

TOWN OF ESOPUS ZONING BOARD MINUTES
ZOOM MEETING
April 21, 2020

PRESENT: Chairman Karl Wick
Vic Barranca
Gloria VanVliet
Elizabeth TenDyke
Jim Tomassetti
Donn Avallone

EXCUSED: Frank Skerritt

Chairman Karl Wick called the meeting to order with the Pledge of Allegiance at 7:00 p.m.

Chairman Wick called for a motion to approve the March 17, 2020 Minutes. Upon Motion of Member Vic Barranca, seconded by Member Gloria VanVliet, and the affirmative vote of 6 Members, the Motion passed by a vote of 6 ayes, 0 nays, 0 abstentions and 1 absence.

Chairman Wick called for a motion to approve the February 11, 2020 Minutes. (Motion to approve did not carry in March). Upon Motion of Member Donn Avallone, seconded by Member Vic Barranca, and the affirmative vote of 5 Members, the Motion passed by a vote of 5 ayes, 0 nays, 1 abstention (Member VanVliet) and 1 absence.

DECISIONAL:

12-05-19-01 Kale Williams
117 Poppletown Road
SBL No. 71.2-2-32.120
Area Variance §123-21 C(5)(a)

Applicants Kale Williams and Alex Williams attended via zoom. Chairman Wick recounted the purpose of the application pending before the ZBA requesting an area variance pursuant to Section 123C (5)(a) for a structure (home office) in front of the residence.

Member Tomassetti inquired as to whether the comments previously provided by Scenic Hudson had been addressed. Secretary read excerpt of the February Minutes which indicated that all of Scenic Hudson comments had been responded to and the Secretary had directed that arrangements be made directly with the Applicants to make arrangements for a site visit.

Member Avallone confirmed that the Public Hearing had been held open to accommodate Scenic Hudson and its ability to conduct a site visit.

Member Ten Dyke was concerned that the hardship requirement had not been met and that the workshop could be placed toward the back of the property and the Applicant had chosen the

location due to aesthetics and personal preference. Member Ten Dyke remarked that there were no other such structures close to the road and that the area was wooded and structure would be a change to the character of the neighborhood. Member Van Vliet concurred.

Member Tomassetti remarked that the location of the structure was that it was closer to the road but further from the Scenic Hudson trails. Member Avallone indicated that the structure being located 125 feet from the road would not impact the character of the neighborhood, Chairman Wick agreed, adding that the request was similar to previous variances granted on the same road.

Chairman Wick called for a motion to grant the area variance pursuant to §123-21 C(5)(a), with all setbacks being met and the home office being located 125 feet from Poppletown Road. Upon Motion of Chairman Wick, seconded by Member Vic Barranca, and the affirmative vote of 4 Members, 1 opposed (Member TenDyke), 1 abstention (Member VanVliet) and 1 absence, the Motion passed by a vote of 4-1-1-1-.

DECISIONAL:

**09-16-19-01 Michael Soura
190 Ulster Avenue, Ulster Park
SBL No. 63.2-3-2
Area Variance - §123-13J(1), 123 & 123 J(2)
LI Zoning District**

Applicant Michael Soura had joined the meeting via dialing into the Zoom meeting. Chairman Wick reviewed the request by the Applicant, noting that the lot was approximately .06 acres, there initially had been 4 variances but Applicant contended that he was not operating a motor vehicle repair shop. The sign indicating that it was a repair shop still existed on the site and the Applicant was willing to remove the sign and that only used cars were to be sold. §123-13J(1) governed lot size which required 15,000 square feet and the current lot was approximately 2613sf (1/5 of what was required. §123-13J(2) governed driveway widths which required 16-24 feet. The Applicant responded that he could close off 6 feet. Member Tomassetti confirmed that the maximum number of vehicles on the lot would be 4, with 2 vehicles being staged under the tent shed/storage and 2 vehicles displayed in front of the trailer/office. Member Avallone confirmed that there was no sewer or water on site and the Applicant indicated that the trailer was not considered a permanent structure (it had wheels on the ground). Member TenDyke requested clarification as to the lot being a pre-existing non-conforming lot when it was owned by Central Hudson and that permission on this location to operate a vehicle repair shop/sales on the site had ever been granted and was concern with the significant difference (17.42%) in the size of the lot and what was required in the Code. Members Barranca and VanVliet concurred.

Member Donn Avallon motioned to deny the request for area variances from §123-13J(1) & 123 J(2), seconded by Member Elizabeth TenDyke, motion to deny passed by a vote of 4-1-1-1 as follows:

**Chairman Wick Deny – substantial variance and self-created
Member TenDyke Deny – concurred with Member Barranca**

Member Barranca Deny- substantial variance from required lot size and wouldn't pass other properties if requesting such a substantial variance
Member Avallone Deny – substantial variance and all other reasons discussed
Member VanVliet Abstain but did support denial for reasons stated
Member Tomassetti Approve – based on 4 cars being displayed and Mr. Soura had been operating on the site from a long time (regardless of ownership)
Member Skerritt Excused

DECISIONAL:

12-06-19-01 David VanLoan
318 Broadway, Port Ewen
SBL No. 56.75-2-18 & 16
Area Variance - §123-24 A(2)(b)
GC Zoning District

Applicant David VanLoan had revised the display area to deviate from the request for a reduced parking space size (9' x 18') and had proposed to close off an access from U.S. Route 9W. Mr. VanLoan had provided photographs of the current display of the vehicles.

Member Avallone remarked that there was parking shown on the lot to the South of the office/structure with cars displayed on the Northern side and inquired as to how many cars could legitimately be displayed if parking areas on both sides of the office (structure) were utilized to which Mr. Van Loan responded 20 cars.

Discussion ensued as to how substantial the variance would be and how the variance would run with the property. Member Avallone questioned whether a condition to the variance could be allowed to expire upon change in use and revert back to required parking for any future use.

The ZBA and Applicant David VanLoan mutually agreed to postpone the decision until the following ZBA meeting.

Upon Motion of Member Vic Barranca, seconded by Chairman Karl Wick, the meeting was adjourned at 8:27 p.m.

Respectfully Submitted,

Lisa K. Mance, Administrative Assistant

Dated: May 13, 2020

Approved: May 19, 2020