

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 April 15, 2014 Meeting

CALL TO ORDER: Chair, Kathy Kiernan, called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Vic Barranca, Joe Guido, Kathy Kiernan, Frank Skerritt, Dick Wenzel & Karl Wick
Also present: Diane McCord, Town Board member

MINUTES

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

VOUCHERS

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

Kathy explained the three-part process of the Zoning Board of Appeals.

INFORMATIONAL

04-15-14-01	Shirley Schmidt	use variance
	538-542 Old Post Road	71.2-3-22.100

Present were Shirley Schmidt, administrator of Gustav Schmidt estate, Elizabeth Decker, realtor, and Bill Welch, prospective buyer of the property for which the variance is requested.

Ms. Decker explained to the Board that they are requesting approval for the second house that was built on this seven acre parcel 40 years ago. The building inspector was called to visit the property and he found that there were two building permits taken out. One was for a house and the other for a two-car garage. However, she stated, Mr. Schmidt built two houses on the property. Ms. Decker noted that there was enough land mass. Granting of the variance would make it possible for Mr. Welch to complete his purchase of the property from Ms. Schmidt.

Karl asked the year built for the three houses on the survey map. Ms. Decker replied that the brick house was built in 1961; the other two were built in 1972 and 1974. Ms. Decker explained that the Planning Board recently approved a lot line revision for the property to bring the other property

into compliance. Mr. Welch stated that one house had been a half inch off the property line. Karl agreed that a lot line revision was a good solution.

Mr. Welch noted that the property next door, Frog Hollow Farm, has two houses on it and he added that his property on Poptown Road has two houses on it. Karl stated that if they were built pre-zoning, they were OK. Mr. Welch said the ZBA granted a variance in 2006 to put a second house on the Poptown property.

Ms. Decker stated that the tax assessor 10 or 15 years ago assigned a separate section/block/lot to these two properties for "tax purposes." The current Assessor combined them again because they were not separated legally.

Joe asked if the Planning Board had approved the lot line revision, Ms. Decker replied that was correct. Joe asked why applicant doesn't just sub-divide and have two properties. Mr. Welch stated, "That's the way it's always been. I'd (prefer to) leave it that way. It's been like that for 40 years. There's other properties throughout the town where there's two on one."

Ms. Decker stated that when she originally listed the property almost two years ago, she listed it both ways and there were no offers on it.

Kathy asked what she meant by both ways – one property or two? Ms. Decker replied that was correct. One buyer (Mr. Welch) is buying the whole package and we didn't see any reason to change it. Mr. Welch added that the lot size now is 7.25 acres and Ms. Schmidt's property next door has one acre where it previously had $\frac{3}{4}$ acre.

Dick asked if there was access to each home by driveways from Old Post Road. Mr. Welch replied that there was one driveway for both houses.

Joe asked Mr. Welch if he planned on living in either of the houses and he replied that his son was planning to live there.

Karl asked if applicant had said that at one time the 7.5 acre lot was assessed and taxed as two separate tax lots. Ms. Schmidt replied that the assessor had separated it and the current assessor re-combined the lots because it had never been sub-divided.

Karl asked why there is a building permit for one of the houses and not the other. Ms. Decker replied that one was for a house and one was for a garage. Secretary explained that the structures were exactly the same, two-car garage below, apartment above. Karl asked why two building permits for houses weren't asked for. Ms. Decker replied that they had no idea. The building inspector at that time is no longer around.

Kathy asked if the houses can be seen from the road and if the Board members could visit the property. Mr. Welch explained the location of all the houses.

Kathy stated that next month's meeting will be the public hearing. Mr. Welch asked if it was definitely going to be June before a decision is made. Kathy said that is the process and there is a possibility that the decision could be made the same night as the public hearing. It depends on input from the public.

Joe noted that restrictions might be stipulated on the variance, for example the property being further sub-divided. There was discussion on the distance from one house to a property line and the inaccuracy of the lines in general. Kathy wondered if another variance was needed for the proximity of this house to the line. She will speak to Tim about it.

Frank asked if there was one well for both houses, and Mr. Welch replied that was correct. Frank stated that the Ulster County web site shows a driveway going through the property to another property in the back. Mr. Welch said that was no longer accurate and that Mr. Schmidt's son had put in a new driveway last summer. There is no right-of-way on applicant's property.

Joe asked who Board members should call with questions. Mr. Welch gave his phone number and said that Dolly could be called as well.

Applicant was dismissed.

OTHER BUSINESS

Kathy stated that Sean had resigned and the Board has a new member – Frank Skerritt. The Board is still down one member. Diane is going to remind the Town Board at the workshop meeting this evening.

Karl congratulated Kathy on her promotion to Chairperson. Joe asked Frank what prompted him to join the ZBA. Frank replied that he wanted to be more involved with the community and he had Tuesday nights open.

Joe made a motion to adjourn, seconded by Vic. All in favor

Meeting adjourned at 7:20 p.m.

Respectfully submitted,

Joan Boris, Secretary
Zoning Board of Appeals