

Town of Esopus  
Zoning Board of Appeals  
September 18, 2018

**ROLL CALL**

Present: Kathy Kiernan, Chairperson  
James Banks  
Vic Barranca  
Joe Guido  
Frank Skerritt  
Karl Wick  
Excused: Glen Kubista

The meeting was called to order by the Chair at 7:00 p.m. Pledge to the Flag followed.

On the advice of the ZBA attorney, Kathy asked for a motion to go into an attorney/client meeting.

**VIC MADE A MOTION TO GO INTO ATTORNEY/CLIENT MEETING. SECONDED BY KARL. ALL MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED 6-0.**

Meeting resumed at 7:35 p.m.

**VIC MADE A MOTION TO RESUME THE MEETING. JIM SECONDED. ALL PRESENT VOTED IN FAVOR. MOTION CARRIED 6-0**

ZBA Attorney Kyle Barnett spoke and said he wanted it put on the record that on September 12, 2018, he received a correspondence from Attorney Victoria Polidaro who was writing on behalf of the Town of Esopus Town Board requesting that ZBA member Joe Guido recuse himself from the ongoing proceedings pertaining to the project of Port Ewen Corp. which is the application of a continuation of a non-conforming use. Also, following that, he received an email from the Town Supervisor which he presumes is an understanding as to what Mr. Guido had said to the Ulster County Planning Board while the Planning Board was reviewing the application of Port Ewen Corp. to make a recommendation to the Town of Esopus Zoning Board of Appeals. He further understands that the Chair

has requested a copy of the official transcript of that UCPB meeting for the Zoning Board to review and, at this time we are awaiting that copy. Upon review of the correspondence from Attorney Polidaro and the email from the supervisor, member Joe Guido would like to review the actual official transcript of the meeting of the UCPB before making a decision as to whether or not he should recuse himself from reviewing anything on this project. We did receive a letter from the applicant's attorney requesting a continuance of the review of the project so there will be no determinations made this evening on the application and no determinations prior to the next meeting of the Zoning Board of Appeals. The public hearing has been continued so if the Board wants to continue with that, he recommends that the Board do so.

### **MINUTES**

**KARL MADE A MOTION TO APPROVE THE MINUTES AS THEY ARE TO BE AMENDED. VIC SECONDED. ALL PRESENT VOTED IN FAVOR. MOTION CARRIED 6-0.**

### **VOUCHERS**

**VIC MADE A MOTION TO APPROVE THE VOUCHER FOR SECRETARIAL AND ATTORNEY FEES. JIM SECONDED. ALL PRESENT VOTED IN FAVOR. MOTION CARRIED 6-0.**

Kathy explained the three-step application process.

### **INFORMATIONAL**

**09-18-18-01            Mary Jo & Robert Wiltshire**  
259 Agnes St., Port Ewen

The Wiltshires would like to replace an existing shed in the back of their property which will be larger than the one they have and closer to the property line. It will be no closer than three feet to the rear property line and three feet to the side yard property line. The backyard borders on a wooded, swampy lot and then to the Berg baseball field. They have a pool and there is no better place to put the shed.

Karl asked why the applicants can't put the shed five feet from the line. The applicant said the yard is sloped and they have an above-ground pool. It's built up on a rock pad and there is a rock retaining wall. Karl also asked when they purchased the property. The applicant answered that it was in 1991. There were no other questions. The applicant was advised that the public hearing will be on October 16. Mr. Wiltshire asked if a decision will be made at that meeting and he was told that it's possible depending on the input from the neighbors.

## **PUBLIC HEARING**

**VIC MADE A MOTION TO RECONVENE THE PUBLIC HEARING FOR PORT EWEN CORP. (JESS HICKS). KARL SECONDED. ALL PRESENT VOTED IN FAVOR. MOTION CARRIED 6-0.**

ZBA Attorney Kyle Barnett presented a prepared memorandum. A copy was given to the applicant. He also read a letter from the applicant's attorney requesting a 30-day adjournment so the applicant may respond to the UCPB comments which they just received today. He recommended that the Board proceed with the public hearing and close it after comments were heard this evening.

Kathy asked for comments from the public from anyone who had not spoken before or who had something new to present. Steve Lewis came forward and presented pictures (satellite images) of the site. He said he understood there is a timeline involved.

