

**TOWN OF ESOPUS**  
**P.O. Box 700**  
**Port Ewen, NY 12466**  
*Zoning Board of Appeals*

***APPROVED***

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TOWN OF ESOPUS ZONING BOARD OF APPEALS  
July 21st, 2015 Meeting Minutes

**CALL TO ORDER:** Chair, Kathy Kiernan, called the meeting to order at 7:00 pm

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: Vic Barranca, Joe Guido, Kathy Kiernan, Melanie Marino, Frank Skerritt, Karl Wick,  
Dick Wenzel, Sheila Pratt - Secretary

Present: D. McCord, Town Board Member

Applicants: Nathan Dotson  
Wesley & Mary Anne Hayes

**MINUTES**

Kathy asked for motion to approve the May Minutes, Vic made that motion, second by Joe. All in favor to approve minutes.

**VOUCHERS**

Kathy asked if all had seen the voucher for secretarial work ? Joe made a motion to approve, seconded by Vic; all in favor.

**NEW APPLICATIONS**

07-21-15-01 Area Variance - Wesley and MaryAnn Hayes  
677 Broadway, Ulster Park, NY SBL# 64.03-1-14

07-21-15-02 Area Variance (3) Nathan Dotson  
103 East Main St., Port Ewen, NY SBL# 56.60-6-03

Kathy advised the applicants there were three parts to the process, this being the informational, next month the public hearing; then finally the decisional phase of the application.

Kathy then asked the first applicant to "express what they wanted and the reason for it."  
Mrs. Hayes explained that she and her husband wanted the carport to keep the snow off their cars.  
"We have health issues and this will eliminate the shoveling around their vehicles and where the carport is they are able to plow it clear."

Kathy:” What is the situation on your lot? Was it possible to put that carport in a different location on the lot?”

Mrs. Hayes: “No. It would have been too close to the line.”

Joe Guido:” You didn’t get a building permit?”

Mrs. Hayes:”No”

Joe:” How come?”

Mr. & Mrs. Hayes:” We were told at the time we didn’t need one.”

Joe: “Who told you that?”

Mr. Hayes:” The one that sold us it.” Mrs. Hayes:” Well somebody that sells them in the town told us, no you don’t need a permit. But he’s not the one that sold it to us.”

Kathy: “So it’s up, done deal.”

Mrs. Hayes:” It’s up, it’s done, you have photos right, I provided a photo.”

Kathy then looks through the file for the photo;”Anybody have any questions?”

Karl:” What is the issue at hand? I don’t have my copy of the documents.”

Kathy begins to explain the setting of the carport as Karl reviews the documents.

Mrs. Hayes:” It’s actually off to the side in the front,so it’s not right in front of the house.”

Kathy: “It’s closer to the road than your house is so that is why you need the variance.”

Joe:” Have any of your neighbors had any comments about it?”

Mrs. Hayes:” Not to us.”

Joe:” How come you’re before us?”

Mrs. Hayes:” Somebody must have put in a complaint, I don’t understand why they would have a complaint.”

Joe:”I can understand why, it doesn’t blend in with the neighborhood.”

Kathy:”Anyone else have anything?”

Karl:” How long has the carport been there?”

Mr. Hayes:” About two months, three months, about April, this spring sometime.”

Mrs. Hayes:” It’s been a hard winter. As I said part of my family is handicapped, I am not allowed to shovel anymore.”

Karl:” Sorry but we have to ask certain probing questions, are you in a position to hire someone to shovel?”

Mrs. Hayes:” Someone is already plowing and this will eliminate shoveling because he’s able to plow it away, there’s no place to push it.”

Karl:”So there isn’t any other place to put it any way?

Mrs. Hayes:”There isn’t, the one side my well is there and the other side is too close to the line.”

Kathy:” Where is your well?”

Mrs. Hayes:” It’s alongside the house.”

Kathy:”Oh okay, anything else?”

Joe:” Just so you know the reason that we have the public hearing is notices will be sent out to your neighbors so that if they have any issues that will give them a chance to explain their side.”

Mrs. Hayes” Yeah, okay.”

Joe:”For the next meeting bring in drawings to show where the wells are and why it had to go where it is to assist you in justifying your case. The meeting next month is the public hearing and it will be on August 18<sup>th</sup> at 7:00.”

Mrs. Hayes:” Okay thank you.”

Kathy:” Okay the next application is Nathan Dotson, 103 East Main St., would you please come up, ok you’re on.”

