

**TOWN OF PLATTEKILL
ZONING BOARD OF APPEALS
P.O. BOX 45
MODENA, N.Y. 12548**

January 14, 2016

**THE MEETING FOR THE ZONING BOARD OF APPEALS OPENED WITH A
SALUTE TO THE FLAG BY CHAIRMAN, WILFRIDO CASTILLO AT 8:00 P.M.**

ROLL CALL: Chairman, Wilfrido Castillo, Larry Lindenauer, Bruce Jantzi, Pearl Morse, George Hickey, Joe Egan, Larry Keeno

MINUTES

December 10, 2015

MOTION: Mr. Hickey made a motion to move the minutes to the end of the meeting with Mr. Jantzi seconding the motion. On the vote: Wilfrido Castillo-aye, Bruce Jantzi-aye, Larry Lindenauer-aye, Pearl Morse-aye, George Hickey-aye, Joe Egan-aye Larry Keeno-aye

NEW BUSINESS

Hudson Valley Flyers Club Determination 101.2-3-6.110
Summary

Mr. Fred Schindler, representative for the Hudson Valley Flyers Club was present

Mr. Frederick Schindler-I am representing the Hudson Valley Flyers which are the owners of the airport. First thing is that from this paper that I handed out, in 1999 the Building Inspector handed out this memorandum and this is how we ended up being an airport. We ended up buying another 17 acres we did a Lot Line Revision, and all of a sudden we wanted to develop it and we were told we do not meet the 2005 zoning and therefore we would have to come to the ZBA to get a ruling to see that we are a pre-existing entity and where do we stand.

Mr. Castillo-We are going to go into executive session because we have some communication from our Attorney we would like to discuss for about ten minutes.

Time in
8:00 p.m.

Time out
8:15 p.m.

MOTION: Mr. Hickey made a motion to go into executive session with Mr. Jantzi seconding the motion . On the vote: Wilfrido Castillo-aye, Bruce Jantzi-aye, Larry Lindenauer-aye, Pearl Morse-aye, George Hickey-aye, Joe Egan-aye Larry Keeno-aye

Mr. Castillo-The Code Enforcement Officer never gave a determination as to why you are here. We know why you are here, because we have gone to meetings. But there has not been a Code Enforcement letter. So basically you don't have to be in front of us. I know you have been back and forth before the Boards. But we cannot give a decision if we don't have a letter from what you want relief. Once you approach the Code Enforcement he gives you a letter of determination. The Planning Boars sent you here.

Mr. Schindler-I was told if the Planning Board sends you, you don't need a letter of determination.

Mr. Castillo-Tom? (Planning Board member Thomas Wilkin was in the audience)

Mr. Wilkin I did do a lot or research on this.

Mr. Castillo-Without a letter of determination can they actually be sent to us?

Mr. Wilkin-If they are challenging a determination, no, but if they come to you for an interpretation.

Mr. Castillo-We cannot do an interpretation if we don't know what needs to be interpreted.

Mr. Lindenauer-There is nothing to make a decision on. There has to be a decision made, and if there is something that you need relief from, then you come to us.

Mr. Castillo-And we don't make laws, we just interpret the laws. And the law that

the Hudson Valley Flyers Club was grandfathered in, is no longer there.

Mr. Wilkin-It is the Zoning Law that you are interpreting. I see this as a business law. I don't think the Town did back in 2000 all that they should have done to clear this up. There is one resolution that should be in the file that says the Town Board approved them, the only resolution in the file says they contacted the Commissioner, but there is a secondary thing that they had to do, which was make a resolution approving this use. The governing board of the municipality has the ability to approve an airport and you don't need it in zoning law, because they can put an airport in any zone that they want to. The Town Board is kind of granting a special use. The conditions that were put on the airport back in around 2000 should not have been put on by the Zoning Board, the Town Board should have done that. Then the Building Inspector has a way to say that this a zoning issue or not.

Mr. Castillo-(To Mr. Putnam) Michael you are on the Town Board, they have been going back and forth from Board to Board, and these gentlemen have been going back and forth for a year and a half. You guys have the final o.k.

Mr. Putnam-I don't remember them coming before the Town Board for a special use.

Mr. Castillo-(to Mr. Putnam) you make the laws, all we do is grant relief of the law. You have a lawyer on your Board that can handle that. I will poll the Board and have the money refunded to the Hudson Valley Flyers Club because they should not have come before us.

Mr. Schindler-We would also like to discuss some of the restrictions that were placed on the airport incorrectly. And one case, against Federal Law, but I want to take that up after this is resolved.