Patricia Lewis spoke regarding proving that the site was still being used - the prior usage. She said what she has also heard a lot is that this is the only use for this site. It seems to be an assumption that there is nothing else that can be done with the site. There are many possibilities that the site can be used in different ways. It can also benefit from the many recommendations from the Waterfront Advisory Board like docks, a public marina, public garden. It's a fantastic ..... inaudible..... that while it's used a lot for boating has a lot of problems for the neighborhood so increased usage of foot traffic and people going to the park makes for a safer park. Any kind of usage that draws more people there... It could be connected to the park so kayaking, even just a garden where people could take a ferry over from the Rondout. It's historic. It's environmentally great for the area and could

possibly generate some business. It's easy to get the public together to brainstorm and come up with many uses for this site.

There were no further comments.

**FRANK MADE A MOTION TO CONTINUE THE PUBLIC HEARING. KARL SECONDED. ALL PRESENT VOTED IN FAVOR. MOTION CARRIED 6-0.**

**VIC MOTION MADE TO OPEN THE PUBLIC HEARING FOR TROY TEMPLE. FRANK SECONDED. ALL PRESENT VOTED IN FAVOR. MOTION CARRIED 6-0.**

Mr. Temple stated that they are hoping to build a 26x44 sq. ft. three bay garage that will be set back roughly 180 feet from the road. They are asking for an area variance. It says a use variance on the agenda tonight. The garage will need to be built beyond the front line of the house. The rock face behind the house is what is preventing them from building behind the house. Kathy asked if the applicant brought a site plan as requested at the last meeting. Mr. Temple presented a plot plan. He was also asked to provide measurements. He said the maximum roof height will be 17 feet at the peak and the pitch will be 8/12. Most of that information is on the plan which the Board should have. The applicants pointed out the septic and well on the plans which were submitted. Joe asked if the garage will architecturally match the house. Mr. Temple said that when the garage is built, they will be replacing the roof and siding on the house and it will match.

John Waddell from 30 William White Road asked for the dimensions of the garage. Mr. Temple advised him it will be 26 ft. deep by 44 ft. wide, 1144 sq. ft., 17 ft. at its peak height. Mr. Waddell reviewed the plans and stated that it's a lot of building that he will see the back of. After Mr. Temple explained how the garage would be situated on the property, Mr. Waddell said he was afraid they were going to put it where the old one was. Mr. Temple assured him that they are not. Mr. Waddell asked for a copy of the plans. He was told he can get a copy of anything that is considered public information. There were no other comments.

**KARL MADE A MOTION TO CLOSE THE PUBLIC HEARING. JOE SECONDED. ALL PRESENT VOTED IN FAVOR. MOTION CARRIED 6-0.**

Kathy stated that at the first meeting the applicants indicated that they wanted to get started on this project as soon as possible. Mr. Temple agreed. Kathy polled the Board to see if the members were comfortable voting tonight. Jim said he was okay with that. Joe said he's fine with it. There was then a question about the height. Karl said the code states that it is 15 ft. average so with any reasonable slope the average will be under 15 ft. Karl said he will vote tonight. Frank said he's fine with it. Vic agreed and Kathy was also in favor of voting.

**KARL MADE A MOTION TO ALLOW THE GARAGE TO BE CONSTRUCTED IN FRONT OF THE EXISTING HOUSE AT A DISTANCE OF 180 FT. TO THE FRONT PROPERTY LINE. THIS WILL BE A VARIANCE TO ARTICLE 5 SECTION 123-21C (5) a OF THE ZONING CODE TO ALLOW THE GARAGE IN FRONT OF THE HOUSE NO LESS THAN 180 FT FROM THE FRONT PROPERTY LINE ON ROUTE 213. FRANK SECONDED.**

**JIM BANKS – I'm in favor of it. It's not very visible from the road. I live out that way myself. I'm about a half mile from William White Road and the neighbors are pretty far apart out there. I don't see it as a detriment to the neighborhood.**

**JOE GUIDO – I'm in favor because of the distance from the road and the applicant has agreed that the garage will architecturally go with the house.**

**VIC BARRANCO – I'm in favor. I don't think it's going to jeopardize the character of the neighborhood.**

**FRANK SKERRITT – I'm in favor for all the reasons named and the neighbor who came to speak tonight didn't have a problem with the building being built right in.**

**KARL WICK – I'm in favor of it because of the topography of the land, the shape of the lot which is (inaudible) and the fact that this will not change the character of the neighborhood. There are other houses in the neighborhood with the garages forward of the house.**

**KATHY KIERNAN – I am in favor also because of the reasons given and also because I visited the property and I saw that stone bank. There's really no other place that you can put it.**

The applicant was told that the variance was granted and there would be a notice sent to the building inspector.

There was no other business.

**VIC MADE A MOTION TO ADJOURN. KARL SECONDED. ALL PRESENT VOTED IN FAVOR. MOTION CARRIED 6-0.**

Respectfully submitted,

Kathy Kiernan, Chair

Approved November 20, 2018