

TOWN OF ESOPUS
P.O. Box 700
Port Ewen, NY 12466
Zoning Board of Appeals
845-339-1811 ext. 125 Fax 845-331-8634

APPROVED

TOWN OF ESOPUS ZONING BOARD OF APPEALS
October 20th, 2015 Meeting Minutes

CALL TO ORDER: Chair, Kathy Kiernan, called the meeting to order at 7:05p.m

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Sheila Pratt – Secretary

Present: D. McCord, Town Board Member

Applicants: Christopher Cole/RSS- Albany, NY representing 141 Prospect Street, Port Ewen, NY
Art Creek, LLC. 850 Old Post Rd., New Paltz, NY

MINUTES

Kathy asked for a motion to approve the minutes as written; Vic made the motion, seconded by Dick, all in favor. All members vote in favor to approve the September minutes.

VOUCHERS

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

INFORMATIONAL

10-20-15-01 Zoning Interpretation RSS – Representing for Christopher Cole
141 Prospect St., Port Ewen, NY SBL#56.59-1-6

10-20-15-02 ART CREEK, LLC./
Variance – Section 123-13L - Subdivision of Lot - Laura & Vladimir Klimenchenko
Variance Section -123-11A - Construction of second single family dwelling
850 Old Post Rd., New Paltz, NY SBL#71.02-1-05.100

Kathy advised the applicants there were three parts to the process, this being the first the informational, next being the Public Hearing, then finally the Decisional Phase of the application. She also advised that tonight the ZBA Board would not hear any public comments related to either informational application and that this was also the Decisional Phase for the Dotson application.

RSS / C. COLE - Moving to the informational phase, she asked if there were anyone present to represent the applicant for 141 Prospect St? Mr. Paul Freeman steps forward, he's a representative from the law firm Freeman & Howard which is representing Mr. Cole & RSS. Please refer to the enclosed copy of the stenographer's notes for this portion of our meeting; his attendance was requested by Supervisor Barnett. After a lengthy presentation Mr. Freeman asked the board if they had any questions.

Joe Guido asked Mr. Freeman for the addresses of the Dutchess and Ulster County locations presently occupied prior to the next meeting; and was he aware of the zoning for these residences? He also asked if the building would be owned by a person or by an organization. Another representative responded that they are a 501C Not-for-Profit organization and that RSS would own the building.

Dick Wenzel asked if they were a profit or non-profit organization, they responded non-profit.

Kathy asked how they are reimbursed for services; which they explained is a combination of funding and rent payment from the client. Asked how long the average stay is; they responded six to nine months and residents have the ability to come and go as they please but are monitored by staff at the residence.

Joe Guido asked if the staff was paid, they advised that they are. Kathy asked if families accompany them. They advised normally no but this residence will be solely for women and visits from family will be happening but not residing there. Joe Guido asked why this piece of property? Mr. Freeman responded that they had researched this area and found this a fiscally feasible purchase with local services available to residents and staff to become part of the local community.

Kathy then asked if there were any other questions from the board members. Melanie asked what the educational requirements of the staff counselors are. RSS responded that it varies from a HS degree to Alcohol & Substance counseling credentials, no college degree required.

Vic asked what is the protocol to handling a situation if a resident is becoming problematic to the residence. RSS responded that the situation would be evaluated and if there is a problem then appropriate actions to remove that person would occur.

Joe Guido then states this is just an informational meeting; next month at the public hearing you will have to give this speech over again and at that time each person will need to state & spell their name and their title for the record.

Dick Wenzel asks are these residents still battling addiction, are they still dependent on drugs?

Kathy asked had the transfer of the property taken place already; did they buy it?

Mr. Freeman responds that they had not and it will depend on the outcome of this hearing.

Mr. Graham asks for a chance to respond to everything stated tonight and his comments begin on page 28 of the stenographer's notes through page 32 respectively. On page 31 Mr. Graham makes reference to an escrow account that would need to be established to cover the costs of this case as noted in Town Code Section 71-1A, & 2A. Kathy states she will need to speak with Supervisor Barnett regarding this.

Miles Putnam, Planning Consultant to the Town of Esopus begins his comments on page 32, bottom paragraph through page 38.

Pages 39 through 51 details various questions from unidentified floor speakers related to transportation of the residents, residents diagnosis, and available services on site.

Kathy after listening to various questions from the floor states again that this is not a public hearing and that we will be moving forward to the next case.

ART CREEK, LLC. - Kathy then asks for Laura Klimenchnko, Art Creek LLC., to come forward. Laura states that they are asking for a variance to sub-divide the property 1.4 from the 10.4 and build a second home on that lot. Currently zoning on that lot has a minimum of 10 acres.

Kathy asked if they intend to continue renting the cottages but not the house. Laura states that the house would become their full time residence, and there is a full time resident now. Laura states that the property was just purchased in August and that a title search was done. Joe states that this property has come before the board previously and been rejected for sub division.

Dick Wenzel asks is the house for their family or to rent? Laura states that Bldg. #1 needs a side yard variance as she brings the print to the table for all members to review; Kathy asks where the proposed lot line is?

