

ESOPUS ZONING BOARD OF APPEALS

Date: December 17, 2024
1 Town Hall Way
Ulster Park, New York

PRESENT: Karl Wick, Chairman
Mike Pittner
Katie Zahedi
Jim Tomassetti
Katie Zahedi

ALSO PRESENT: Councilperson Kathy Quick
Dylan Harris, Esq.
CEO Mark Jaffee
ZEO Hannah Palen
Planning Board Liaison
Chris Marta

EXCUSED: Gloria VanVliet
Kathy Kiernan

Chairman Karl Wick called the meeting to order with the Pledge of Allegiance to the Flag at 7:05 p.m. Roll call confirmed that a quorum was present.

Chairperson Wick called for a motion to approve the November 19 2024 Minutes as amended. Upon Motion of Chairman Wick, seconded by Member Brought and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 member and 2 members being absent, the Motion was carried by the following vote:

Member:	Vote
Karl Wick, Chairman	Aye
Guy Brought	Aye
Gloria Van Vliet	Excused
Katie Zahedi	Aye
James Tomassetti	Aye
Mike Pittner	Aye
Kathy Kiernan	Excused

PUBLIC HEARINGS (CONTINUATIONS)

**09-24-24-01 Immordino Variance - 687 Broadway, Ulster Park;
SBL No. 64.3-1-18.100**

Katherine Immordino addressed the ZBA explaining that the change of use variance was being requested to allow year-round occupancy by herself, her daughter and her mother. The property had been purchased in August of 2024 and the restrictions on the property had not been clearly presented by the real estate agent. Actions had been taken to winterize one unit. A permit for the mini splits and a well had been installed for one of the units. Septic systems were existing. ZEO Palen stated that she believed renovations were

Code compliant but a final inspection was required. Chairman Wick stated he had no objection to occupancy of the unit being renovated and if both units were brought up to Code and the Building Department concurred, both units could be inhabited year-round.

Upon Motion of Chairman Wick, seconded by Member Zahedi and all in favor, the Public Hearing was closed at 7:15 p.m.

11-19-24-01 Chilcott Variance (sign size area variance) - Rte. 32 North, New Paltz SBL No. 70.4-1-16.200; §123-21 N(1-2)

Todd Coutant was present with Alexander Chilcott. The request had been made for an area variance to allow a 3' x 18' external sign to be affixed to the garage for NAPA. The existing garage was 230'. Member Tomassetti provided a photograph of a NAPA sign on a smaller building located in West Park.

Upon Motion of Chairman Wick, seconded by Member Pittner and all in favor, the Public Hearing was closed at 7:18 p.m.

08-23-24-01 Karabec Appeal of CEO June 28, 2024 Letter of Determination - §123-24(A)

The Secretary had amended the Agenda to remove the word “width” from the description of the project Appeal. The Appeal was pursuant to the Determination made by CEO Jaffee stating that the units were not dwelling units. The Public Hearing Notice continuation had been amended on the Town’s website and re-circulated by mail to neighbors.

Lorine Karabec – 34 Hudson Lane – Written comment had been provided for the record which focused on the definitions of length and width. Case Law provided was cited from Massachusetts.

Chairman Wick inquired what definitions that Ms. Karabec had referenced were applicable in relation to the Building Code and Zoning.

The Appeal was asking the Zoning Board to make a determination as to whether CEO Jaffee correctly interpreted the Code advising that tourist cabins under the Summer Cottage Colony statute that was less than 18’ wide was exempt from the Manufactured Home Overlay District.

Ms. Karabec also requested that a decision not be made until all Members (seven) of the ZBA were present to vote.

Robert Hare – 130 Carney Road – Mr. Hare had provided written comment for the record and requested that the decision be delayed until there was a full Board present.

Member Tomassetti clarified that the Public Hearing for §123-24(A) was not closed and the request to delay the decision was premature.

CEO Jaffee clarified that the issue before the ZBA was not the width and length but rather that the Code does not apply to the units and that they are exempt (they fall under lodging). If it were the case, every campground would require units at least 18' in length. Although the units may be constructed pursuant to Code for dwelling units, the units were not classified in the Code as dwelling units.

It was confirmed that it was at the discretion of the ZBA to vote on matters pending before it and only a quorum was required.

Derick Karabec – 34 Hudson Lane - Stated the reason that the 18' was an issue was because summer cottage colony falls under “bulk density.” If it were not for “bulk density”, there would be no issue. Mr. Karabec read an excerpt of §123-24A. Mr. Karabec stated it was not a campground, it was a “tourist cabin colony” and campgrounds were not relevant in this instance. Mr. Karabec stated most campgrounds did not have kitchens – which makes them not dwelling units. A stipulation quoted references “residences” which has nothing to do with summer cottage colonies or tourist developments. To be a hotel, motel resort doesn't include tourist cabins. Tourist cabin are for seasonal use and for short-term rentals in the Code. The use of the cabins should not be considered when determining single-family dwellings. Mr. Karabec stated that he was irked by the misinterpretations and the type of construction was irrelevant.

