

**TOWN OF ESOPUS ZONING BOARD MINUTES
(MEETING HELD VIA ZOOM)
June 15, 2021**

PRESENT: Chairman Karl Wick
Donn Avallone
Gloria VanVliet
Vic Barranca
Elizabeth TenDyke

EXCUSED: Jim Tomassetti
Frank Skerritt

ALSO PRESENT: Code Enforcement Officer Mark Jaffee

Chairman 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 May 18, 2021 Minutes. Upon Motion of Member Vic Barranca, seconded by Chairman Karl Wick, and the affirmative vote of 5 Members, the negative vote of 0 Members and 2 Members being absent, the Motion passed 5-0-2 by the following vote:

Member:	Vote
Karl Wick, Chairman	Aye
Vic Barranca	Aye
James Tomassetti	Excused
Frank Skerritt	Excused
Elizabeth TenDyke	Aye
Donn Avallone	Aye
Gloria VanVliet	Aye

INFORMATIONAL: None

PUBLIC HEARING:

05-04-21-01 **Anne Bloom**
834 First Avenue, Kingston
SBL No. 56.44-1-23
Area Variance - §123-11(G)

Chairman Wick remarked that the proposal before the ZBA was for the conversion of an existing garage to an accessory apartment. Chairman Wick referenced §123-11(G)(1) which allows an accessory apartment in an accessory structure but §123-11(G)(3) limits the floor area and appeared to be what needed a variance.

Member Avallone questioned the wording of the Section of the Code. CEO Jaffee stated that he had issue with the current wording of the Code which was going to be addressed with the current revisions being made to the Zoning chapter. The applicant confirmed that the 500 square feet of habitable space was a revision from the 625 sf previously stated in the application. The 625 sf had included a deck which didn't qualify in the total habitable floor space.

Member Avallone reiterated concern raised previously relative to a right-of-way and whether the location of the garage compounded an issue with encroachment. CEO Jaffee stated that the Code did allow for the houses to be closer than the 30' setback in areas where other houses were closer to the road.

Member TenDyke noted that no neighbors had raised objections and ZBA Secretary confirmed no written objections had been received.

Hearing no public comment, **Chairman Wick called for a Motion to close the Public Hearing.** Upon Motion of Donn Avallone, seconded by Vic Barranca, the Public Hearing was closed.

Chairman Wick polled the ZBA as to whether it wished to render a decision at the current meeting. Upon Motion of Chairman Karl Wick, seconded by Vic Barranca, and the affirmative vote of all Members, the ZBA proceeded to the decisional portion of the review.

Chairman Wick called for a Motion to grant a variance from §123-11(G)(3), to allow the accessory apartment to be 27% rather than the allowed 25%, conditioned upon the habitable floor space being no more the 500sf and the proposal shall meet all requirements pursuant to the Esopus Town and Building Codes. Upon Motion of Member Donn Avallone , seconded by Member Elizabeth TenDyke and the affirmative vote of 5 Members, the negative vote of 0 Members and 2 Members being absent, the Motion passed 5-0-2 by the following vote:

Member	Vote	Supporting Opinion
Karl Wick, Chairman	Aye	A minor deviation from the Code, meets criteria for an area variance and doesn't change the character of the neighborhood
Vic Barranca	Aye	Agrees with all statements made
Elizabeth TenDyke	Aye	Agrees with granting approval for reasons stated; no public comment in objection has been received by the ZBA
Frank Skerritt	Excused	
James Tomassetti	Excused	
Donn Avallone	Aye	Does not affect the integrity of the neighborhood; of all the variance being requested is a small amount
Gloria VanVliet	Aye	Small amount of variance in square footage is being requested

Upon Motion of Elizabeth TenDyke, seconded by Chairman Karl Wick, the Stokes application was tabled until the July ZBA meeting.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Lisa K. Mance, Secretary
Submitted June 28, 2021
Approved: July 20, 2021