

TOWN OF ESOPUS
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Zoning Board of Appeals

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TOWN OF ESOPUS ZONING BOARD OF APPEALS
Minutes of the January 21, 2014 Meeting

CALL TO ORDER: Acting Chairman, Joe Guido, called the meeting to order at 7:03p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Sean Fitzgerald, Joe Guido, Kathy Kiernan, and Karl Wick.

Excused: Vic Barranca

Absent: Dick Wenzel

Also present: Leonard & Aline Waters, Gloria VanVliet, Town Board member

MINUTES

Karl made a motion to approve the November minutes as written. Seconded by Kathy. All in favor.

VOUCHERS

Kathy made a motion to approve the voucher for the Freeman legal notice. Seconded by Karl. All in favor. Karl made a motion to approve the voucher for secretarial work. Seconded by Kathy. All in favor.

INFORMATIONAL

01-21-14-01	Jonathan Ahmadjian 121 River Road	area variance 56.20-3-22
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Colin Houston was present representing Mr. Ahmadjian. He explained that applicant was before the Planning Board for a lot line revision and the Planning Board sent him for a variance. Applicant wishes to convey .004 of an acre from his nonconforming lot (.64 acre) to his neighbor in order to clear up an encroachment of a concrete dock on applicant's property. This encroachment has existed for many years and was there when applicant purchased the property. It is holding up the sale of applicant's property as the prospective buyer will not go forward until this matter is cleared up. Mr. Houston does not agree that an area variance is needed as Town Code 123-35 does not state . . ."creates a *more* nonconforming bulk or use". However, the Planning Board and Building Inspector's interpretation is that a variance is needed.

Mr. Houston explained that applicant tried to clear up the issue by creating an easement, but the neighbor, Mr. Saccoman, was uncomfortable with that idea. Applicant's lot will be made smaller by 189 square feet. He stated that the lot currently conforms to lot width and will continue to conform to lot width after (the lot line revision). The only thing that is changing is the lot area.

Karl asked the size of Mr. Saccoman's parcel and Mr. Houston replied, "About ¼ acre". Joe stated that applicant is taking his property and giving it to an undersized lot, making the undersized lot larger. Karl calculated the size of Saccoman's lot as one tenth of an acre.

Joe stated that next month is the public hearing and he asked Mr. Houston to bring a letter from Mr. Saccoman stating that he will accept the property and has no problem with (the lot line revision). Mr. Houston stated that Mr. Saccoman did sign the application to the Planning Board and asked if this was sufficient. Joe stated that anything that says Mr. Saccoman is aware of the change in his lot size would be acceptable.

Mr. Houston stated that this deal (sale of applicant's property) has been pending for a while and it was only recently that the purchaser's attorney said he was not comfortable closing with the existing encroachment. He understands the 3-month process of the Board, but asked if there was any way that the Board could vote on this application next month. Joe said there is a possibility of that happening. Mr. Houston explained that he has to go back to the Planning Board and they meet before this Board. It would mean the difference of another whole month.

Joe asked Mr. Houston to return next month for the public hearing.

PUBLIC HEARING

11-19-13-01	Quetzal Saunders 1356 Old Post Road	area variance 71.30-4-27
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Mr. Saunders was present. He explained that he came before the Board requesting a variance to build a porch because the house is too close to the road. He stated that he had not been completely forthcoming with his presentation to the Board as he had already built this porch. He explained that he was "trying to beat the season" and didn't think it would be a problem as long as he built the porch to code. Applicant apologized to the Board for the way he handled this and stated that he was inexperienced in the process of applying for variances and codes.

Joe asked if any members of the public were present. Leonard Waters, 62 Maverick Road, Woodstock, came forward and stated that he and his wife, Aline, own property next to applicant. He has no problem with the deck now that the applicant has explained why the project was already complete before the variance was granted. He welcomes any improvement to the property. Kathy asked if the Waters' property was right next door and Mr. Waters stated that it was 3 acres behind applicant's property.

Gloria VanVliet, stated that she was at the first meeting that Mr. Saunders attended and she asked applicant if he had come before the Board asking to build a porch when it was already built. Mr. Saunders replied that was correct. She told applicant that he should have been truthful.

Gloria asked the Board if there was any problem with the right-of-way on the County Road. Joe replied that the County had sent a “no County impact” statement.

Joe asked if all Board members had been to the property. Sean replied that he had not yet been there.

Mr. Saunders showed the Board photos of the completed porch. Kathy asked if it was built to the measurements that were submitted with the application. Applicant replied that it was.

Joe asked if the Board wanted to close the public hearing or keep it open until next month in case the other members had questions. Karl stated that since the public hearing was advertised correctly and there were members of the public in attendance, it would be acceptable to close the hearing. The other Board members could ask questions next month if they had any. Consensus was to close.

Joe made a motion to close the public hearing. Seconded by Sean. All in favor.

Joe told applicant that the Board would vote next month and it would be good if he was present, although not required.

OTHER BUSINESS

Joe said that the Board was aware that Don Cole had passed away and that Don had done a lot for the town, coming to meetings even though he was very sick so that there were enough people to run a meeting. He stated that he liked Don, even though they hardly ever agreed. Karl noted that Don had often said, “. . . eventually we came to a consensus.”

There is an opening on the Board to fill Don’s seat and also for Chair. Gloria said that there is an application in front of the Town Board and that they were advertising for the position. She asked if everyone on the Board had considered being Chair. Kathy is interested in the position.

Joe stated that Karl is taking a college course and wants to find out whether he can receive continuing education credit for it. Karl said the course is legal aspects of surveying – it is 45 hours. Joe said it was up to the Town Board and Karl should submit paperwork on the course after completion. Joe said four hours per year are required and there are not a lot of courses being held. It is up to the Town Board to decide how they want to enforce this.

Sean made a motion to adjourn. Seconded by Karl. All in favor. Meeting adjourned at 7:25 pm.

Respectfully submitted,

Joan Boris, Secretary
Zoning Board of Appeals