Kenneth Stenger, Esq. – Stated his clients and CEO Jaffee had “summed it up” and if the ZBA found that if the Statute didn't apply, there was no need to go further in considering the Appeal. Attorney Stenger reiterated request for a full Board at the decisional meeting.

Lorine Karabec – Revisited definitions of dwelling units and summer cottage colony tourist units. Ms. Karabec referenced §123-13D in support of her argument.

Tommy Yan – 38 Hudson Lane –Documentation with definition of “zoning trilogy” was submitted for the record. He stated that what had been presented wasn't relevant. Mr. Yan stated that §123-24A was incorrectly applied to the project and documentation in support of Mr. Yan's argument was submitted for the record.

Chairman Wick confirmed that the roadways were internal and not for public use. Furniture and appliances would be provided by the Applicant.

Derek Leung – Stated that the main intent of §123-24A was to prohibit skinny buildings from a street. The proposed units were tucked deep within the property. Chairman Wick stated that the interpretation was reasonable but the Code didn't specifically state.

Robert Hare – 130 Carney Road – Stated the development of Hudson Lane occurred prior to zoning. The proposed high density development was not proposed on individual lots.

Kenneth Stenger, Esq. – Wished to remind the Board that the basis for his opinion that the units were dwelling units – not transient housing and began with his review of CEO Jaffee's determination of September 5, 2023 and referenced and read excerpts of the last exhibit attached

to his Appeal. Chairman Wick urged the Members to review the entire section of the Code since written comments didn't include all of the Code. Member Tomassetti requested CEO Jaffee to explain where air b-n-b's fell within the Code. CEO Jaffee explained that structures were required to be built according to the State Building Code standards but were not always classified as dwelling units relative to use.

Derek Karabec – 38 Hudson Lane – Provided further opinion regarding with and length and relation to road frontage.

Chairman Wick entertained a Motion to close the Public Hearing. Upon Motion of Member Tomassetti, seconded by Member Brought and all in favor, the Public Hearing was closed at 8:26 p.m.

Decisional on Appeals. Chairman Wick polled the Members regarding vote on the Appeals.

Upon Motion of Chairman Wick, seconded by Member Pitter, the ZBA agreed to vote on the Appeals pursuant to §123-24 A & B at the January 2025 meeting by the 4-1-2 following vote:

Member:		Vote
Karl Wick, Chairman	would like more time to review documentation	Aye
Guy Brought	felt vote could wait or not	Aye
Gloria Van Vliet		Excused
Katie Zahedi	had no objection to waiting to vote and it was important to be fair	Aye
James Tomassetti	would like to vote	Nay
Mike Pittner	would like more time to review latest documents submitted and the Code	Aye
Kathy Kiernan		Excused

DECISIONAL:

**09-24-24-01 Immordino Variance - 687 Broadway, Ulster Park;
SBL No. 64.3-1-18.100**

Chairperson Wick called for a motion to grant the year-round use of two cabins conditioned upon units complying with Code. Upon Motion of Member Tomassetti, seconded by Member Zahedi and the affirmative vote of 5 members, the negative vote of 0

members, the abstention of 0 member and 2 members being absent, the Motion was carried by the following vote:

Member:	Vote
Karl Wick, Chairman	Aye
Guy Brought	Aye
Gloria Van Vliet	Excused
Katie Zahedi	Aye
James Tomassetti	Aye
Mike Pittner	Aye
Kathy Kiernan	Excused

11-19-24-01 Chilcott Variance (sign size area variance) - Rte. 32 North, New Paltz SBL No. 70.4-1-16.200; §123-21 N(1-2)

Chairman Wick motioned, seconded by Member Brought and all in favor, the variance was granted by the following vote:

Member:	Vote
Karl Wick, Chairman	Aye
Guy Brought	Aye
Gloria Van Vliet	Excused
Katie Zahedi	Aye
James Tomassetti	Aye
Mike Pittner	Aye
Kathy Kiernan	Excused

The application needed to return to the Planning Board for final approval of the sign.

Chairman Wick entertained a Motion to approve the vouchers submitted for the services of Attorney Harris. Upon Motion of Member Brought, seconded by Member Tomassetti and all in favor, the variance was granted by the following vote:

Member:	Vote
Karl Wick, Chairman	Aye
Guy Brought	Aye
Gloria Van Vliet	Excused
Katie Zahedi	Aye
James Tomassetti	Aye
Mike Pittner	Aye
Kathy Kiernan	Excused

Upon Motion of Chairman Wick, seconded by Member Brought and all in favor, the meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant
Submitted on January 7, 2025
Approved: January 14, 2025