed and inspected by the Building Inspector.

Karl asked whether there were neighboring properties with outbuildings closer to the street than the house. Mr. Wolcott answered that he did not think there were. Most of the neighbors' homes on Carney Road are set back far from the road. He mentioned that the site is restrictive because of wetlands and elevation, and there is almost no where else that this building could sensibly be situated.

Joe asked whether there was room in the back to build. Mr. Wolcott stated that the DEC letter and permit, dated June 7, 2011, addresses the issue of building 100 feet from wetlands and the buffer required.

Joe asked about the square footage of the existing house and the footprint of the new building. Mr. Wolcott replied that the existing house has 2800 sq. feet of living space. The attic space in the new building will be around 300 sq. feet with a pull-down ladder, and will be for storage.

Karl asked if the applicant could make the building any smaller. Mr. Wolcott answered that the owner has need for a lot of storage and would make the building bigger if he could.

Chairman Cole stated that the elevation of the property makes the height of the building so much higher in the back. The height in front is within the footage that they need and as you go back, the height increases. The height, as measured by the Building Inspector, is 21 feet. The allowable height for an accessory structure is 15 feet. Joe explained how the height of a building is calculated as per the Building Inspector: the vertical distance measured from the average elevation of the finished grade at the front of the building to the mean height between eave and ridge.

Karl stated that 21 feet doesn't bother him. Mr. Wolcott said that the average height on the north side is 9 feet and on the south it is 15 feet.

Joe stated that there were concerns about the floor plan of the new building. Why are there so many room divisions? Joe said that the Board is concerned that this building will be used as a residence. It looks as if it is designed in a way that makes it possible to convert it to a residence. Mr. Wolcott stated that the applicant and his partner live in the house and they are not planning

to use the new building as a residence. He believes that they have a guest room in the house. Joe mentioned that a stipulation could be put on the variance that the building never be used as a residence and also that the property never be subdivided. A change of usage would require the owner to go to the Planning Board for approval. Chairman Cole stated that the Planning Board had requested that if the applicant used the building for a business, he must get approval.

Joe asked again why the building had to be placed where it is proposed. Mr. Wolcott showed the Board the site plan with the designated wetlands and its buffer. He showed the little bit of lawn that the applicant has and where the septic area and leach field are. Options were discussed, but Mr. Wolcott said that basically it is the most convenient spot for the applicant's usage.

Kathy asked if the building was going to be green. Mr. Wolcott said that the applicant hasn't specifically requested that he use green materials, but a lot of what his company does is green because they use high-end materials, which are green. Their buildings are very energy-efficient and, in that sense, they are green. They are super-insulated, have efficient boilers, etc.

Chairman Cole closed the public hearing at 7:29 p.m.

Joe made a motion to grant a variance to allow the height of the structure to be 21 feet, as stipulated by the Building Inspector's interpretation of the building's height in his Notice of Disapproval, dated March 13, 2012.

Motion was seconded by Vic.

VOTE:

Karl – In favor. This is a unique site. It is in a General Commercial district, not a residential district. There is more room for different styles of structures. The design is in keeping with traditional uses for this property. There probably was a barn on this property, or a packing house. I don't think this height is going to have any detrimental impact on the neighborhood.

Vic – In favor. I don't see any change to the character of the neighborhood. I think it is a well thought out plan.

Don – In favor of this project as stated.

Kathy – In favor.

Joe – In favor because of the way the land drops off and the way everything had to be averaged out to calculate the height.

Linda – In favor for all the same reasons.

Karl made a motion to grant a variance from Article V Section 123.21C5(a) to allow this structure to be placed in the front yard not less than 25 feet from the edge of the pavement as shown in a site plan by Hottenroth & Joseph, Architects, January 16, 2012, with the following stipulations:

1. this structure shall never be used as a residence,
2. this property shall not be subdivided in the future,
3. if there is a change in usage, owner will need approval from the Planning Board. This third stipulation cannot override the second stipulation.

Seconded by Chairman Cole.

VOTE:

Karl – In favor because of topography and wetlands concerns and also because it is a GC district with some different needs than a residential district. I feel this is the best design for the property.

Vic – In favor. I think this is a well thought out plan.

Don – In favor.

Kathy – In favor for the reasons that Karl gave.

Joe – In favor because of the topography and the wetlands. It is a good use of the property.

Linda – In favor. I agree with Joe.

Chairman Cole stated that applicant had been granted the variances requested.

Mr. Wolcott presented the Board with some old photographs of the property, showing an old barn and previous owners.

Having no other business, Joe made a motion to close the meeting. Seconded by Kathy. All in favor.

Chairman Cole adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Joan Boris, Secretary
Zoning Board of Appeals