

**ESOPUS ZONING BOARD OF APPEALS**

Date: November 19, 2019  
Town Hall, 284 Broadway  
Port Ewen, New York 12466

**PRESENT:** Karl Wick, Chairman  
Vic Barranca  
Frank Skerritt  
Donn Avallone  
James Banks

**EXCUSED:** James Tomassetti

Also present was Town Board Liaison, Kathy Quick.

Chairman Karl Wick called the meeting to order with the Pledge of Allegiance to the Flag at 7:04 p.m.

Roll call confirmed that a quorum was present.

**Chairman Wick entertained a Motion** to approve the Minutes of October 15, 2019. Upon Motion of Member Vic Barranca, seconded by Member James Banks, and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, the Motion was carried 5 – 0 by the following vote:

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Vic Barranca	Aye
James Banks	Aye
Frank Skerritt	Aye
James Tomassetti	Excused
Donn Avallone	Aye

**Chairman Wick entertained a Motion** to approve the Voucher for payment of Administrative Assistant. Upon Motion of Chairman Karl Wick, seconded by Member Frank Skerritt, and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, the Motion was carried 5 – 0 by the following vote:

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Vic Barranca	Aye
James Banks	Aye
Frank Skerritt	Aye
James Tomassetti	Excused
Donn Avallone	Aye

**INTERPRETATION**

A request had been made by the Planning Board for the ZBA to provide an interpretation of §123-22 D (1)(a)[2] “Average Density Development (cluster subdivision)” and the question as to whether the requirements of that section could be applied to §123-13 B (2) [b] for the maximum permitted density calculation for a multi family development. Planner Alan Sorensen had also provided an opinion for the ZBA to consider. Chairman Wick again read the letter from the Planning Board asking for the interpretation. The Members all were in agreement that §123-22 D(1)(a)[2] was a Section of the Code specific to cluster subdivision and should not be applied to multi-family development when calculating density. Upon Motion of Chairman Wick, seconded by Member Vic Barranca, and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, the Motion that the requirements for cluster subdivisions within the Town Code should not be applied to the requirements for multi-family dwellings was carried 5 – 0 by the following vote:

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Vic Barranca	Aye
James Banks	Aye
Frank Skerritt	Aye
James Tomassetti	Excused
Donn Avallone	Aye

**INFORMATIONAL:**

**11-04-19-01**            **Todd Lasher**  
**992 Old Post Road, New Paltz**  
**SBL No. 71.3-4-5**  
**Area Variance - Article §123-21 C (5)(a)**

Todd Lasher was present and explained the need for the request for an area variance. The location of a shed on his property was not in the location allowed under the Code due to the topography and said shed was located in the front yard. Mr. Lasher provided photographs and letters from neighbors. Chairman Wick noted that neighbors having the same situation supported his case to request the area variance. Member Skerritt asked if a site visit could be conducted to which Mr. Lasher had no objection. A public hearing was to be scheduled for the December 17, 2019 meeting.

**11-04-19-02**            **Eric Ascenzi**  
**45 Carney Road, Ulster Park**  
**SBL No. 63.3-7-22.130**  
**Area Variance §123.21 C(5)(a)**

Mr. Ascenzi explained that a new home was being constructed and had obtained a building permit. During construction, it was determined that the location of the garage would be best toward the front of the property. CEO Morello determined after the slab for the garage had been prepared that it was not in compliance with the Town Code and would require an area variance. Chairman Wick asked if the Members could conduct site visits to the property to which the Applicant responded affirmatively. A public hearing was to be scheduled for December 17, 2019. The applicant was requested to provide measurements to the renderings which indicated the distance from the neighbors and setbacks from the

road. The ZBA noted that providing examples of other houses in the immediate area with the same situation would help support his request.

**PUBLIC HEARINGS:**

**09-16-19-01            John and Jayme Berardi**  
**178 Tooley Drive, Kingston**  
**SBL No. 56.44-1-21**  
**Area Variance - Article §123-21C (5)(a) [1]**

John and Jayme Berardi were present and provided a brief explanation as to what was being proposed and the need of an area variance for the height of the structure. The Public Hearing was commenced at 7:20 p.m. It was noted that the structure was a substantial distance from Tooley Drive. Member Avallone indicated that the height of the structure was not outrageous given the location of the structure on the property. Hearing no public comment, the Public Hearing was closed at 7:26 p.m. Chairman Wick indicated that clarification of the exact height of the proposed structure was needed and said information would be helpful at the December meeting. Chairman Wick reviewed the criteria in the Code that gave direction to the ZBA in making its determinations.

