

TOWN OF ESOPUS
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Zoning Board of Appeals

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TOWN OF ESOPUS ZONING BOARD OF APPEALS
Minutes of the September 17, 2013 meeting

CALL TO ORDER: Acting Chairman, Joe Guido, called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Vic Barranca, Sean Fitzgerald, Joe Guido, Dick Wenzel & Karl Wick.

Excused: Don Cole & Kathy Kiernan

MINUTES

Vic made a motion to approve the August minutes as written. Seconded by Sean. All in favor.

VOUCHERS

Vic made a motion to approve the voucher for secretarial work. Seconded by Karl. All in favor.

INFORMATIONAL

09-17-13-01

St. Remy Reformed Church
534 Main Street

area variance
63.06-1-08.100

(Secretary's Note: All references to "Joe" will refer to Board member, Joe Guido.)

Joseph and Therese Landi were present, Mr. Landi representing St. Remy Reformed Church. He explained that he is in front of the Planning Board for a lot line revision with the church. He has taken care of the church's property for 34 years (with no compensation) and the church would like to thank him by giving him a strip of land, 20x200, through a lot line adjustment. Mr. Landi noted that he had handed in a photograph depicting this piece of property. He had a survey done and went to the Planning Board who told him that this revision of the lot line will make the church's property more non-conforming so it will need a variance. He stated that the property was already non-conforming. "The properties have been there for 100 years." Mr. Landi stated that he is taking 20 feet and putting it on the tax rolls.

Mr. Landi explained that (Jack) DiMuccio had given the church a piece of his property on the other side and Mr. Landi expanded the church's parking lot on that side.

Joe explained that there is a law that states that no lot shall be reduced in area so that it creates more of a non-conforming (situation).

Mr. Landi stated that the church's lot had been increased on the other side by about the same amount as the current lot line revision. Joe stated that each event has to be taken individually.

Vic asked if any neighbors had any problem with this and Mr. Landi answered, "No, nothing is changing except I am putting 20 more feet on the tax roll."

Referring to the letter from the church giving Mr. Landi permission to act on its behalf, Joe asked Mr. Landi to get the letter notarized and return it to the Board by next month's meeting.

Karl disclosed that he has known the Landis for years and asked if anyone objected to him ruling on this case. Board members and Mr. Landi replied that they did not object.

Karl asked if the line shown in the photo represented the existing lot line or the (proposed) new lot line. Mr. Landi said it was the proposed and he pointed out where the existing line was.

Karl asked how much land Jack DiMuccio gave to the church and Mr. Landi read Miles Putnam's Planning Board notes, "The church parcel was enlarged to the present size in 2006 when it received .143 acres of vacant land from neighbor, DiMuccio." Mr. Landi is receiving 4000 square feet, which is less than DiMuccio's piece. Karl calculated that 20x200 is less than a tenth of an acre and the church was enlarged by about one and one-half tenths.

Vic asked if the church had paid the application fees. Mr. Landi replied that he had paid the fees because the church is doing him (a favor).

Joe stated that neighbors will receive notices of the public hearing next month, October 15, 2013.

DECISIONAL

06-18-13-01

John & Gabrielle Berry
54 Maple Street

area variance
71.30-1-03

John Berry was present.

Karl asked Mr. Berry to show him where on the survey map the proposed building would be.

Joe asked if the shed on the property will be removed. Applied replied that the building that the proposed building is replacing has already been torn down. It was a 500 square foot garage which was falling down. The shed will remain on the property.

Joe asked about water run-off. Applicant has spoken with his neighbor, Alan Small, who was at the public hearing and whose property adjoins his. Mr. Small's concern is run-off from applicant's property into the street. There is only one storm drain on Maple Street because the houses are built on bedrock. Water running off applicant's property will run into the street towards the storm drain in front of Mr. Small's property. They have an agreement whereby Mr. Berry will pump and drain his run-off water in the direction of the drop-off down to the lake.