Mr. Castillo-That would be with Planning and the Town Board. The Planning Board is an advisory Board to the Town Board.

Mr. Schindler-In the case of a single engine fixed wing, at a Town Board meeting you made comments on it.

Mr. Castillo-Yes.

Mr. Schindler-That is a classification of a license, not an airport that airport can be used at the pilots discretion for any size airplane as long as he has the proper license. And someone said that you should X the runway to show that it is private. By Federal Law when you X the runway you are saying that the runway is hazardous and you should not land.

Mr. Castillo-This is something that has to be decided by the Town Board or Planning. We can interpret the law or grant relief from the law, but we cannot change the law.

Mr. Schindler-Can't you make the decision that we are grandfathered in?

Mr. Castillo-Going back to the beginning, we don't have a letter from the Code Enforcement Officer. The Town can grant a special use permit. At this time from the letter we received from our Lawyer, this has to go to the Code Enforcement for a Letter of Determination and it has to go to the Town Board.

Mr. Schindler-On the original application this says that this would go to the Building Inspector and then it goes to you guys. That the office would send it to the Building Inspector.

Mr. Lindenauer-He has to make the determination.

A member of the Hudson Valley Flyers Club-When we were here a month ago with the Town Board, they said they were not going to change the legislation. The Planning Board can't do anything without the code being there, and no one can do anything.

Mr. Castillo-Well, it is not that no one can do anything, the Town Board can do something. We have two Town Board members here this evening. Michael Putnam and Dean DePew.

Mr. Wilkin-I don't think you actually have to change the zoning. The Town Board has the right to place an airport in any district that it wants under 249.

you make a resolution, they should have done that back in 2000, after they got permission from the Commissioner. If we had that resolution, everything would have been answered.

Mr. Castillo-Can we get a copy of that?

Clerk made a copy for the Zoning Board members.

Mr. Castillo-I'm trying to get them in the right direction.

Mr. Lindenauer-Those stipulations that were put on the runway, that is not a zoning regulation, that was something that was placed as a stipulation so that would be something that the Town Board would be able to address.

Mr. Castillo-(to Mr. DePew) what our lawyer said is that the Town Board could pass a special use permit for the airport because the code was revised in 2005 and what code they were under was dropped.

Mr. DePew-The zoning changed since they were established.

Mr. Castillo-Correct. They could be grandfathered.

Mr. DePew-That would be my personal opinion, but I don't have all the particulars yet.

Mr. Castillo-I want to send them in the right direction.

Mr. Wilkin-I don't think that it is a Code Enforcement issue here, because it falls under Business Law.

Mr. Castillo-(To Mr. Schindler) What I want to do is send you in the right direction.

Mr. Wilkin-The Town Board can word that resolution that it could be under certain guidelines under the zoning law that the Planning Board could look at certain setbacks.

Mr. Wilkin-I wish there was a resolution, but I don't think the Town Board ever did one.

Mr. Castillo-Since there are two Town Board members here tonight, you can go back to the Town Board and you are bringing the knowledge of what you need to be doing.

Mr. Castillo-Everything right now falls under the Town Board.

Mr. Keeno-How about a letter from our Board to the Town Board stating what our recommendations are.

Mr. Castillo-We will make a motion to return the money.

MOTION: Mr. Hickey made a motion to reimburse the applicant for money put in an account in order to appear before the Zoning Board of Appeals Mr. Jantzi seconded the motion. On the vote: On the vote: Wilfrido Castillo-aye, Bruce Jantzi-aye, Larry Lindenauer-aye, Pearl Morse-aye, George Hickey-aye, Joe Egan-aye Larry Keeno-aye

Mr. Castillo-(to Mr. Schindler and the Hudson Valley Flyers attending the meeting) I hope we helped you.

MINUTES

September 10, 2015

MOTION: Mrs. Morse made a motion to accept the minutes as written with Mr. Egan seconding the motion. On the vote: On the vote: Wilfrido Castillo-aye, Bruce Jantzi-aye, Larry Lindenauer-aye, Pearl Morse-aye, George Hickey-aye, Joe Egan-aye Larry Keeno-aye

ADJOURNMENT

MOTION: Mr. Jantzi made a motion to adjourn with Mr. Hickey seconding the motion. On the vote: On the vote: Wilfrido Castillo-aye, Bruce Jantzi-aye, Larry Lindenauer-aye, Pearl Morse-aye, George Hickey-aye, Joe Egan-aye Larry Keeno-aye

The meeting adjourned at 9:00 p.m.

Respectfully submitted by Susan Bolde, Zoning Board Clerk

