



Chairman Wick explained the ZBA review process for the benefit of those present. Chairman Wick asked that the Agenda be taken out of order.

**PUBLIC HEARING:**

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

Applicant Daniel Frampton was present. The Public Hearing commenced at 7:05 p.m. Mr. Frampton provided a synopsis of the request for a fence higher than what was allowed by the Code.

Dylan LaComb inquired if this variance was granted, would it apply to his and other similar circumstances throughout the Town. The Chairman explained that the variance, if granted, was applicable to the present application only.

Upon Motion of Chairman Wick, seconded by Member Barranca and the affirmative vote of all Members, the Public Hearing was closed at 7:10 p.m.

The Agenda was then taken out of order, all Members in agreement that they were willing to render a decision regarding the Frampton variance request.

**DECISIONAL:**

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

Member Barranca stated that the height difference wouldn't have any impact or jeopardize the character of the neighborhood and motioned to grant variance from 6'6" to an 8' fence height along the western border, seconded by Chairman Wick, the motion passed as follows:

<b>Member:</b>		<b>Vote</b>
Karl Wick, Chairman	Not substantial variance and will not change the character of the neighborhood.	Aye
Vic Barranca	Height difference wouldn't have an impact or jeopardize the character of the neighborhood	Aye
Gloria Van Vliet	In favor of granting the variance. No opposition had been received from the neighbors and it would not change the character of the neighborhood.	Aye

James Tomassetti	Was in favor for all reasons stated.	Aye
Donn Avallone	Was in favor for all reasons stated.	Aye
Chris Marta	Had conducted site visit and request for additional fence height was justified.	Aye

**PUBLIC HEARING:**

**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 and Caleb Carr, P.E. of Meddenbach & Eggers were present.

The Public Hearing commenced at 7:14 p.m.

**Dylan Lacombe** – What is benefit of re-zoning to the community and what benefit is it bringing to the residents. Mr. Lacombe was not in favor of granting variance for additional units. The added units would affect attendance at the school. Resources of the Town are already strained. It would also negatively affect the aesthetics of the Town.

**Charles Koemm** – Inquired if traffic impact had been looked into as well as septic and stormwater runoff. Does not see benefit of project and sees it as taxing on the community. Mr. Koemm suggested that the Capri be utilized.

Member VanVliet remarked that the concerns being raised were items reviewed by the Planning Board and that citizens should attend the Planning Board meeting.

**Charles Graney** – Grandparents were original residents of the neighborhood. Had water drainage issue and ran sump pump in basement for a month in April after heavy rainfall. The proposed development was not aesthetically pleasing. Town of Esopus Water Department can not handle proposed development. Fire in the complex would require use of fire hydrant which would negatively impact his water availability. Capacity of children in the community and those from proposed extra units could put a strain on the school. Traffic was already an issue and extra units would add to the traffic.

**Melissa Paradies** – Concerned about additional units and how they would impact the Town’s municipalities (water and sewer) as well as emergency services, Sheriff’s Department, increased traffic, drainage, changing aesthetics of the community, real estate values and potential environmental impact. Ms. Paradies believed the proposed development would be a significant change to the character of the neighborhood.

**Mr. Black** – The first nine (9) houses on Clay Road would be affected by the development. The water problem existing for twenty-two years would be impacted. Existing traffic already an issue on the road. First nine houses would be looking at the apartment, not the woods.

Chairman Wick posed question to participants inquiring how the additional nine units would impact the community.

**Dylan Lancomb** – Stated that he had not received the meeting notification.

Discussion ensued regarding proper notice and mailings. Member Marta directed individuals to the Town’s website that contained meeting information.

**Mr. Black** – Continued with his comment asking, how many children would be walking versus being bused to the school – there were already many buses on the road. Bought home to enjoy peace and quiet on Clay Road.

A majority of the room agreed that the granting of the nine units would have a detrimental effect on the neighborhood, it would affect the municipal water and sewer supply. The public was directed to bring their concerns to the Planning Board.

**Dennis Suraci** - Lives behind Mr. Graney and can attest to the basement flooding issues. Anything developed on the upper side of Clay Road short of one family homes, would create an incredible amount of stormwater. His focus was for the disapproval of the number of units and the Planning Board needed to address stormwater issues.

A gentleman inquired if the ZBA had approved the 71-unit development to which Chairman Wick responded that it was allowed by right pursuant to the Code. The question was then asked what the recourse for citizens was to address relative to what the ZBA would consider. Chairman Wick stated that the concerns presented by the public would need to convince the Board that all the criteria for approval had not been met.

**Darin Tanyol** – Echoed neighbors’ concerns relative to overcrowding of schools, drainage and traffic issues. Noted that the Town of Esopus did not have a noise ordinance and the creation of the development would increase noise. The Town’s Comprehensive Plan calls for more housing but development could take place at places other than one of the last green spaces in Esopus. The Capri could be considered.