Mr. Dotson: "Hi, ok so I'm looking to build a garage for my home it's on the corner of East Main & Hoyt and build the garage where my parking area is now." The reason for the variance is that my lot is small, looking from the drawings my house takes up a lot of the space, setbacks to the property wouldn't work as it would be too far into the yard and close to the house. It's in keeping with the neighborhood, and will make things look better as I will have somewhere for storage. In the winter the cars stick out into the road and this would bring them out of the way of the town plows better. So just looking to build a garage."

Kathy: "A question I have is that you are seeking to build in excess of 15ft. in height, so how high is it going to be?"

Mr. Dotson: "It's going to be a story and a half garage, so there is an attic storage area above and the garage below, and it will still be significantly lower than my house is."

Kathy: "I can't read any of the dimensions."

Mr. Dotson: "I've got the larger drawing here, I didn't have time to get better drawings before I left on vacation but I will bring them with me for the next meeting as well."

All members gathered to look at the larger drawings of the garage and the setback area on the property.

Kathy: "It looks like the rear of the garage is even with the side of your house?"

Mr. Dotson: "It's pretty close, it's just about 24 ft from the property line to the home."

Kathy: "Anyone have any questions?"

Joe: "For the next meeting I'll need some reasons to why you can't move that back."

Mr. Dotson: "My yard is quite sloped and small, I'd really like to not have to do that."

Joe: "The neighbor's garage is right next to the road?"

Mr. Dotson: "Her home is right on the property line and I'm not really changing anything or doing anything different from what is already there."

Tim (Building Inspector) comes to the table to look at the prints and states where the neighbor's house sits pre-dates building codes in the town and possible was part of the church property previously.

Joe: "The other issue is the height, so for the next meeting which is the public hearing you'll need to justify why you need that height because our criteria is to keep variances to a minimum."

Mr. Dotson: "Sure okay."

Karl: "I have a question, in the back right corner of the drawing is that a telephone pole?"

Mr. Dotson: "I'm not sure, there was one lying there when we moved in but I'm not sure that applies now. Should I bring new drawings for the next meeting?"

Kathy, Joe: "Yes please, for the public hearing, and we have your number should we want to stop by?"

Kathy: "Okay then we will see you on the 18<sup>th</sup> of next month."

## **OTHER BUSINESS**

Kathy: "Do we have any other business?"

Joe: "While Tim is here I want to ask him on the forms is it possible to put what the variance is that you are looking for when you send it to us? We were just talking about this"

Tim: "Yeah I can clarify that for you."

Joe: "I don't know if any of you had the chance to read the notes from the Planning Board?"

Karl: "Yes I found that interesting."

Joe: "I found them offensive"

Karl:” I was trying to be nice Joe. I’ll give you my opinion after I hear yours”

Joe:”I would look forward to having a meeting with them.”

Kathy:” I haven’t heard anything from them has anyone else?”

Diane:” That was my suggestion to them as they weren’t happy with that referral back to them? I was thinking if we could have a meeting with all three boards to work things out so we can understand these referrals going back and forth.”

Joe:” When we don’t refer to them they have an issue as well, no one should take offense to something they have better understanding.”

Diane:” I just thought it would be a good idea if we could all sit down and talk.”

A discussion began as to what dates are available to have a joint meeting with Planning, Waterfront and Zoning.

A date of October 27<sup>th</sup> was determined to meet at 7:00pm in the Community Room, Diane will check back with that info.

Kathy: Okay anything else?”

Karl: I would like to make a comment on this issue for the record, “Town Law Section 267-V, par.#4 –“Gives us the right to impose such reasonable conditions and restrictions as directly related to incidental proposed use of property; for any reasonable condition you have the right, authority, and duty to impose.” In my opinion we did a courtesy to the Planning Board they can say they don’t want to hear it, everybody’s happy or they can say you know we may have missed something, let’s look at it. So I think that this was a courtesy to them and I would like that in the record.”

Kathy:” We have one other item which is the budget, I wish we had last year’s budget, how much should we ask for legal fees?”

Joe:” Yes we had that, we had stenographer’s for that one case.”

Kathy:” Well we can ask for it, we may not get it, but we’ll ask.”

Diane:” I don’t see why you couldn’t use the Planning Board’s lawyer?”

Kathy:” Sheila what do you want?, a new recorder?”

Sheila:” Yes thanks I’d appreciate that.”

Joe:” What’s wrong with this one, it can’t be that old it’s in roman numerals”

Diane:” That’s the one I used.”

Kathy:” Any other items for other business?”

### **ADJOURN**

Joe: No, I make a motion we adjourn”, Dick, Vic, “Second”

Kathy:” All in favor,”

All in favor to adjourn; meeting adjourned at 8:00 pm

Next meeting is at 7:00 pm on August 18th, 2015

Respectfully submitted,

Sheila Pratt, Secretary

Zoning Board of Appeals 8/8/2015

