

**ZONING BOARD OF APPEALS MEETING
AUGUST 15, 2017**

PRESENT: Kathy Kiernan, Chairperson
Joseph Guido
Karl Wick
Vic Barranca
Frank Skerritt
Glen Kubista
James Banks

Chairperson Kiernan called the meeting of the Town of Esopus Zoning Board of Appeals to order at 7:00 p.m. beginning with the Pledge of Allegiance to the Flag.

Chairperson Kiernan asked the Board if everyone read the minutes of the July 18, 2017 meeting and if there were any changes.

GLEN MADE A MOTION TO APPROVE THE JULY 18, 2017 MEETING MINUTES SECONDED BY VIC. ALL MEMBERS WERE IN FAVOR.

VOUCHERS:

April Oneto (secretarial services).....2 hours

JOE MADE A MOTION TO PAY THE VOUCHER AS SUBMITTED, SECONDED BY GLEN. ALL MEMBERS WERE IN FAVOR.

PUBLIC HEARING (CONTINUATION)

**04-18-17-01 Mark Repasky
11 Pendergast Pt. Rd.
Rifton, NY 12471
SBL: 63.17-2-9
Area Variance**

Jim Lonergan, Esq., and Mark Repasky were present.

Mr. Lonergan stated that they have two surveys. One survey was completed by Brinnier and Larios for Frank Basile and one survey by Brooks & Brooks for Mark Repasky. He has had both lines put on the survey which is a blow up of the boundary lines. He stated that believe it or not there is no bad blood between the neighbors over where the property line is. He put the two distances on the maps which are a measurement from the Repasky porch to the side line as measured by Brinnier & Larios which is closer to the house and then the measurement from the deck to Repasky property line which is further. He is proposing that they obtain a variance for the more restrictive distance that is from Repasky porches and side yard to Basile's property that

would be more restrictive or more encroaching into the variance. If we get the variance for the more intrusive and when they sort out the property line, if they do, then they would be in conformance with the variance or if their line was accepted as the property line then they would be less restrictive. Mr. Lonergan stated that in order to do this he is asking for a variance at the distances shown on the map which is from the edge of the porches to Basile's property line which according to his survey is closer to Repasky's house than their line would be. This way they would be in conformance for the closer distance.

Chairperson Kiernan read a statement received in an email dated 8/15/17 to the Town Supervisor from Mr. Basile which he asked her to forward to the ZBA. He would like this to read into the record:

"Neither Mr. Porty or I can attend the August 15th meeting for Mr. Repasky's area variance request for side yard infringements for his existing deck.

If a ZBA meeting does go forward on that date on this matter, please note that I am standing by the Brinnier & Larios property line survey of Chris Zell and if the Brinnier & Larios survey is utilized and recognized as setting forth the proper property line boundary for purposes of Mr. Repasky's application for such area variance, I will have no objection to the infringement of Mr. Repasky's deck into the minimum required side yard as currently located.

Alternatively, I do object to the use of the Brooks and Brooks survey as that would not accurately show the property line boundary pursuant to which this ZBA would be asked to make a determination on the requested area variance for a setback infringement. Thank you." Frank Basile

Clarification: Kathy questioned which survey was Chris Zell's. Jim stated that would be the one that he is asking to have the variance for. That would be the closer line. It is the one that is closer to the edge of the line. It says surveyed by John Kemble (red line on map) completed in 1970. Jim stated that Patti Brooks used a map that was filed back in the 1920's as the basis for her survey and John Kemble's survey is the basis for the Brinnier & Larios which is much later and according to Patti Brooks much less accurate.

Jim stated that Frank Basile had asked for inches and feet rather than tenths. Kathy asked what the closest the deck would be. Jim stated that it would be 4 feet 7 inches.

Chairperson Kiernan asked if there was anyone present in the audience who wished to speak regarding this application. No one was present to speak on this application.

VIC MADE A MOTION TO CLOSE THE PUBLIC HEARING SECONDED BY JOE. ALL MEMBERS WERE IN FAVOR.

JOE MADE A MOTION TO VOTE ON THIS APPLICATION TONIGHT SECONDED BY KATHY. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0.

KARL MADE A MOTION TO GRANT A 15 FOOT 3 INCH VARIANCE TO SECTION 123.20 BULK AND AREA REGULATIONS TO APPLY ONLY TO THE LOWER AND UPPER DECK AS PRESENTED TO US FROM JOHN KEMBLE SURVEY DATED 1970. THE VARIANCE IS TO APPLY ONLY TO TWO DECKS AND NOT TO THE ENTIRE WESTERN BOUNDARY OF THE PROPERTY. SHOULD THE WESTERN SURVEY LINE BE ADJUSTED NEITHER DECK SHALL INCREASE IN DEPTH. MOTION SECONDED BY VIC. VOTE WAS AS FOLLOWS:

James – In favor – He does not see any detriment to the neighborhood.

Glen – In favor – He thinks it brings peace and tranquility to the whole problem.

Joe – In favor – It is only 6 inches further than the original concrete deck that was there at the time it was purchased and there is a picture of an older deck that was the same as this one and other houses in the area have the same closeness on the sides.

Kathy – In favor – Does not see that there is any undesirable change to the neighborhood. It really is not affecting anything because it was already there.

Vic – In favor for all the reasons mentioned. He does not see that it is jeopardizing the character of the neighborhood.

Frank – In favor – Applicant fixed a problem that could have been a safety issue for the existing house and also the variance used the John Kemble survey which Mr. Basile does not seem to have a problem with according to his e-mail.

Karl – In favor - Thinks this is a rather unique neighborhood. He does not see any detriment. It certainly benefits the applicant in that he has repaired an unsafe access and the variance is minimal in that it is only 6 inches. Karl reminded the applicant that he should research carefully the legalities of the Air BnB.

JOE MADE A MOTION TO ADJOURN SECONDED BY GLEN. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 7-0. MEETING ADJOURNED AT 7:45 PM.

NEXT ZBA MEETING: SEPTEMBER 19, 2017

CUT OFF DATE: SEPTEMBER 5, 2017

Respectfully submitted by:

April Oneto
Zoning Board of Appeals Clerk