**Louis Navara** – Inquired if the Applicant was present to defend himself. Chairman Wick noted that the Applicant was present but any questions should be directed to the Board which would then pass along to the Applicant to possibly address after the public comment if he wished.

**Linda Laestadius** – Was planning on breaking ground at her property only to discover that the parking lot for the proposed development would be 30’ from her property line. She had purchased 374 Broadway four and one-half years ago and lived in Kingston across from Cornell Park. Ms. Laestadius noted issues created at that location with the clearing of land and creation of stormwater runoff. She inquired what was going to happen with the wildlife on the property. The proposed structures would obstruct her mountain views.

**Donna Marchetta** – At the last ZBA meeting and asked for clarification of the reasoning for the request for the variance.

**Stephanie Lettieri** – Thanked Mr. Cuney for considering an investment in the Town of Esopus. She did agree with the issues raised and was against the extra units and asked if the 71 units had been approved by the Planning Board. Confirmed that the request for additional units was what moved the application to the ZBA.

**Linda Laestadius** – There was littering taking place and development would add to the issue.

Chairman Wick read content of written concerns submitted for the record.

The Public Hearing would be continued to the July 19, 2022 ZBA meeting. Chairman Wick motioned to conclude the public hearing, to be continued at the next ZBA meeting, seconded by Member Barranca and all in favor.

Applicant George Cuney addressed the Members of the Board and acknowledged the concerns raised by the public. The Planning Board would be addressing many of the concerns raised. Mr. Cuney referenced memorandum provided by Planning Board Consultant which noted that senior housing allowed for the development of 100 units. Creation of the development was anticipated to generate an excess of \$487,000.00 in taxes to the Town. He noted that the concerns provided to the ZBA would be properly addressed by the Planning Board.

**DECISIONAL:**

**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 reviewed considerations the Members needed to consider in making a determination relative to the use variance. A letter had been provided by the Town Board to clarify that the property was privately owned, and the Town had no interest in purchasing the property to be used as a park or any other use.

Member Tomassetti was interested in any plan provided to show improvements to the viewshed. Member Barranca noted that CEO Jaffee had made some suggestions for improvements and his opinion was that the current project was better than what it had been previously (KOSCO). Member Barranca thought that the Planning Board, working with the Building Department, could make it a more desirable looking piece of property rather than let it become vacant and not generate revenue to the Town. Member Tomassetti reiterated that a plan should be submitted for review that the Applicant could be held to.

Discussion transpired regarding the bulkhead and water dependent use. It was clarified that there was no financial return generated from the Maritime dockage at the bulkhead and there was no

use allowed other than the bulkhead docking. The request for the use variance was a separate requested use for office space and storage and not tied to the bulkhead use. Member Barranca provided a copy of the recommendations from CEO Jaffee who read them for the record and a copy was provided to the Applicant. The existence of the barbed-wire fence was discussed as well as its removal and a portion possibly being located in a right-of-way.

Member Marta asked for an explanation which supported the Applicant’s reasonable expectation that the use would be allowed.

Mr. Hicks noted that the recommendations provided by CEO Jaffee had been discussed previously and he was agreeable to implementing those recommendations. Attorney Lipnick added that the Applicant had also agreed to having a use variance granted for 30 years if the ZBA desired.

Attorney Lipnick inquired if all Members were voting and asked Member Tomassetti if his vote had been influenced to which he responded that it had not.

Upon Motion of Chairman Wick, seconded by Member Barranca and the affirmative vote of 4 members, 0 members being absent and the negative vote of 2 members, the motion to grant the use variance for office and storage space as outlined, conditioned upon the scope of the operation shall not be increased, the exterior of the structures shall be well maintained and nicely painted, that the section of property directly north of Everson Street have an unobstructed view of the Rondout with no parking, that parking shall only be permitted west of the gate line as shown on the plan, installation of appropriate landscaping along the southern edge of the office and the area of the former location of the tank and that the barbed-wire fence be removed and not replaced with barbed-wired, as follows:

<b>Member:</b>	<b>Vote</b>
Chairman Karl Wick	Aye – Due to the uniqueness of the property and the Deed restrictions, a unique hardship being there was no reasonable return from any other permitted use which were few and the Deed restrictions didn’t allow, no change in the character of the neighborhood and was an improvement over prior business operating at the property
Vic Barranca	Aye - ownership and the removal of the barbed-wire fence needed to be confirmed, could improve the character of the neighborhood
Gloria VanVliet	Aye – Did not see any substantial impact on the neighborhood, unique hardship on the Applicant
Chris Marta	Nay – Making decision based upon the lesser of two options, concerned that allowing this use variance in the Waterfront District would

	be setting a bad precedent; not convinced circumstances were not self-created
Jim Tomassetti	Nay- not satisfied that the conditions imposed would be complied with, 30-year timeframe proposed (if implemented) was too long
Donn Avallone	Aye – vote in favor

Upon Motion of Chairman Wick, seconded by Member Barranca, the meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant

Submitted on July 5, 2022

Approved: February 21, 2023