

ESOPUS ZONING BOARD OF APPEALS

Date: May 20, 2025
1 Town Hall Way
Ulster Park, New York

PRESENT: Karl Wick, Chairman
Katie Zahedi
Kathy Kiernan
Guy Brought

ALSO PRESENT: CEO Mark Jaffee
Councilperson Quick

EXCUSED: Jim Tomassetti
Mike Pittner
Gloria VanVliet

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.

Chairperson Wick called for a motion to approve the April 22, 2025 Minutes. Upon Motion of Member Brought, seconded by Chairman Wick and the affirmative vote of 4 members, the negative vote of 0 members, the abstention of 0 members and 3 members being excused, the Motion carried by the following vote:

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

Chairman Wick explained the ZBA meeting protocol. Chairman Wick disclosed that he had previous business relationship with Patrick Bennett and asked if any Members had an objection to him participating. There were no objections.

INFORMATIONAL

04-25-05-01 Bennett Area Variance - §123-37 Non-conforming lot
132 Mary’s Avenue & 129 Third Street, Connelly
SBL 56.60-4-41
Planning Board referral

Owner Patrick Bennett presented his case to the ZBA. He owned two parcels in Connelly, with his home located on a non-conforming lot and a conforming vacant lot adjoining. The configuration of the parcel with his residence included a driveway that channeled snowmelt and rainwater to the vacant parcel. He wished to be proactive and move his property line so that any runoff would occur on his parcel with the residence and not run onto the vacant lot. Moving the property line would make his residential parcel conforming but would make the vacant lot non-conforming.

Mr. Bennett stated that there were no reasonable options to reconfigure the parcels that would make both conforming. There were existing lots in the neighborhood that were pre-existing non-conforming. The re-configured vacant lot would be a buildable lot. The Members were welcomed to conduct a site visit if they wished. A Public Hearing was to be held at the June meeting.

PUBLIC HEARING

CEO Request for Interpretation of §123-24I(4)(a) of the Esopus Town Code

CEO Jaffee addressed the ZBA explaining that he was requesting a clarification of the Code which allowed mixed uses in residential zones and if different residential uses were allowed (as long as acreage could be met). Member Kiernan debated that the example provided by the CEO qualified as one type of use not “uses” and that multiple single dwellings of the same type qualified as one use. CEO Jaffee stated the Code allowed for two or more principle uses and he was requesting clarification as to whether it could be two of the same use. The Code allowed for single residential units mixed with multiple dwelling units but not single-family dwellings.

Chris Marta commented that it was great that circuitous and contradictory items were being brought to the Board’s attention. He stated that during his service on the ZBA, Chairman Wick had stated one of the primary duties of the ZBA was to interpret and apply the Code and to do so within the framework to do no harm or as minimal as possible. He posited that the issue before the ZBA currently was putting it in a position to have an impact across the whole Code and would affect multiple projects across the Board and would be setting a precedent. Mr. Marta asked if it would not be advisable to refer to the Town Board since it was currently reviewing the Code to correct other inconsistencies. Chairman Wick stated that it could take a long time, not timely and the ZBA making a decision could assist the Town Board.

CEO Jaffee reiterated that there was no rush in making a decision but questions were currently being raised and he did not want to render a determination that would force an immediate need for a decision if challenged.

Lorraine Karabec read portions of the Code and definitions relative to “uses.” Ms. Karabec’s view was that different types of dwelling units had the same use and “multi-

use” meant different types of uses. She added that the Code seemed simple and that it was be made more complicated than needed.

Derek Karabec – The Code was written for the common community and were not meant to be read “between the lines” and were meant to be read as written. He felt the Code was being read other than how it was intended and written to be understood by the common layperson. Chairman Wick inquired if Mr. Karabec had any written opinion which he did not.

Chairman Wick stated that the principle of common law was that if it was not expressly written in the Code, it was not permitted. He referenced sections of the Code and posed the question if mixed-uses included non-residential uses or not and the Members needed to consider while reviewing the sections of the Code. The Public Hearing closed at 7:40 p.m.

DECISIONAL:

Other Business: NOI for Planning Board to service as lead agency for the SEQRA review of the River Heights Site Plan review. Chairman Wick motioned that there was no objection for the Planning Board to serve as Lead Agency on the SEQRA review for River Heights Site Plan, second by Member Brought and all in favor, the Motion passed 4-0-3.

Upon Motion of Chairman Wick, seconded by Member Kiernan, the meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant
Submitted on June 12, 2025
Approved: June 17, 2025