

**ESOPUS ZONING BOARD OF APPEALS**

Date: October 15, 2019  
Town Hall, 284 Broadway  
Port Ewen, New York 12466

**PRESENT:** Karl Wick, Chairman  
Vic Barranca  
James Tomassetti  
Frank Skerritt  
Donn Avallone

**EXCUSED:** James Banks

Also present was Town Board Liaison, Kathy Quick.

Chairman Karl Wick called the meeting to order with the Pledge of Allegiance to the Flag at 7:00 p.m.

Roll call confirmed that a quorum was present.

**Chairman Wick entertained a Motion** to approve the Minutes of September 17, 2019 as amended. Upon Motion of Member Donn Avallone, seconded by Member Frank Skerritt, and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, the Motion was carried 5 – 0 by the following vote:

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Vic Barranca	Aye
James Banks	Excused
Frank Skerritt	Aye
James Tomassetti	Aye
Donn Avallone	Aye

**Chairman Wick entertained a Motion** to approve the Voucher for payment of Administrative Assistant. Upon Motion of Member Vic Barranca, seconded by Member Frank Skerritt, and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, the Motion was carried 5– 0 by the following vote:

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Vic Barranca	Aye
James Banks	Absent
Frank Skerritt	Aye
James Tomassetti	Aye
Donn Avallone	Aye

**INTERPRETATION**

A request had been made by the Planning Board for the ZBA to provide an interpretation of §123-22 D (1)(a)[2] “Average Density Development (cluster subdivision)” and the question as to whether the

requirements of that section could be applied to §123-13 B (2) [b] for the maximum permitted density calculation for a multi family development. Planning Board Mark Anderson was present but didn't have additional information to provide. Chairman Wick inquired as to whether all members had opportunity to review the Sections of the Code and information that had been provided by Chairman Wick. Member Skerritt requested additional time to review and Chairman Wick indicated that an additional month was needed for review.

**PUBLIC HEARING:**

**09-03-19-01 Paul Kennedy**  
**734 Second Avenue, Kingston (Sleightsburgh)**  
**SBL No. 56.44-1-21**  
**Area Variance – Article 14§123-11 (3) (a)**

Applicant Paul Kennedy provided a brief explanation regarding his application for an area variance to allow him to keep existing fowl on his property.

Brenda Palumbo stated that she lived across the street and was okay with the hens but would like the roosters not to be included if the variance were to be granted. Chairman Wick stated that the Board had to look at certain criteria in granting a variance, one of which was the quality of the neighborhood.

Patricia Miliken was used to the birds but there would be a difference if there were less roosters. She indicated that the noises generated by the dogs in the neighborhood were disruptive and that she had gotten used to the birds.

Marie Celeste Edwards had purchased property knowing of the existence of the fowl, was in the process of constructing a house and personally loved the existence of the chickens and roosters in the neighborhood.

Mr. Kennedy noted that individual who had issues with the fowl was not present. He did concede that complaints regarding the roosters were valid. Member Tomassetti inquired if other neighbors had fowl on their property but Mr. Kennedy chose to refrain from responding.

It was noted that due the property's proximity to a County Road, referral to the Ulster County Planning Board for comment was necessary.

Susan Mannain noted that the dogs do make quite a bit of noise but not at 3:00 a.m. in the morning. Generally, she was in favor of the chickens.

**Chairman Wick called for a Motion to close the Public Hearing.** Upon motion of Chairman Wick, seconded by Member Vic Barranca and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, the Motion to close the Public Hearing at 7:19 p.m. was carried by the following vote:

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Vic Barranca	Aye
James Banks	Excused
Frank Skerritt	Aye
James Tomassetti	Aye

**INFORMATIONAL**

09-16-19-01            **John and Jayme Berardi**  
178 Tooley Road, Kingston  
SBL No. 56.44-1-21  
Area Variance - §123-21C (5) (a) [1]

Applicants John and Jayme Berardi were present and apprised the ZBA as to what they were seeking. They had considered construction of a car port but determined that it wouldn't accommodate storing their 12' high motor home. The finished structure was approximately 24' high with a height of 17' at the eaves. Mr. Berardi noted that their similar structures throughout the neighborhood. The Berardi's property was secluded and the structure would not be visible to the neighbors (photographs were provided to the ZBA members for review). Chairman Wick requested photographs of the similar structures in the neighborhood. Chairman Wick also requested the location be shown on a site plan (sketch).

A Public Hearing was to be scheduled for November 19, 2019.

09-23-19-01            **Richard Bosman**  
545 Old Post Road, Esopus  
SBL No. 71.4-4-7  
Area Variance -§123-21C (5) (a)

Owner/Applicant Richard Bosman addressed the ZBA. He had obtained a building permit to construct a accessory studio and the original plan was to have the structure parallel to the road. Upon hitting a rock seam during construction, the orientation of the studio had to be changed to place it diagonally on the property resulting in a corner of the structure being 90' from the road and thus, required an area variance from the request 125' setback.

Member James Tomassetti questioned whether the request for a variance was due to the studios location forward of the residence or was it triggered by the distance setback.

Mr. Bosman invited ZBA members to visit the property and no prior notice was needed.

Chairman Wick requested that a site plan reflecting the relationship of the proposed studio to the house and the road. Member Skerritt suggested that the Applicant could use the Ulster County website to create the images needed.

A Public Hearing was to be scheduled for November 19, 2019.

10-01-19-01            **Raymond H. Williams, Jr.**  
30 Rose Lane, Ulster Park  
SBL No. 63.4-1-37  
Area Variance - §123-21C (5) (a)

Applicant/owner Raymond Williams was present. Chairman Wick noted for the record that he was acquainted with the Applicant and all Members were agreeable to proceed with the Informational Meeting to include Chairman Wick. Mr. Williams informed the Board that he had purchased the property with the pool at its current location years ago. The Esopus Code Enforcement Officer had determined that the pool was located front yard and was in violation of the Code.

Member Skerritt inquired if a site plan was acceptable to which the Applicant agreed, indicating no prior notice was necessary.

A Public Hearing was to be scheduled for November 19, 2019.

**Chairman Wick called for a Motion to adjourn the meeting.** Upon Motion of Member Vic Barranca, seconded by Member Frank Skerritt, the meeting was adjourned at 7:45p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant  
Submitted on October 29, 2019  
Approved: November 19, 2019