

ESOPUS ZONING BOARD OF APPEALS

Date: August 15, 2023
Town Hall, 284 Broadway
Port Ewen, New York 12466

PRESENT: Karl Wick, Chairman
Donn Avallone
Guy Brought
Jim Tomassetti
Michael Pittner
Gloria VanVliet
Katie Zahedi

ALSO PRESENT: Town Board Liaison Kathy Quick

Chairman Karl Wick called the meeting to order with the Pledge of Allegiance at 7:02 p.m.

Chairperson Wick called for a Motion to approve the Minutes of June and July 2023.

Upon Motion of Member Avallone, seconded by Member Brought and the abstention of Member VanVliet, the Motion passed 6-1-0.

INFORMATIONAL:

No applications

PUBLIC HEARING:

05-17-23-01 Mark and Sandra Simmons
136 Hamilton/Legion Court
Area Variance
SBL No. 56.60-1-24

Dominic and Sandra Simmons were present. Chairman Wick noted that comments had been provided to the Members and had requested that the Members visit the neighborhood prior to the meeting. Several variances were needed – lot size, side, rear and front yard setbacks and lot coverage.

The Applicant was requested to review the criteria and provide responses (on record in the ZBA file). Ms. Simmons stated that many of the houses in the neighborhood do not meet the setback requirements. Mark Simmons displayed photographs on his phone which was provided to the Members to view. Chairman Wick requested that the photographs be emailed to the Secretary to be placed in the record. Ms. Simmons stated that there would be a fence on both sides of the property and the lot would not be visible to the neighbors with the exception of the side of the house.

The proposed setbacks of Simmons would be of a greater distance from neighboring properties than many of the existing properties in the neighborhood. Ms. Simmons stated that if the proposed house was placed on the lot according to Code, it would look odd and not be in line with other homes in the neighborhood.

Chairman Wick also advised that the ZBA look at the scale of the scope of the proposed structure opposed to what is in the neighborhood. The neighborhood was largely 2-story late Victorian but there were anomalies throughout the neighborhood. The proposed house was a mid-sized single floor and there were other ranch type houses in the neighborhood.

Member Tomassetti expressed concern that most houses had a rear yard and the currently proposed design does not leave much of a back yard. He inquired if the Applicant had considered other structures with a smaller footprint and if there was a reason the Applicant had selected the current model. Mr. Simmons stated that other models with two stories were available but the second stories were not complete and the selected model had been discontinued and was being offered at a reduced price. The foundation of the house would be a concrete 4' concrete slab. Dominic Simmons stated that size and cost had been an issue while searching for a model. The ZBA inquired if a benefit could be achieved by some feasible method such as a structure with a second floor or a basement with a smaller footprint. The Applicant responded that there were not feasible options given the price range compared to acceptable space with adequate bathrooms to accommodate his family.

Chairman Wick noted for the benefit of the Board that if this were a use variance, the financial aspect must be proven by competent evident. The ZBA could grant more leeway for an area variance.

Member Avallone inquired if the variances were granted, would the Applicant go to the Planning Board and then have to return to the ZBA. Chairman Wick noted that the variances could be granted contingent upon Planning Board subdivision approval.

Chairman Wick stated his personal thoughts were that it was not an undesirable change in the neighborhood, that it was a substantial variance (56% change in lot size) but was not egregious given the old-style neighborhood and the old neighborhood and being "self-created" did not have to be considered.

The Public Hearing was opened for comment. Hearing no persons wishing to speak, Chairman Wick called for a Motion to close the Public Hearing. Upon Motion Brought, seconded by Member Zahedi and all Members in favor, the Public Hearing was closed at 7:31 p.m.

DECISIONAL:

Upon polling the Board, all Members agreed to vote on the application.

Chairman Wick motioned to approve the following variances pursuant to §123-23 Bulk Regulations and Area Regulations (page 129 of the Code):

- 1) **Lot size – a variance of 5308’ from the required 12,000 sf;**
- 2) **Both side yard setbacks – variance of 4’ from the required 15’;**
- 3) **Rear yard setback – variance of 13’6” from the required 30’;**
- 4) **Front yard setback - variance of 6’ from the required 30’ (no porch in the front yard);**
- 5) **Lot coverage – a variance of 115 sf from the required 1592 sf (would increase coverage by 7.2%); and**
- 6) **Subject to Planning Board approval of the proposed Subdivision**

Upon Motion of Chairman Wick, seconded by Member VanVliet and the affirmative vote of 7 members, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the Motion was carried 7 – 0 by the following vote:

Member:	Vote	Supporting Opinion
Karl Wick, Chairman	Aye	Citing comments previously stated
Mike Pittner	Aye	Reasonable given the neighborhood
Jim Tomassetti	Aye	Strongly suggested that the Applicant investigate 2-story houses with basements and encouraged entertaining other options with smaller footprints
Donn Avallone	Aye	Supported Motion for all reasons stated and the uniqueness of the neighborhood lent itself to the proposal
Guy Brought	Aye	Applicant has met the requirements to grant variance
Katie Zahedi	Aye	Fit into the character of the neighborhood
Gloria VanVliet	Aye	Would fit into the neighborhood

Other Business: None

Upon Motion of Chairman Wick, seconded by Member Avallone, the meeting was adjourned at 7:46 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant

Submitted on August 29, 2023
 Approved: November 21, 2023