

ESOPUS ZONING BOARD OF APPEALS

Date: October 21, 2025
1 Town Hall Way
Ulster Park, New York

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

ALSO PRESENT: Councilperson Kathy Quick
CEO Mark Jaffee
ZEO Hannah Palen

EXCUSED: Gloria VanVliet
Michael Pittner

Chairman Karl Wick called the meeting to order with the Pledge of Allegiance to the Flag at 7:06 p.m. The Chairman noted that there were two (2) Public Hearings and input was limited to three (3) minutes per person with no yielding time to others. He also noted the ZBA process for reviewing applications.

Minutes - Upon Motion of Chairman Wick, seconded by Member Brought and all in favor, the September 16, 2025 Minutes were approved by a vote of 5-0-2.

PUBLIC HEARING:

09-02-25-01 Laestadius Use & Area Variances
374 Broadway
SBL No. 56.83-4-15
GC-1 Zoning

Owner Linda Laestadius addressed the Board to provide a synopsis of the request being presented for a Use and Area Variance. She felt that her property was similar to surrounding residences that were set as close to Route 9W as her residence. Part of her request was being made in anticipation of a proposed development of an adjoining property which would result in an increase of traffic and shielding from headlights from traffic during the evening hours. The location of existing electric, water and gas lines also restricted where any additional structures could be located. She provided additional details relative to the proposed 576 square foot Accessory Dwelling Unit (ADY) that was to be placed above a garage.

Chairman Wick requested comments from the Board prior to taking comments from the public. The property was located in a General Commercial Zone and the rules would apply differently if it was being proposed in a residential zone and noted that the ZBA should take that into account. As a result, a use variance was needed as well as an area variance and the requirements for considering the variance were noted and relative to the use variance, was it “self-created.” The Applicant noted she had purchased the property in 2018 after Zoning had been put into place.

Half of the proposed garage would be utilized by the Owner and the other would be provided to a tenant. The location of the garage was situated facing South so that access and egress to Route 9W would be safer. The Applicant had not placed any stakes to depict proposed location as had been previously requested and the Board suggested using paint since her dog may remove them. Further discussion ensued with Board members regarding the configuration of the proposed driveway.

Chairman Wick inquired if there was a practical option to relocate the proposed garage on the property. Ms. Laestadius responded that it was the only portion of the property that could be utilized, and other options would disturb a pet cemetery and a historical apple tree as well as accessing utilities at an additional expense.

Chairman Wick opened the Public Hearing requesting that all comments from the public be directed to the ZBA. Applicant Laestadius had provided support letters that had been made part of the record.

Hearing no person wishing to comment, Chairman Wick motioned to closed the Public Hearing, seconded by Member Tomassetti. All Members present voting in favor, the Public Hearing was closed at 7:25 p.m.

09-19-25-01 River Heights Area Variance
 83 North Broadway
 SBL No. 56.52-1-37.300
 R-12 Zoning

Architect James Reynolds, Engineer Caleb Carr and Attorney Ronald Pordy were present. Attorney Pordy addressed the ZBA stating that a Memorandum stating how the Application met requirements to grant an area variance. For the benefit of the public, Attorney Pordy noted that an area variance was needed given the definition provided in the Town Code stating that townhouses were single structures containing three (3) or more dwelling units and the Applicant desired two (2) units which reduced density. The Application would proceed to the Planning Board when ZBA review was completed.

Architect Reynolds provided a visual scaled representation of the project with two-unit structures versus three-unit structures on the site.

Chairman Wick noted that many questions raised by Members of the public were specific to Planning Board review. The single issue before the ZBA was whether to allow two-units per building or adhere to the Code which required three-units per building. Member Tomassetti added that thereafter, the Planning Board decided how many units could be placed on the property.

Kathryn Robinson - 71 North Broadway - Five questions:

- 1) What research had ZBA conducted for the GA, GC and property owner's history? Chairman Wick responded that appropriate research had been done relative to the issue before the ZBA.
- 2) What other properties does Norman Rausman own and the developer and what were their names so that they could be researched and determine their standing in the community? Chairman Wick stated that it was irrelevant to the matter under review and the question may be directed to the Building Department.
- 3) Was the development for low-income housing and how could it be prevented?
- 4) Were the units for sale or would they be rented and what was the price range?
- 5) How do the homeowners find out an outcome? Chairman Wick recommended attending the Planning Board meetings. Ms. Robinson was concerned with the trees and the height of the buildings. Chairman Wick noted that vegetation and building heights were reviewed by the Planning Board.

Chet Allen - 118 Riverview - Asked what was the legal difference between condominiums and townhouses. Attorney Pordy responded that the structures were condominiums which was a form of ownership. Townhouse was a type of structure. Member Tomassetti confirmed that it would be subject to a Condominium Association.

Marian Cornelski - Stated that Riverview Condominiums were a Planned Unit Development (PUD) and that the Condominium Declaration states that it must be notified if any portion of the PUD was dissolved. She asked how the Town was able to sell this piece of property and it was part of the HOA. NYS Law stated that every PUD must pay an HOA. How was this property able to be sold without notifying the residents of Riverview?

CEO Jaffee stated the subject property was lost to the County for unpaid taxes on three different occasions. When the Town revised Zoning, any vacant lots that were not developed were taken out of the PUD. The tax sales are conducted by Ulster County and the County is responsible for notices of the tax sale. Chairman Wick stated that Riverview did not own the parcel any longer as a result of the tax sales and was eliminated as a PUD when the Town of Esopus amended the Zoning Chapter.

Peter Rubertone - Stated that ulstercountyny.gov/report website indicated that the parcel was a PUD and provided a copy of the record. Chairman Wick asked that all Members receive a copy of the report. CEO Jaffee noted that the County had not updated the website with amendments to zoning.

Penny Ducker - Asked if the project had been approved by the Planning Board. Chairman Wick responded that the ZBA was reviewing first and then would be reviewed by the Planning Board and confirmed the ZBA was reviewing the Townhouse definition. She asked about the location of trees between the parcel and Riverview to which Chairman Wick noted that it was not pertinent to the ZBA review, she may approach the

developer to ask questions out of the meeting and also recommended that question could be raised when the Planning Board was conducting its review. The Secretary confirmed the next Planning Board was November 17, 2025 but if no decision was made at the present ZBA meeting, it would not be on the agenda. It was also noted that the public was not personally notified of meetings except for a scheduled public hearing. Attorney Pordy noted that it was incumbent upon the public to pay attention to the Town Calendar. Chairman Wick stated that the Public Hearing Notice for the present public hearing was mailed on October 4, 2025, ran in the Daily Freeman Legal Notices on October 14, 2025 and was posted on the Town website.

Upon Motion of Chairman Wick, seconded by Member Kiernan and all in favor, the Public Hearing was closed at 8:15 p.m.

Chairman Wick added that all interest persons were invited to attend but public comment would not be taken.

DECISIONAL: No decisions were considered.

CEO Jaffee requested clarification of a previous ZBA Decision made on June 26, 2025 relative to §123-24I(4)(a) relative to multiple residential uses being permitted on one parcel subject to a special use permit. There was currently a proposal to allow a second dwelling on a parcel for a accessory dwelling unit that was too large to qualify as an accessory dwelling unit. All Members confirmed that was allowed.

Chairman Wick motioned to adjourn the meeting at 8:23 p.m., seconded by Member Zahedi and all present in favor.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant
Submitted on November 18, 2025
Approved: November 18, 2025