

ESOPUS ZONING BOARD OF APPEALS

Date: May 21, 2024
1 Town Hall Way
Ulster Park, New York

PRESENT: Karl Wick, Chairman
Gloria VanVliet
Katie Zahedi
Guy Brought
Kathy Kiernan
Mike Pittner

ALSO PRESENT: Councilperson Kathy Quick
CEO Mark Jaffee

EXCUSED: Jim Tomassetti

Chairman Karl Wick called the meeting to order with the Pledge of Allegiance to the Flag at 7:08 p.m. Roll call confirmed that a quorum was present.

Chairperson Wick called for a motion to approve the April 16, 2024 Minutes. Upon Motion of Chairman Wick, seconded by Member Zahedi and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 1 member and 1 member being absent, the Motion was carried by the following vote:

Member:	Vote
Karl Wick, Chairman	Aye
Guy Brought	Aye
Gloria Van Vliet	Abstain
Katie Zahedi	Aye
James Tomassetti	Excused
Mike Pittner	Aye
Kathy Kiernan	Aye

Chairman Wick explained the ZBA review process.

INFORMATIONAL No applications

PUBLIC HEARING

04-02-24-01 Fros Area Variance – proposed deck
§123-24 Supplementary regulations
SBL No. 56.60-1-11
NC Zoning

The Fros Public Hearing was opened for comment. Matthew Fros advised that a deck up to 20' wide was being proposed on a residence that was being constructed and required a variance from the allowed 8' width.

Chairman Wick noted that obtaining a copy of Map 441 which would show the creation of the lot would be helpful to the Applicants and they should find for their records. The Fros' were advised that a copy of the recorded map could be obtained from the Ulster County Clerk's Office.

Member Zahedi stated that the street was very short and had very few houses and traffic.

There being no persons wishing to provide public comment, Chairman Wick motioned to close the Public Hearing. Upon Motion of Chairman Wick, seconded by Member Brought and all voting in favor, the Public Hearing was closed by a vote of 7-0-1 at 7:13 p.m.

All Members agreed that sufficient information had been provided and a vote could be taken on the request for an area variance.

DECISIONAL

04-02-24-01 Fros Area Variance – proposed deck
 §123-24 Supplementary regulations
 SBL No. 56.60-1-11
 NC Zoning

Chairman Wick motioned to approve the area variance to build a porch to be constructed as presented on the plans up to 20' pursuant to §123-24 – Supplementary Regulations.
Upon Motion of Chairman Wick, seconded by Member Brought and all Members present voting in favor, the Moton passed 6-0-1 by the following vote:

Member:	Vote	Supporting Opinion
Karl Wick, Chairman	Aye	Variance did not adversely affect the character of neighborhood, variance was minor and benefit to the Applicants was of zero detriment to the neighborhood.
Kathy Kiernan	Aye	
Gloria VanVliet	Aye	
Guy Brought	Aye	
James Tomassetti	Excused	
Mike Pittner	Aye	
Katie Zahedi	Aye	

INFORMATIONAL

Structure – CEO Request for interpretation of the definition of “structure”

CEO Jaffee read §123-61 definition of structure from the Code and requested clarification from the ZBA that roads, driveways, storage drains, culverts, retention ponds and septic systems, etc. were not structures as applicable to the Town Code. There were many definitions of what were “structures” and CEO Jaffee requested an informal opinion from the ZBA. Chairman Wick stated that if a formal opinion was necessary, a Public Hearing would be required. CEO Jaffee stated that the problem was raised that if items other than what was defined in the Code were considered structures, it would affect everything in the Town, both subterranean and above the ground.

Chairman Wick allowed Attorney Kenneth Stenger to speak to the process. Attorney Stenger stated the ZBA was constituted to hear appeals, give opinions and interpretations and was not constituted to give advisory opinions (which was being asked for by the CEO). Attorney Stenger contested the procedure and directed the ZBA to seek legal advice. Ultimately, it was determined that a formal request for an opinion by the CEO to the ZBA to interpret the definition of a structure was being made and a public hearing would be held at the July 2024 meeting.

The Administrative Assistant asked what was the status of the documents submitted by Attorney Stenger that had not been formally submitted to the ZBA for review (submitted on May 6, 2024). Attorney Stenger requested that the documents be reviewed concurrently with the consideration of the definition of “structure.” The informational meeting regarding the documentation submitted would take place in June with the Public Hearing taking place in July. Discussion ensued relative to the formalization of a definition for “structure” and whether the May 6, 2024 submission of Attorney Stenger would be included in the informational review. The ZBA would review the documentation and decide if the submissions were relative and would be reviewed together or separately.

Chairman Wick noted that the “informational” portion of the ZBA review process was taking place relative to the CEO request. CEO Jaffee reiterated his stance on what constituted a “structure” pursuant to the Town Code.

Seasonal – CEO requested clarification from the ZBA regarding its determination of “seasonal” and had provided a written confirmation of the definition on April 1, 2024. The definition was of a single use which did not prevent an application for multiple uses or multiple seasonal uses on a single property. Chairman Wick stated that the ZBA defined the term only with the intent that the Planning Board had latitude, leeway, power to define how the definition was applied and whether it was for one season or more.

CEO Jaffee addressed a determination that had been made regarding Streamside Site Plan which had been conditionally approved by the Planning Board with a condition stating that a secondary access had to remain open and if it were to be gated, an appeal to the ZBA would be required. Subsequently, a determination had been re-written to allow the gate to be locked given the presentation of new technology which allowed the gate to be unlocked remotely. Chairman Wick felt the Applicant should revisit the Planning Board to present the information for the new technology and request an amendment.

The ZBA reviewed the draft resolution being reviewed by the Town to establish escrow with a recommendation that \$300.00 was an acceptable amount.

Frank Skerritt had indicated that he would be interested in serving on the ZBA. The ZBA had no objections to his appointment and Town Board Liaison would present the suggestion to the Town Board.

Upon Motion of Chairman Wick, seconded by Member VanVliet and all in favor, the meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant

Submitted on June 4, 2024

Approved: June 18, 2024