

TOWN OF ESOPUS ZONING BOARD MINUTES
March 17, 2020

PRESENT: Chairman Karl Wick
Vic Barranca
Gloria VanVliet
Elizabeth TenDyke

EXCUSED: Frank Skerritt
Jim Tomasetti
Donn Avallone

Chairman Karl Wick called the meeting to order with the Pledge of Allegiance at 7:07 p.m. For the benefit of those present, the Chairman provided an explanation of the Zoning Board application review process. Due to the current Covid Virus outbreak, all applicants were asked to wait in their cars until asked to participate by the Administrative Assistant and one applicant agreed to join by cell phone at a particular time.

Chairman Wick noted that that a majority of the ZBA was four Members and any vote would need to be a unanimous aye or nay (depending on how the Motion was worded). He suggested that the Applicants may wish to consider if they were comfortable with the present ZBA voting.

Chairman Wick called for a motion to approve the February 18, 2020 Minutes. Upon Motion of Member Vic Barranca, seconded by Member Elizabeth TenDyke, and the affirmative vote of 3 members, 1 abstention (Member Gloria VanVliet) and 3 absences, the motion failed to pass.

Chairman Wick called for a motion to approve the voucher for the Administrative Assistant hours. Upon Motion of Chairman Wick, seconded by Member Vic Barranca, and the affirmative vote of 4 members, 0 abstentions and 3 absences, the Motion passed 4-0-3.

INFORMATIONAL:

03-10-20-01 George Cuney (Cuney Ranch Holdings, LLC)
377 Broadway
SBL No. 56.20-2-34.200
Area Variance § 123-10 A
GC Zoning District

Applicant/owner George Cuney and Barry Medenbach, P.E. introduced themselves to the ZBA. Engineer Medenbach reviewed the proposed removal and rebuild of an existing structure the previously served as a veterinary office and was located on a pre-existing non-conforming lot. The proposed structure would meet all required setbacks but due to the width and area of the lot, it was an existing undersized lot and would require a variance. Engineer Medenbach read an excerpt from the Code §123-24 (existing undersized lots) which he interpreted as exempting this

parcel since the lot existed prior to the creation of the law. In 2009, an item “E” was added which related to location in an R12 zoning district which should be addressed in the future zoning revisions being conducted by the Town.

Mr. Cuney provided renderings of the proposed structure to be used as a bakery and café with offices upstairs. The uses proposed were allowed by the Code for the zoning district. The Applicant contended that the proposal was an improvement to what currently existed on the site.

Member VanVliet noted that the Planning Board had provided written comment indicating that it supported the proposal. The matter may need to be referred to the Ulster County Planning Board (the Administrative Assistant would check on referral) and a public hearing was to be scheduled for the next meeting.

PUBLIC HEARING (HELD OPEN FROM FEBRUARY):

12-05-19-01 Kale Williams
117 Poppletown Road
SBL No. 71.2-2-32.120
Area Variance §123-21C(5)(a)

The Administrative Assistant called the Applicant and placed them on speaker phone. Chairman Wick inquired as to the dimensions of the home workshop, to which Ms. Williams responded that it was 18’ x 16’, not including the deck with approximately 2’ of the deck being covered on the South side. The structure was set back 125’ from Poppletown Road. The residence proposed on the blueprint had been built and the Applicant was currently residing there. The Applicant was asked if the office could be moved further from Poppletown Road and closer to the house. Her response was that it couldn’t be moved any further to the West due to an existing ridge. Mr. Williams indicated that moving 10-20 feet from the road may be a possibility but they had selected that area of the lot due to its seclusion and that it was not in line of sight to any neighboring houses and hiking trails with the idea that it was secluded from the residence as well. The Applicant intended to work from home and desired space away from their living space. Chairman Wick asked if the office could be moved to the southwest portion of the lot to which Mr. Williams responded that, although there was a clearing in that corner of the lot, that area had a direct line of sight to the residence and to the neighboring house to the South.

Member VanVliet inquired as to why an addition wasn’t added to the house to create the home office. Mr. Williams responded that the residence was fairly small and they would like to have the ability to add onto their living space should their family grow and the need arise in the future. Member VanVliet was granted permission to visit the site and the Applicant indicated they could mark the area for visibility.

Member Barranca inquired as to whether existing septic depicted on the map was going to be utilized. Ms. Williams indicated that there would be no running water in the office, only electric.

Member TenDyke confirmed that the location of the proposed office had been selected due to its seclusion. Mr. Williams indicated that the proposed location offered a preferable view. The

intent of the Applicant was to work with their Architect to keep the structure as unobtrusive as possible. The structure was to be 13.6’ high from the ground and would be shielded by existing vegetation if it were to be placed on the proposed location of the property.