Kathy asks if you subdivide this this right of way is. Joe states that is a legal matter between the two owners. Joe asks what the acreage would be on the new house. Laura states that the engineer has been on the property to review the septic and test the area. Kathy and Joe review the print with Laura.

Laura states that the new house plan has an open floor plan, with a cabin like exterior, fitting in with the area and character. It will be approximately 1300 square feet.

Vic asks are the cottages all working off one septic and one well. Laura states that they are separate from the main house. Joe states that this case was before us and was turned down, and another where property was given away for the right of way, Joe asks Sheila to look back in the files for the previous owners and the case history to have for the next meeting.

Kathy asks if there are any other questions. Karl asks if the front yard line of lot #1 goes to the center of the road or not? Kathy asks if there is anything besides the variances that we want for next month, no.

Karl states that he wants to see prior cases on this property. Laura states that she spoke to the Ulster County Highway Department regarding the road and clearing it, which she will provide a copy of the letter at next month's meeting. Joe Guido asks if it is okay to go and preview the property. Laura states that's fine, there is someone there. Kathy thanks her and advises her to attend the Public Hearing on Nov. 17th and that we will be advising her neighbors of the hearing.

Kathy then states we are at the Decisional phase with Nate Dotson and asks him to come forward.

DECISIONAL(1) 07-21-15-02 Area Variances (3) Nathan Dotson
103 East Main St. Port Ewen, NY 12466 SBL#56.60-6-03

Kathy asks if anyone has thought of how to word the motion. Karl researches the code book to word the motion:

A motion to grant (2) variances to the Dotson parcel from Section 123-21 Area & Bulk C (5 A, 1 & 2) to allow placing the garage in the front yard with a 5 ft. setback from the Western property line are as follows:

(a) An accessory building may be located in any required side or rear yard, provided that:

1. Such building shall not exceed 20 feet in height.
2. Such building shall be set back five feet from any lot line and shall not be located less than 10 feet from the principal building with the condition that the upper part of the structure shall be used for storage only.

MOTION: Karl Wick
SECOND: Dick Wenzel

VOTE: Dick Wenzel YES - Agree with the height and doesn't change character of area
Joe Guido NO – Opposed to the height and variances should be kept to a minimum
Kathy Kiernan YES – Agree that it doesn't change the character of the neighborhood
Melanie Marino NO – Opposed to the height
Vic Barranca NO – Opposed to the height
Frank Skerritt NO- Opposed to the height
Karl Wick YES- Agree that it doesn't change the character of the neighborhood

DECISION: Motion Not Approved

Karl asks if that motion was approved and Kathy says no, and asks if the board wants to split the motion.

SECOND MOTION

Kathy asks if anyone has thought of how to word the motion. Kathy and Joe discuss the height and front yard line, Karl states that he isn't thrilled about the height. Mr. Dotson states that although he understands the boards reasoning he explains the need for the height of the garage for storage purposes only. Karl then asks him if part of the variance were to state that the upper story of the garage space never be used for a dwelling or any other purpose and he agrees to those terms.

Kathy asks the board to remake the motion and Karl begins:

Karl makes a motion to grant the variance: A motion to grant (2) variances to the Dotson parcel from Section 123-21 Area & Bulk C (5 A, Sub.2) with the area average height of (20) feet of the structure with the condition that the upper part of the structure to be used for storage only never as a dwelling.

1. An accessory building may be located in any required side or rear yard, provided that:
2. Such building shall be set back five feet from any lot line and shall not be located less than 10 feet from the principal building with the stipulation that the upper part of the structure shall be used for storage only, never as a dwelling.

MOTION: Karl Wick

SECOND: Joe Guido

VOTE: Dick Wenzel	YES - Agree with the height and doesn't change character of area
Joe Guido	NO - Opposed to the height
Kathy Kiernan	YES - Agree that it doesn't change the character of the neighborhood
Melanie Marino	NO - Opposed to the height
Vic Barranca	NO - Opposed to the height
Frank Skerritt	YES - Was previously opposed to the height, upper area could be used as a dwelling, satisfied with the conditions of the variance
Karl Wick	YES- Agree that it doesn't change the character of the neighborhood

DECISION: Motion Approved

Kathy asks that advised Mr. Dotson that we would forward our decision to the Building Department and check with them next week. Mr. Dotson thanks us and departs.

OTHER BUSINESS

Kathy asked if there was any other business. Vic asks to have the lawyer present at the next meeting and possibly for an Executive Session so that we have legal assistance available. Frank and Vic both have concerns they wish to ask them at that time beginning with the definitions of "dwelling" and "Family", which need clarifications. Karl asks if we have received copies of the court cases referred to by P. Graham for reference in next month's meeting, Joe responds we don't have them but we have his number if he wanted to contact him.

Kathy asks if for a motion to adjourn. Vic made a motion to adjourn, seconded by Dick. All board members vote in favor to adjourn the meeting.

Meeting adjourned at 8:45 pm

Next meeting is at 7:00 pm on November 17th, 2015

Respectfully submitted,

Sheila Pratt, Secretary
Zoning Board of Appeals 11/9/2015