

**TOWN OF ESOPUS ZONING BOARD MINUTES
(MEETING HELD VIA ZOOM)**

May 19, 2020

PRESENT: Chair Karl Wick
Vic Barranca
Gloria VanVliet
Elizabeth TenDyke
Frank Skerritt
Jim Tomasetti
Donn Avallone

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

Chairman Wick called for a motion to approve the April 21, 2020 Minutes. Upon Motion of Member Vic Barranca, seconded by Member Frank Skerritt, and the affirmative vote of 7 members, the Motion passed 7-0.

PUBLIC HEARING: .

**05-10-20-01 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. were present via Zoom. Engineer Medenbach provided a synopsis of the circumstances requiring the request for the variances, noting that veterinary office had previously been built on a pre-existing non-conforming lot. Engineer Medenbach noted the reference in the Esopus Town code relative to pre-existing non-conforming lots. There had been a provision in the Code that referenced pre-existing non-conforming lots may be allowed but a revision was made in 2009 stating that the property be located in the R-12 Zoning District and serviced by central water and sewer and it appeared this needed to be addressed during the zoning change process taking place in the Town.

Chairman Wick noted that the lot had previously been used for a commercial use and the variances were for lot size (requisite 40,000 square feet to 17,924 square feet proposed, lot width required 150' and the proposal indicated 123' in the front and 92' in the back). Chairman Wick inquired as to what the current footprint of the existing building was to which the Applicant responded 900 square feet. The proposed structure was 2030 total square footage (with an additional approximately 800 square feet proposed upstairs and there was also a full basement). Although being increased well over 100%, the building did meet required setbacks and did meet lot coverage (11%). There was a typo on the map showing existing lot coverage which should be 7%. Chairman Wick paraphrased Section 123.33 of the Code.

Jim Tomasetti noted that proposal was an improvement to the existing setbacks of the structure. Donn Avallone inquired as to the location of the proposed structure and that it was going to be placed behind the existing veterinarian office. The new structure would be built into the existing slope at the rear of the property. To compensate for the additional impervious structure, grading and a swale were being added to the bottom of the slope to address runoff.

Darin Tanyol (adjoining neighbor) voiced her concern with additional parking and a larger structure than what currently existed. Ms. Tanyol had been making improvements to her home to increase its value and indicated that the proposal may affect her property value. No fencing or landscaping had been shown on the plans. She also asked that the proposed parking be reduced. Ms. Tanyol's concerns had been e-mailed and were made a part of the file as well.

Chairman Wick noted that landscaping and fencing were issues for site plan review before the Planning Board and Ms. Tanyol should submit to the Planning Board when the application was being reviewed.

Mr. Cuney was in agreement that many of the requests of Ms. Tanyol could be put into place such as landscaping and fencing. Engineer Medenbach noted the size of the building as well as the parking was within the criteria prescribed in Zoning. The present plan was the best for the applicant as well as meeting requirements of Code. Elizabeth TenDyke inquired as to why the Applicant selected the particular property to which Mr. Cuney responded that all requirements of the Code were able to be met with the exception of the pre-existing non-conforming size of the lot and the property was located in General Commercial Zone. Chairman Wick noted that Mr. Cuney purchased the property knowing that it would need variances and this was a self-created hardship to which Mr. Cuney disagreed. Engineer Medenbach stated that any development by any person on this property would need a variance(s) due to its size. Gloria VanVliet remarked that the parking and fencing were Planning issues and the ZBA needed to stay on task relative to the variances being requested.

Carol Garfinkel (resident) queried as to what was being asked of the ZBA by the Applicant.

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 Gloria VanVliet, and the affirmative vote of 7 Members, the abstention of 0 Members and 0 Members being absent, the Motion to close the Public Hearing at 7:55 p.m. carried unanimously by the following vote:**

Member: Vote:

Chairman Karl Wick	Aye
Vic Barranca	Aye
Gloria VanVliet	Aye
Elizabeth TenDyke	Aye
Frank Skerritt	Aye
Jim Tomasetti	Aye
Donn Avallone	Aye

The Members of the ZBA agreed to hold off until the next meeting to make a decision.

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. Vic Barranca indicated that he had visited the site and the site was full and 2 cars were located in what would be a fire lane. His opinion was that no more than 22 cars should be placed on the lot. Jim Tomassetti felt 20 vehicles was an appropriate number. Chairman Wick felt the depth of the lot didn't allow for parking of vehicles in two rows and he was in favor of reducing the area of the parking size from 18' to 17'. Donn Avallone felt the lot was very crowded and 20 cars would be too many if it were to run with the land. It was noted that a condition could be placed that it would be specific to this business. Nothing in the current Zoning addresses parking display areas. Section 123-61 seemed to best address the issue pending before the ZBA. 123-24A(2)(c) also addresses supplementary parking areas.

Chairman Wick proposed to vote on the variance. Member Frank Skerritt agreed conditioned upon the allowed parking be restricted to this use only. Chairman Wick called for a motion to grant the variance from Section 123-24A(2)(b) to allow for 8'x17' parking spaces, fire lanes to be established and maintained, display of 20 cars at the discretion of the Applicant and that the allowed number of cars allowed would disappear with any change in use.

Upon Motion of Chairman Karl Wick, seconded by Member Vic Barranca, and the affirmative vote of 7 Members, the abstention of 0 Members and 0 Members being absent, the Motion carried unanimously by the following vote:

Member: Vote:

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

Upon Motion of Member Vic Barranca, seconded by Member Gloria VanVliet, the meeting was adjourned at 8:11 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant
Submitted on June 16, 2020
Approved: June 16, 2020