

**ESOPUS ZONING BOARD OF APPEALS**

Date: November 16, 2021  
Town Hall, 284 Broadway  
Port Ewen, New York 12466

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

**EXCUSED:** Gloria Van Vliet  
Elizabeth Ten Dyke

Chairman Karl Wick called the meeting to order with the Pledge of Allegiance to the Flag at 7:01 p.m. Roll call confirmed that a quorum was present.

Minutes of the October 19, 2021 meeting had not been circulated. Approval was held over to the following meeting.

**Chairperson Wick Motioned to approve the Voucher for payment of the services of the Secretary,** seconded by Member Frank Skerritt and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 members and 2 members being absent, the Motion was carried by the following vote:

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Vic Barranca	Aye
Gloria Van Vliet	Excused
Frank Skerritt	Aye
James Tomassetti	Aye
Donn Avallone	Aye
Elizabeth Ten Dyke	Excused

**INFORMATIONAL**

**11-04-21-01** George Cuney  
159 Clay Road, Esopus  
SBL Nos. 56.83-4-1-.123 and 10.124  
R12 & GC Zoning Districts

George Cuney was present and provided an explanation of his current plan to develop an apartment complex. 80 units were being proposed but the allowed number of units pursuant to

the Town Code was 71 units. An area variance to allow for 9 additional units was being requested. Mr. Cuney indicated that the additional units made the project more attractive to investors. Mr. Cuney stated that no PILOT was going to be requested.

Member Tomassetti asked what the elevations were for the buildings. Mr. Cuney provided renderings for the ZBA to view. The Route 9W side would be higher than the elevations of structures going down Clay Road. Member Tomassetti was asked if any adjacent properties to the South were available for purchase in the GC Zoning District which would help to offset the density calculations. Members of the ZBA reviewed the map and were given an explanation of what the symbols and location of structures were. The ZBA requested that a legend be placed on the map.

Chairman Wick questioned what effect 9 additional units to the proposed 71 units would have on the Port Ewen Water and Sewer District. Mr. Cuney stated that his engineer had a conversation with the Water and Sewer Superintendent who indicated that there was 3 to 5 times the amount of needed water and sewer facilities and this project had no effect. Chairman Wick stated that the ZBA could copy whatever the Planning Board had covered. Chairman Wick wanted answer to that matter to be prepared for the public hearing if the issue were to be brought up.

Member Barranca asked if the proposed clubhouse could instead be used to obtain the density requested. The clubhouse square footage didn't meet requirements to accommodate 4 more units.

The Secretary was directed to schedule a public hearing for the following month and Mr. Cuney was asked to remit \$200.00 payment for the public hearing.

**PUBLIC HEARING:**

**09-29-21-01            Michael Withall  
                                 1688 Route 213, Ulster Park  
                                 SBL No. 63.3-3-13.200  
                                 Area Variance - §123-20**

Sharon Jones and Michael Withall were present.

**Chairman Wick called for a Motion to open the public hearing.** Upon Motion of Member Barranca, seconded by Frank Skerritt and the affirmative vote of all Members present, the Public Hearing opened at 7:55 p.m.

Mr. Withall explained that the proposal was to shrink the side yard set back between the commercial property and the Applicants' property from 20' to 5' from the structure on the commercial property. The area involved with the variance request was currently used for the applicants to park their cars.

Chairman Wick stated that 5' wasn't adequate for emergency access but it was determined that there was adequate access to the building on the other three sides of the structure and that the wall on the side of the requested setback reduction had no outside access (doors or windows).

Jay Edelman – Neighbor who was present in support of the application – no objections.

**Chairman Wick called for a Motion to close the public hearing.** Upon Motion of Member Avallone, seconded by Member Barranca and the affirmative vote of all Members present, the Public Hearing closed at 8:08 p.m.

After polling the Board, Chairman Wick motioned, seconded by Member Barranca, that all present were in favor of rendering a decision on the application at the present meeting.

**DECISIONAL**

**09-29-21-01            Michael Withall  
                                 1688 Route 213, Ulster Park  
                                 SBL No. 63.3-3-13.200  
                                 Area Variance - §123-20**

**Chairman Wick motioned to grant an area variance pursuant to §123-23 to allow a North side sideyard setback of 5' on the commercial property with the condition that neither adjoinder was to construct any structure within 20' of the commercial building, seconded by Member Skerritt and the affirmative vote of all Members present, the Motion passed by the following vote:**

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Vic Barranca	Aye
Gloria Van Vliet	Excused
Frank Skerritt	Aye
James Tomassetti	Aye
Donn Avallone	Aye
Elizabeth Ten Dyke	Excused

Upon Motion of Member Vic Barranca, seconded by Member Frank Skerritt, the meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant

Submitted on November 30, 2021

Approved: December 21, 2021