Karl asked if this included water coming off the roof and applicant answered that it did. The building will have gutters draining towards his property and he will pump it over the hill.

Dick stated that he was at the property and saw the storm drain. He believes that this is not going to be a significant change to the existing drainage problem on that street. He suggested that Mr. Berry notify the Highway Department that the drainage is inadequate. Mr. Berry thinks they know the problem and cannot do anything more because of the rock ledge. He added that they are very good about salting and plowing the street.

Joe asked if the temporary structure in front of the house will be removed and applicant replied that it would be.

Dick asked if applicant was going to run a business out of the proposed structure. Applicant replied that the building will be for his son who restores jeeps for a hobby. It is not a business. Karl asked what Mr. Berry's son does with the restored jeeps. Applicant replied that he holds on to them and takes them to shows.

Joe stated that the Town of Esopus Planning Board had no issues with this project.

Karl noted that the building that was there previously was over the coverage limit by 18%. The proposed building will be over the limit by 24%. So there is a 6% change in coverage.

Vic asked applicant if he was going to side the building to match the character of the neighborhood. Mr. Berry replied, "If that's what is required." Karl noted that it would help with the look, "although most of the buildings in that neighborhood have steep roof pitches and this won't be." Applicant stated that the pitch of the roof will be parallel to Maple Street so that the gable end won't be seen. Karl said to the Board that he likes the idea of having siding on (the building). Vic noted that steel buildings in a residential neighborhood have a commercial look. Mr. Berry reiterated that he would be happy to put siding on the building, if that was the way the Board decided they wanted it.

Karl asked if Mr. Berry's property abutted Lake Shore Drive on the north side. There seemed to be a gap on the map. Applicant replied that there is a right of way owned by a resident "on the back road." He owns the entire length of the right of way on Lake Shore Drive from the offset from the center of the road.

Motion:

Karl made a motion to grant a variance from Article V Section 123-20 to allow lot coverage of 703 square feet over the allowable coverage on this property with the following stipulations: the building shall never have a commercial use; drainage shall be towards the Wallkill River; the building shall be vinyl-sided in a manner reasonably consistent with other buildings in the neighborhood; and the temporary structure in the front yard shall be removed.

Motion seconded by Vic.

VOTE:

Dick – In favor. The drainage towards the Wallkill takes care of the water problem. It is not going to be a business and there is nothing to stop me from voting against it.

Karl – In favor. This is an area variance and the tests are far less stringent for an area variance. I do think it’s a very large building for that parcel. The building will be used for personal purposes, and in a village as old as Rifton a lot of parcels had large barns originally.

Sean – In favor. The issues of this proposal that were going to be detrimental to the character of the neighborhood have been addressed and cited in the variance.

Vic – In favor for all the reasons mentioned. I do not believe, with everything we have in place here, that it is going to jeopardize the character of the neighborhood.

Joe –I was not going to vote in favor of this, but as Karl pointed out, compared to the size of the building that was there, it is not that much over it. We have addressed the issues of water run-off, it will be sided and we’re cleaning up the front of the house. I think it enhances the neighborhood. In favor.

Motion approved.

Joe told applicant that secretary would send a letter out with his approval. Mr. Berry asked what he needed to do next and secretary told him to come to the building department for his building permit.

DECISIONAL

03-26-13-01

Venditti Properties LLC
832 Broadway

use variance
72.01-1-12.100

Joe stated that the Town of Esopus Planning Board did not have any issues and this applicant is before them (for site plan approval).

Joe made a motion to re-approve the use variance for Venditti Properties, case # 03-26-13-01, with the stipulation that he must obtain site plan approval from the Planning Board.

Sean seconded the motion.

Joe, Sean, Karl, Vic in favor. Dick Wenzel abstained.

Motion approved.

Karl made a motion to adjourn the meeting. Seconded by Vic. All in favor.
Meeting adjourned at 7:29 pm.

Respectfully submitted,

Joan Boris, Secretary
Zoning Board of Appeals