**09-23-19-01            Richard Bosman**  
**545 Old Post Road, Esopus**  
**SBL No. 71.4-4-7**  
**Area Variance - Article §123-21C (5)(a)**

Richard Bosman was present and the Public Hearing commenced at 7:28 p.m. Mr. Bosman provided an explanation for this request for an area variance. Mr. Bosman planned to use structure as an art studio to create oil paintings and that there was no planning running water in the structure. Materials were to be cleaned in the main residence. Neighbor Brad Berg inquired as to what materials were going to be used and had concerns regarding any potential runoff into the wetland that could be impacted. Mr. Bosman responded that the new structure would produce no toxic waste. Hearing no other comments from the Public and the ZBA having no further questions, the Public Hearing was closed at 7:37 p.m. A poll of the ZBA confirmed that Members were comfortable in making a decision on the application and the Applicant was asked to stay.

**10-01-19-01            Raymond Williams, Jr.**  
**30 Rose Lane, Ulster Park**  
**SBL No. 63.4-1-37**  
**Area Variance - Article §123-21 C(5)(a)**

Mr. Williams addressed the ZBA members and explained that an existing pool was closer to Rose Lane than the house and that he was attempting to legalize the noncompliance with the Town Code. Chairman Wick inquired as to how far the pool was from the street, as well as the house. Mr. Williams was asked to provide additional measurements. Member Barranca noted that photograph(s) of the existing locations would be helpful. The Members were still welcomed to conduct site visits if necessary. The Public Hearing was closed at 7:44 p.m.

**DECISIONAL:**

**09-03-19-01 Paul Kennedy**  
**734 Second Avenue, Kingston (Sleightsburgh)**  
**SBL No. 56.44-1-21**  
**Area Variance – Article 14§123-11 (3) (a)**

Chairman Wick stated that the Town Code allowed fowl to be kept on property with proper acreage. Adding an adjacent parcel currently owned by Mr. Kennedy would not provided the necessary acreage to be compliant with the Code. Chairman Wick noted that the Code had been written with specific restrictions for a reason. Initially, the possibility of limiting the number of fowl allowed and eliminating the roosters was considered. Member Donn Avallone stated that the Town Code is clear and the request before the ZBA was substantial. Members Banks, Barranca and Skerritt all concurred; adding that bypassing the Code didn't do neighbors justice. Mr. Kennedy's property was presently slightly under a quarter of an acre.

The Ulster County Planning Board had returned with an advisory recommendation that a use variance, rather than an area variance should be reviewed.

Member Vic Barranca inquired as to whether numbers could be reduced and regulated. Member Frank Skerritt stated that setting limitations wasn't a duty of ZBA. **Chairman Wick entertained a motion on the request for the use variance allowing chickens on the property.** Upon Motion of Member Donn Avallone, seconded by Member Frank Skerritt, and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, the Motion denying the request for a use variance was carried 5 – 0 by the following vote:

<b>Member:</b>	<b>Vote</b>	<b>Comment</b>
Karl Wick, Chairman	Aye	Request was overly substantial
Vic Barranca	Aye	Request should not be granted
James Banks	Aye	Code is clear – not allowed
Frank Skerritt	Aye	Request should not be granted given number of birds and location of property
James Tomassetti	Excused	
Donn Avallone	Aye	Request should not be granted – too great

**09-23-19-01 Richard Bosman**  
**545 Old Post Road, Esopus**  
**SBL No. 71.4-4-7**  
**Area Variance – Article §123-21C (5)(a)**

The ZBA revisited Mr. Bosman's application to make a determination on the request for an area variance. The proposed structure to the front of the house would be seasonally shielded by vegetation. The structure was being provided by the Amish Pole Barn Company in Pennsylvania.

**Chairman Wick entertained a motion granting the area variance for the location of the proposed studio.** Upon Motion of Chairman Wick, seconded by Member Vic Barranca, and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, the Motion that the requirements for cluster subdivisions within the Town Code should not be applied to the

requirements for multi-family dwellings was carried 5 – 0 by the following vote:

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Vic Barranca	Aye
James Banks	Aye
Frank Skerritt	Aye
James Tomassetti	Excused
Donn Avallone	Aye

**Chairman Wick called for a Motion to adjourn the meeting.** Upon Motion of Chairman Karl Wick, seconded by Member Frank Skerritt, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant  
Submitted on December 2, 2019  
Approved: