

ESOPUS ZONING BOARD OF APPEALS

Date: March 21, 2023
Town Hall, 284 Broadway
Port Ewen, New York 12466

PRESENT: Karl Wick, Chairman
Gloria VanVliet
Jim Tomassetti
Katie Zahedi
Donn Avallone

EXCUSED: Chris Marta

ALSO PRESENT: Town Board Liaison Kathy Quick and CEO Mark Jaffee

Chairman Karl Wick called the meeting to order with the Pledge of Allegiance to the Flag at 7:05 p.m.

Chairperson Wick motioned to approve the February 21, 2023 Minutes, seconded by Member Gloria VanVliet. Upon the affirmative vote of 5 members, the negative vote of 0 members, and 1 member absent, the motion passed 5-0-1.

Chairperson Wick entertained a Motion to approve the voucher for payment of the services of the Secretary. Upon Motion of Member Zahedi, seconded by Member VanVliet and the affirmative vote of 5 members, the negative vote of 0 members, and 1 member absent, the motion passed 5-0-1.

INFORMATIONAL:

03-09-23-01 James J. Rieker
Corner of Mary's Avenue & Center Street
SBL No. 56.15-1-1.110
R-12 Zoning
Use Variance §123-44

Chairman Wick requested Mr. Rieker to provide an explanation of the request for a use variance to clarify what section of the Code would apply. Mr. Rieker had provided a written narrative that was part of the record. CEO Jaffee stated that a use variance was needed, given that the use proposed was for a contractor storage yard which was not a permitted use in the R12 Zoning District.

Mr. Rieker stated that the use had been ongoing throughout the years and had was currently used for the storage of portable dump trailers. CEO Jaffee noted that the use had been occurring throughout the Town at various locations and it was necessary to bring all operations into

compliance with the Code. If the variance was granted by the ZBA, a site plan would be necessary to be reviewed by the Planning Board. Photographs of the view from the road into the site had been provided.

Member Avallone informed the Applicant that there were criteria required to be proven for consideration for a request for a Use Variance. Chairman Wick noted the four (4) criteria – cannot realize a reasonable return for any permitted use (CEO Jaffee would assist the applicant to address the criteria), hardship is unique to the property, would not change the character of the neighborhood (had been existing for over 30 years) and that the use was not self-created.

Member Tomassetti suggested that support from neighboring property owners would be helpful. Mr. Riecker noted that the parcel was 19 acres and there were many adjoining neighbors.

A public hearing was to be scheduled for the April ZBA meeting.

Other Business:

Resident Dennis Suraci had requested the ZBA to provide a “definition of a neighborhood.” Chairman Wick noted that the Town Code did not specifically define “character of a neighborhood.” CEO Jaffee clarified that he made the request on behalf of Mr. Suraci’s concerns. Discussion ensued relative to the Mr. Suraci’s letter requesting an appeal and process under the Town Code.

Chairman Wick noted that if the ZBA were to define the character of a neighborhood, it should as well define the boundaries of a “neighborhood.”

The ZBA determined that the time within which to appeal the determination of the CEO relative to a particular project pending review before the Planning Board had expired.

CEO Jaffee requested the ZBA to review the requirements under Section 123-47 and the procedure for site plan and special use review. CEO Jaffee requested that his interpretation of the code was appropriate and requested when the correct date from which an appeal would be considered timely. He wanted clarification as to when the 62-day clock started for any project upon which an appeal could be filed.

Upon Motion of Member Tomassetti, seconded by Member Avallone, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant

Submitted on April 4, 2023

Approved: April 18, 2023