

Chairman Wick explained the ZBA review process for the benefit of those present. He thanked the public for their interest and attendance.

INFORMATIONAL:

11-04-21-01 George Cuney - revised plans - Area variance
159 Clay Road, Esopus
SBL Nos. 56.83-4-1-.123 and 10.124
R12 & GC Zoning Districts

Applicant George Cuney addressed the ZBA and explained what options had previously been considered for development on the subject properties. The most recent proposal was requesting a density area variance to allow for an additional 10 2-bedroom units. Mr. Cuney stated that the density allowed pursuant to the Code did not result in the Applicant realizing an acceptable rate of return on the investment. The Applicant was not seeking a payment-in-leu-of-taxes (PILOT).

Discussion ensued relative to market rate rental fees in relation to what could be charged for units under affordable housing.

The present plans depict four (4) buildings of 20 units.

A Public Hearing was to be scheduled for the June 21, 2022 ZBA meeting.

05-04-22-01 Daniel & Marianne Frampton - Area Variance
20 Old Mill Road
SBL No. 71.30-3-10.110
R12 Zoning District

Applicants Daniel and Marianne Frampton were present. The Application presented was for a variance pursuant to §123-24 (F)(6)(b) to allow an 8’ high, 190-foot-long fence on the westerly side of their property. The neighboring property was up a bank approximately four feet higher than the Frampton’s backyard and did not currently allow for privacy from neighbors and their dog.

The Applicants indicated that the proposed location of the fence was visible from the road and any Members were welcomed to conduct a site visit. The informational portion of the review was closed.

Chairman Wick explained that the review process had to include a Public Hearing and the process could not be legally expediated to allow for a decision prior to the Public Hearing.

PUBLIC HEARING:

03-29-22-01 Port Ewen Corp.
15 North Broadway
SBL No. 56.44-1-1.100
Use Variance pursuant to Chapter 123- 44 (A1)

Jesse Hicks and Sarah Lipnick, Esq. (council for Port Ewen Corp.) were present.

Chairman Wick provided the guidelines to be followed by the public for comment, requesting speakers to address the Board, not the Applicant. Attorney Lipnick provided background history of what had existed in the past on the property and ownership. She noted that Port Ewen Corp. (her client), purchased the property in 2016 with significant Deed restrictions for 30-year limit on service stations/petroleum uses or restrictions to be held in perpetuity such as housing, residences, nursing homes, playground/recreational uses, etc. The request was for Applicant to use the existing buildings for a satellite office for the business with remediations conducted off site and remediation response equipment storage. The present application was requesting a use variance for two (2) uses – a contractor/storage yard as defined in the Town Code and one to use buildings for office space.

Attorney Lipnick addressed the six as of right allowed uses in the Waterfront District and the four criteria that must be considered in determining the allowance/denial of a use variance. Attorney Lipnick presented arguments supporting her client's request for the use variance. Mr. Hicks agreed for any Member to schedule a time to conduct a site visit.

Chairman Wick asked for clarification as to what types of equipment and where equipment would be stored on the site. The Applicant indicated that vehicles currently parked at the end of Everson Lane could be relocated on the site and that he was also willing to clean up the location on the waterfront. Normal business hours proposed would end at 5:00 p.m. with limited emergency evening responses.

Chairman Wick opened the Public Hearing for public comment at 7:55 p.m.

Margaret Phelan – (written comment on file) Ms. Phelan asked the ZBA to review letters previous submitted by the Ulster County Planning Board and Waterfront Advisory Board in 2018 relative to a previous application.

Donna Gaudio-Marchetta – Inquired if variance, if granted, be temporary and expire if the commercial use ceased.

Sharon Jones – Stated that she resided in the neighborhood when KOSCO was in operation, noting that the current truck traffic was minimal, and nothing was occurring on the site in the evenings and weekends unless there was an emergency.

Jay VanVliet – His property abuts the subject property on two sides and the traffic does not bother him. The barbed-wire fencing had been installed by KOSCO and didn't bother him.

Steven Lewis – Zoning is important and granting exceptions (variance) is not setting a good precedent.

Patricia Lewis- Inquired what the UCPB had recommended to the ZBA in 2018. She didn't support the granting of the variance permanently.

Sharon Jones – Noted that Maritime Museum vessels were currently using deep water bulkhead.

Bob Santiago – Had witnessed progress made on the site since KOSCO had ceased operating and didn't realize any business had been operating on the site since that time. He stated that the Town needed to fix all of the roads in the area due to all traffic (regular traffic, deliveries, construction, etc). Would like consideration to be given to pedestrian traffic in the neighborhood.

Eli Schloss – Reinforced statements presented by Margaret Phelan. He stated that the four points to consider in granting a variance were not supported.

Jo (neighbor) – Inquired as to what could be done with the space.

Stephen Cerini – Inquired as to when the zoning had changed.

Member VanVliet referenced recommendation that had been provided by the Code Enforcement Officer.

Chairperson Wick entertained a Motion to close the Public Hearing at 8:44 p.m. Upon Motion of Member Barranca, seconded by Member Marta and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, the Motion was carried by the following vote:

Member:	Vote
Karl Wick, Chairman	Aye
Vic Barranca	Aye
Gloria Van Vliet	Aye
James Tomassetti	Excused
Donn Avallone	Aye
Chris Marta	Aye

Chairperson Wick entertained a Motion to enter into executive session for the purpose of interviewing potential ZBA candidates. Upon Motion of Member Barranca, seconded by Member VanVliet and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, the Motion was carried by the following vote:

Member:	Vote
Karl Wick, Chairman	Aye
Vic Barranca	Aye
Gloria Van Vliet	Aye
James Tomassetti	Excused
Donn Avallone	Aye
Chris Marta	Aye

Chairperson Wick entertained a Motion to come out of executive session. Upon Motion of Member Barranca, seconded by Member Marta and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, the Motion was carried by the following vote:

Member:	Vote
Karl Wick, Chairman	Aye
Vic Barranca	Aye
Gloria Van Vliet	Aye
James Tomassetti	Excused
Donn Avallone	Aye
Chris Marta	Aye

Members would be e-mailing choices to the ZBA Secretary to in turn provide to the Town Board.

Upon Motion of Chairman Wick, seconded by Member VanVliet, the meeting was adjourned at 9:24 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant

Submitted on June 1, 2022

Approved: June 21, 2022