There being no further comments from the public, **Chairman Wick called for a Motion to close the Public Hearing. Upon Motion of Member Vic Barranca, seconded by Member Elizabeth TenDyke, and the affirmative vote of 4 Members, the abstention of 0 Members and 3 Members being absent, the Motion to close the Public Hearing at 7:50 p.m. carried 4-0-3 by the following vote:**

Member:	Vote
Chairman Karl Wick	Aye
Vic Barranca	Aye
Gloria VanVliet	Aye
Elizabeth TenDyke	Aye
Frank Skerritt	Excused
Jim Tomassetti	Excused
Donn Avallone	Excused

Chairman Wick noted that 2 of the 4 members present were new and, although a vote could be made, he recommended that the new members be allowed time to visit the property and become familiar with the proposal with the permission of the Applicants. The Applicants were amenable to waiting until the next meeting and welcomed any additional questions in the interim should the ZBA have further questions. The Applicants agreed to flag out the corners of the proposed location of the office.

PUBLIC HEARING:

**09-16-19-01 Michael Soura
190 Ulster Avenue, Ulster Park
SBL No. 63.2-3-2
Area Variance - §123-13J(1), 123 & 123 J(2)
LI Zoning District**

Chairman Wick opened the Public Hearing at 7:54 p.m. There were no persons present to speak and the Administrative Assistant provided written comment from community member Stephen Cerini for the record.

Applicant Michael Soura was present and reiterated his desire to continue operating at the present location. Chairman Wick indicated that the issue was the existing lot size rather than the use. The CEO Referrals indicated that a repair garage was being operated to which Mr. Soura stated was not taking place. The Board indicated that the 3 referrals indicating an auto repair garage was being operated could be withdrawn. Mr. Soura indicated that he had been operating on the site for 30 years but he had been operating on an adjacent lot and had taken possession of the Central Hudson substation lot in December 2018.

Member VanVliet inquired as to whether there was sufficient area to place cars on the lot. The Code required 200 sf for a display area per car to which Mr. Soura responded that there was sufficient room for 4 cars.

Chairman Wick stated that it appeared the only applicable variance was for the sideyard setback variance for the office.

Member TenDyke indicated that overall, the lot size was much smaller than what was allowed in the Code. Mr. Soura stated that the lot was created prior to 1971 and that there was no running water on the site. He indicated that when the substation was taken down in 1987, he began operating on the site and the adjacent property he previously owned was sold.

Chairman Wick stated that the CEO referrals should be modified to indicate auto sales rather than auto repair garage and Code needed to be reviewed to determine what was specified for that use relative to lot size. The minimum size of the required lot needed to be determined as well as the setback for the office.

Member VanVliet inquired as to what was the exact size of the lot and Administrative Assistant provided plans that had been presented initially to the Planning Board to Members TenDyke and VanVliet.

Administrative Assistant volunteered to obtain a copy of the Deed from the County land records.

Hearing no further comments from the Public, **Chairman Wick called for a Motion to close the Public Hearing. Upon Motion of Chairman Wick, seconded by Member Vic Barranca, and the affirmative vote of 4 Members, the abstention of 0 Members and 3 Members being absent, the Motion to close the Public Hearing at 8:10 p.m. carried 4-0-3 by the following vote:**

Member:	Vote
Chairman Karl Wick	Aye
Vic Barranca	Aye
Gloria VanVliet	Aye
Elizabeth TenDyke	Aye
Frank Skerritt	Excused
Jim Tomassetti	Excused
Donn Avallone	Excused

DECISIONAL:

**12-06-19-01 David VanLoan
318 Broadway, Port Ewen
SBL No. 56.75-2-18 & 16
Area Variance - §123-24 A(2)(b)
GC Zoning District**

David VanLoan was present and provided a revised layout for the parking display area and parking for customers. He indicated that the entrance/exit at the North end could be removed and allow parking for customers at the South end (there was actually two (2) parcels). Mr. VanLoan provided revised sketch for Members to review (not to scale).

The application was to reduce the required size of the parking dimensions to allow for additional vehicles. The tenant was hoping to be allowed 18-20 cars on the site and the need to reduce the size of the parking area per car for display wouldn't be necessary. Mr. VanLoan requested that the Members take time to review the revised plan and agreed to wait an additional month.

Member Barranca requested that a better plans and layout be provided for the next meeting and agreed to make additional maps for the Members. He also stated that setting up vehicles for display area and providing photographs for the proposed layout would be beneficial as well.

Member VanVliet confirmed that a decision was required to be made within 62 days from the close of the public hearing. She also referenced §123.24 of the Code which states that 200 square feet per car for sales area is required.

Member Vic Barranca encouraged all Members to visit Soura site and become familiar with the site. The Members noted that they would be mindful of the Comprehensive Plan in making its determination.

Upon Motion of Member Elizabeth TenDyke, seconded by Member Vic Barranca, the meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant

Submitted on April 17, 2020

Approved: