

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

**APPROVED**

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TOWN OF ESOPUS ZONING BOARD OF APPEALS  
May 19th, 2015 Meeting Minutes

**CALL TO ORDER:** Chair, Kathy Kiernan, called the meeting to order at 7:00 pm

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: Vic Barranca, Joe Guido, Kathy Kiernan, Melanie Marino, Frank Skerritt, Karl Wick,  
Dick Wenzel, Sheila Pratt - Secretary

Present: D. McCord, Town Board Member

**MINUTES**

Kathy made a motion to amend the April Minutes, as “Karl made the initial motion to approve them”. Joe then made a motion to approve the amended April minutes as written, second by Dick Wenzel; all in favor.

**VOUCHERS**

Kathy asked if all had seen the voucher for secretarial work? Karl made a motion to approve, seconded by Vic; all in favor.

**NO NEW APPLICATIONS**

Kathy advised there were no new applications or public hearings and this was the decisional phase of this application for the Cuthell residence.

**DECISIONAL**

02-17-15=01

Catherine Cuthell  
145 River Road

Area Variance\  
64.01-2-09

Per Kathy are there any questions? Does anyone have a motion worded?

Per Joe: “We do have the response from the U.C. Planning Board that mentions the Erosion Control Plan for that site, as it has washed out prior, for that purpose I think we should refer it back to the Planning Board because it needs to be reviewed and the other issue is from the Waterfront Advisory Board is that the septic should be to today’s standards to accommodate its size.”

Per Karl “We can stipulate anything we want but is the septic really part of our purview? “

Joe responded: ” The problem is if you don’t make it an issue they can grandfather it in to the project because they are not changing the footprint of the house.”

Per Kathy” Do they have to go before the Health Dept?”

Karl: “If they have not changed the amount of the bedrooms technically they don’t”, there is a loop hole with that issue.” I agree with Joe that the septic must be brought up to modern standards.”

Kathy: “Does anyone have anything else? Does anyone want to word a motion?”

Karl: “ Can we do two separate motions or one single motion?”

Joe: “We can do two separate motions for the garage and one for the house that way if there is an issue with the Planning Board on where the garage is they can get started on the house, but we have to make sure that they go before the Planning Board for both.”

### **MOTION - Garage**

Karl: “I’ll make a motion for the garage; from Section 123-21c Sub 5, to construct a garage in the front yard, no less than five foot setback from the front property line in meeting all other code requirements; with the stipulation that the larger project go before the Planning Board for review.”

Kathy asked for the motion to be second; Joe second her motion and to begin the vote on the project.

Kathy asked that Dick start the vote:

Dick: “ I agree with Karl, I think it’s a reasonable request, everything seems in line as far as the garage and the set back with the stipulations it makes it right.”

Joe: “I vote in favor of this because if you look on that road there are garages that are even closer than this one is so it is not changing the character of the neighborhood and like Dick said with the stipulation that there is some sort of erosion control through the Planning Board when they begin building.”

Kath: “ I vote in favor because I don’t think there is any other place for the garage on the property and for all of the other reasons stated.”

Melanie: “ I vote in favor for all the reasons stated and I am in agreement for an Erosion Control Plan.”

Vic: “I vote in favor for all the reasons stated.”

Frank: “I vote in favor agreeing with all the statements already made, I think the Erosion Control Plan is a very necessary portion of this, factoring in the hillside, it could be quite problematic.”

Karl: “ I vote in favor, I feel this property is unique, that there would be no detriment to the neighborhood and or change to the character. I don’t see any other place to put a small garage on this property and I agree that Erosion Control is of paramount concern.

Kathy: “ So that portion of the variance was approved. Does anyone want to make a motion for the height of the house?”

## MOTION – House

Per Dick: “I’ll make a motion that we grant a 17 foot height variance as per Section 123.20 as was drawn in the plans and that the septic system and erosion control plan are in place as we stated, and of course go before the Planning Board. It won’t change the neighborhood, and they must abide by an rules that come up, and abide by the Coastal Assessment Form. Is there anything on the plans regarding the number of baths? “

Joe, Kathy, Dick look over the plans to find the bathrooms and to determine any other stipulations.

Kathy do we have a second on the motion? We stop and review the tape.

Kathy: “So the motion is?” We have a variance of 17 feet in height, Section 123.20, that the house is being built on the original footprint with the stipulation that they must bring the septic up to modern standards and appear before the Planning Board prior to construction. Do I have a second in the motion?

Karl : I second.

Kathy: We’ll start with you Karl.

Karl: “ I vote in favor of this project, it is a unique situation. My biggest concern is there is a fire, there is an egress for the occupants, that should be addressed by Building Code. I don’t see a detriment to the neighborhood it is not that visible, the hill behind it masks it from the view of the river.

Frank: “ I vote in favor of it, along with what Karl said, just that they need erosion control, everything they are building up on the road is basically on the edge of a cliff; so there needs to be some work done there; as it is not on any plan that we have seen so far.”

Vic: “I vote in favor I don’t think that it jeopardizes the character of the neighborhood, not crazy about the garage where it is, but, I vote in favor.”

Melanie: “I vote in favor, I also have concerns about the Erosion Control but I feel that the proposed building is more visually appealing than what is presently there.”

Kathy: “I vote in favor because we are asking them to go back before the Planning Board to take care of the issue of Erosion Control on the slope and that the septic be brought up to today’s standards.”

Joe: “I vote in favor of this, to me it’s kind of like an experiment to see how it does look from the river when it is done. The applicant has agreed that it will be done in natural tones and it is on the original footprint of the house that exists already.”

Dick: “I agree, there is no character change to the neighborhood, I agree with the stipulations going to the Planning Board regarding erosion control.”

Kathy: “ Ok, so that variance motion has been granted,you will send them a letter and copies of the variances; and they know they have to go before the Planning Board.”

Kathy: “ Do we have any other business?” Does anybody want to make a motion to adjourn?

Vic: “ I’ll make a motion to adjourn.”

Joe: “ Second.”

All in favor to adjourn; meeting adjourned at 8:00 pm

Next meeting is at 7:00 pm on June 16th, 2015

Respectfully submitted,

Sheila Pratt, Secretary  
Zoning Board of Appeals 5/31/2015