

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
January 19th, 2016 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: Miles Putman –Planning Board

Applicants: Maryanne Staccio
C. Wellsley – Old Stockade Development
Art Creek, LLC. 850 Old Post Rd., New Paltz, NY

MINUTES

Kathy asked for a motion to approve the minutes as written; Frank noted that the word “stipulation” was not included in the approved motion. Kathy asked if the Amended October minutes could be approved, Vic made the motion, seconded by Karl. All members vote in favor to approve the Amended October minutes. Kathy noted that on the December minutes, the meeting date was to be corrected, and asked if the December could be approved, Karl made the motion, second by Vic. All members voted in favor to approve the December minutes.

VOUCHERS

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

INFORMATIONAL

02-19-16-01 Variance	Judy Shapiro/Old Stockade Development
564 Broadway, Ulster Park, NY	SBL# 63.02-3-10

Kathy advises everyone present the three phases of the process. She then asks if anyone is present for the application presented and Mr. Wesley steps forward to represent Ms. Shapiro / Old Stockade Development to state why they are asking for the four variances. He advises that only if the variances are approved that the project would move forward and begins to explain the dimensions and the deed dispute relating to the application. Kathy notes that there discrepancies within the footage described on the requested variances and Joe and Mr. Wesley look over the map. Kathy asks if there are any questions from other board members. Joe Guido would like the property to be staked to look at it. He states that there are survey flags on site. He states that to avoid a deed dispute this sale proposal would resolve that and create use of a useless piece of property. Miles Putman steps forward to look at the prints with other board members noting the tree line screening on the property and the road markers. Joe questions their plans for drainage and runoff. He requests marketing analysis that had been done in proposing the investment opportunity be presented at the public hearing. Karl

asks where the survey line is listed on the map and they review in further detail. Joe Guido advises they would need an affidavit from Mrs. Shapiro stating that they are representing her and Kathy asks them to bring that letter to the public hearing next month. They have closing remarks regarding the target population for the project. Kathy asks about the shape of the property and line of vision for cars on 9W as they look over the print and what type of driveway will be there. They describe their intentions regarding snow removal, and storm water runoff will be addressed in detail. Kathy asks the board if there are any questions, no board members reply.

Kathy advises that we are moving on to the Public Hearing portion of the meeting.

PUBLIC HEARING

12-15-15-01 Variance

Maryanne Staccio

81 Union Center Rd, Ulster Park, NY 12487

SBL# 63.4-1-8

Ms. Nerone her attorney; steps forward for Mrs. Staccio to explain their intentions for the sale of 60 acres and displays the tax map of her property and states the approval from contiguous neighbors of the applicants. Joe asks if we had received any notifications from anyone, Sheila advises we had not. Kathy asks Mrs. Staccio to go over the maps as to what others she owns. Joe asks how many other utilities will be using her driveway, Frank is concerned about this as well. Miles advises that another parcel that is listed has another easement and is not part of the Staccio's property.

All board members move forward to look over the maps and the easement/right of way to access the internal parcels. Karl asks the length of the driveway. Joe asks if he would be able to look at the property and Mrs. Staccio gives him her phone number. Joe asks if they have any other questions, and asks to have a memo sent to the Town Board is planning future development of the Hussey Hill area. Joe asks if they plan to keep the surrounding properties. Mrs. Staccio states they do intend to keep the property and the history of neighbor notifications of previous intentions. Kathy asks if there is any opposition from the public, and no one responds. Mrs. Staccio asks if they need anything for the next meeting and Joe states he would like to view the property prior to next month's meeting. Her lawyer asks that if there would be a decision next month and Kathy states they will. Mrs. Staccio thanks the board and departs.

Joe makes a motion to close the Public Hearing, second by Vic. All members vote in favor.

DECISIONAL

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 announces Art Creek and Laura Klimenchenko steps forward. Miles Putman is speaking with Joe regarding this parcel and Joe asks him if the Art Creek case has come before the Planning Board. Miles replies they have not, Joe asks why is that and Miles responds it was because they came to Zoning first. He continues that they should have been before them for a sketch review when at such time they would have been informed that there is a restriction on any further subdivision of the parcel which was noted on a previous map. Any decision from the Zoning Board would need to be reviewed by the Planning Board, and they may not agree with the decision rendered.

Joe then informs Laura Klimenchenko of the problem and she asks if she should have been before the Planning Board first. He continues stating that when this parcel was previously sub-divided there was a stipulation on the map stating no further sub-divisions and that the Zoning Board cannot override that and allow them to sub-divide the property; only the Planning Board has the authority to make that decision. Miles also states that when the Title Search was performed on the parcel any issues should have been known and presented to you.

He continues that there also may be a SEQRE issue due to the variance requests in the application. Mrs. Klimenchenko asks why she wasn't informed of this at the Pre-Submission meeting, and that she wasn't clearly told that she needed to meet with the Planning Board first. She asks if they should go any further because it is costly and if there won't be any outcome why continue. Dick states that their lawyer should have been informed of this issue when the Title Search was performed. She asks Kathy to look over a note for clarification when she had met with Mike Minor and Miles Putman at the Pre-Submission meeting asking to see the sketch then. She states that she thought she had to appear before the ZBA prior to meeting with the Planning Board, and so now how does she proceed, what does she do.

Joe states that the ZBA cannot grant the sub-division, and she asks if it's possible to consider the other option. Joe states that we can address it and vote tonight, and she asks what would restrictions there would be. Miles offers the option of putting off the ZBA application for a month and put in an application with the Planning Board and ask if they would rescind their restriction and are amenable to the sketch you present to them; then the ZBA application could move forward. If not approved by the Planning Board then they would need to figure a different strategy. Miles states that there are 62 days for the determination and that can be extended with consent from both boards.

Joe states he has no problem extending the timeframe; but he personally would not approve it due to the previous owner came before the board making the same request for the house to be all season and they were denied.

Kathy asks Laura to apply to the Planning Board and take the 62 days to meet with them and make the necessary changes and come back to the ZBA, your application will be tabled and come back to us next month and we will vote on it then. Joe and Kathy discuss the time it will take to go between boards and how long to extend it.

MOTION

Joe then makes the motion to table the Art Creek LLC. Application for (93) ninety three days with the approval of the board and the applicant; to give her a chance to appear and discuss their application before the Planning Board and see what their feelings are, second by Karl. All board members vote in favor.

Laura asks what then she needs for that application, and Miles begins to describe what she'll need. She thanks the board and departs.

Kathy states that the Zoning Interpretation for the RSS/Cole application is delayed until the February 16th meeting and was published in the Daily Freeman.

OTHER BUSINESS

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

Meeting adjourned at 8:45 pm

Next meeting is at 7:00 pm on February 16th, 2016.

Respectfully submitted,

Sheila Pratt, Secretary
2/6/2016