

## ESOPUS ZONING BOARD OF APPEALS

Date: April 18, 2023  
Town Hall, 284 Broadway  
Port Ewen, New York 12466

**PRESENT:** Karl Wick, Chairman  
Gloria VanVliet  
Jim Tomassetti  
Chris Marta  
Donn Avallone

**EXCUSED:** Katie Zahedi

**ALSO PRESENT:** Town Board Liaison Kathy Quick, CEO Mark Jaffee and Zoning Coordinator Hannah Palen

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

**Chairperson Wick entertained a Motion to approve the March 21, 2023 Minutes.** Upon Motion of Member Avallone, seconded by Member Marta and 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 Chairman Wick, 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.

### **NEW BUSINESS:**

Suraci Notice of Appeal – Dennis Suraci had filed a Notice of Appeal with attachments. Mr. Suraci presented his arguments contained in his written submission on file. The ZBA would review the content of Mr. Suraci’s Appeal and the cited sections of the Zoning Code.

### **PUBLIC HEARING:**

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

James Rieker was present and provided an explanation of his request for a use variance. Mr. Rieker had planted some forsythia and rose-of-sharon shrubs to provide a visual buffer. Mr.

Rieker had been using a portion of the lot as a contractor/storage yard for decades. The question was raised that the use may be considered pre-existing and may not require a use variance. CEO Jaffee stated, depending on what the ZBA decided, he could work with the Applicant to provide adequate screening from residences.

Member Avallone requested that the dimensions (square footage) of the portion of the parcel being used for storage be specifically shown.

Patrick Bennett – Resident spoke in support of Mr. Rieker’s request stating that the lot was kept clean, organized and allow the continuation of a use that has been taking place for 60 years.

Lee Gough – Concerned that any expansion of use allowed would generate additional truck traffic and wanted assurance that the business footprint would not be expanded.

Hearing no further persons wishing to speak, Chairman Wick motioned to close the Public Hearing, seconded by Member Avallone. All Members present voting in favor, the Public Hearing was closed at 7:24 p.m. by a 5-0-1 vote.

**DECISIONAL:** None

**Other Business:**

Definition of the “character of the neighborhood” and what defined the” boundaries of a neighborhood.” Chairman Wick noted that very little was found for definition in New York State. The Members were requested to research and develop an answer for the May 2023 meeting. Chairman Wick recommended that ZBA Members review the Code and how a definition would fit in the existing Code. Chairman Wick requested that the Administrative Assistant share his thoughts emailed previously to all Members.

Chairman Wick stated that the meeting was public but that it was not a public hearing and public comment would not be taken. Tim Triscari provided written comment to be distributed to the ZBA Members.

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 May 11, 2023  
Approved: May 16, 2023