

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

April 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,
Joe Egan, George Hickey, Pearl Morse

Absent: (excused) Larry Keeno

MINUTES

February 25, 2016

MOTION: Mr. Egan 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, Joe Egan-aye George Hickey-aye, Pearl Morse-aye

PUBLIC HEARING

WYWLLC

variance

107.1-3-5

Mr. Lindenauer-Read the legal notice

Mr. Castillo-Please state your name for the record

Ms. Lipstein-Amanda Lipstein

Mr. Castillo-Could you tell us about your project?

Ms. Lipstein-I need a side yard variance so that I can build a single family home on Kingsview Road.

Mr. Castillo-Are there any questions from the audience?

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Mrs. VanDuser-I just want to know what the single family residence is that is going on this property? It is a very narrow lot.

Ms. Lipstein-There is thirty three feet on each side.

Mr. Castillo-It is a pre-existing, non-conforming lot.

Mr. Lindenauer-Now, since 2005, it is fifty feet on each side.

Mr. Castillo-(to Ms. Lipstein) the well is going in the front?

Ms. Lipstein-The well is going in the back.

Mr. Castillo-And the septic in front and well in back, in line with yours (Mr. Constant).

Ms. Lipstein-The reason why we asked for a thirty three foot side yard variance is that we wanted to try and maintain the integrity of the whole neighborhood. We didn't want to turn the house facing the neighbors.

Mr. David Gustafson-I bought my property about fifteen years ago. Same two lots. I came to the Town and said I want to build my house here, and they said with these two lots, you will have to do a lot line revision and only put one house in there. There was no subdivision, there was none of that, there was one house and two lots. And I know that the seller knew that, because at the time we were friends and he helped me build it. And selling it, I understand that he bought it in two pieces.

Ms. Lipstein-It was sold as two Board of Health approved lots.

Mr. Castillo-Her father has a vacant lot next to her.

Mr. Gustafson-So if she gets the variance, what happens to that lot?

Mr. Castillo-And who is the owner of the property right next to her property?

Mr. Jason Constant-I own the property.

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Mr. Castillo-And where is your well?

Mr. Constant-My well is in the front of my house and my septic is in the rear along with the other four houses.

Mr. Castillo-(to Mr. Constant) now, how far is your well from your property line?

Mr. Constant-It is right dead center.

Mr. Castillo-We have to take in consideration a reserve area, but I want to know what the feet is from your property line to your well. If it meets the 100 feet, there is nothing as far as that is concerned.

Mr. Gustafson-Now where does it leave the next lot, are they going to come in for a variance? That's basically an abandoned piece of property, because they'll never get a variance to build on that. It'll never work, they were designed as trailer lots.

Mr. Castillo-Yes, but that is pre-existing non-conforming. That is why they come to Zoning.

Mr. Gustafson-Then why did I have to do a lot line revision. I would have done a fifty foot easement and split it into two and a half acres each way.

Mr. Castillo-I have no control over what was said to you before. Did you go before the Zoning Board?

Mr. Gustafson-Absolutely. George (Dougherty) was the Highway Superintendent.

Mr. Castillo-I am talking about the Zoning Board.

Mr. Gustafson-He said you bought these two lots. They are 114 feet, not even that, a little less, and you have to do a lot line revision. If you want to put a house back here that is fine, cause I still had to put the road in to

get there, there was no road. Way before that 'T' there was just a motorcycle trail that ran through the woods. So how come I had to do a lot line revision and nobody else does.

Mr. Castillo-That's why we have a public hearing to see what is going on.

Mr. Gustafson-That would be o.k. if you combine the two lots and put one house
In there.

The audience members and ZBA members reviewed the map.

Mr. Castillo-(to Ms. Lipstein) well you could turn your house around, but it's not
the nicest looking way.

Ms. Lipstein-If it comes to that, we could do that.

Mr. Constant-Isn't that going to pose a problem if it isn't one hundred feet off of
my well?

Mr. Castillo-That is the main thing right now. We can't look at anything else until
we find out if it is one hundred feet.

Mr. Gustafson-The water table is high there. When I built my house, I had to build
half above and half below.

Mr. Castillo went through the file for a copy of the Board of Health approval.

Ms. Lipstein-A copy of the Board of Health approval is in the Building
Department with the actual permit.

Mr. Castillo-(to the Clerk) for the next meeting, could we get a copy of that?

Mr. Castillo-If we can't get more information on the septic system, I would suggest
that we have a continuation of the public hearing.

There was a determination to keep the public hearing open until May 12th.

Mr. Jantzi-Looked through the mailings. Nine cards were sent out and eight cards

came back.

Mrs. Morse-(to Ms. Lipstein) can I have permission to go on your property.

Ms. Lipstein-Yes.

Mr. Castillo-(to Ms. Lipstein) what is the width of the house you would like to put on the property?

Ms. Lipstein-It is 20 X 48

Mr. Lindenauer-One story or two story?

Ms. Lipstein-A raised ranch.

A member of the audience brought in a survey map for the Board to look at.

Mr. Castillo-(to Mr. Constant) it looks like you have over one hundred feet from your well to the property line, but I want to go out and measure for myself. I understand everybody's concern here. This is why people come to the Zoning Board because this is pre-existing, non-conforming.

Mr. Castillo-(to Mr. Gustafson) you had to do a lot line change.

Mr. Gustafson-Right. I don't understand why they sold them like that. I know the guy bought them from the auction like that, because I went to the auction and bid on them too. I just wanted to leave them woods there to keep my buffer from everybody. He outbid me and sold them and he knew from the Town, when we built my house, that was the rules.

Mr. Castillo-The codes changed in 2006.

Mr. Gustafson-You still need one hundred and fifty foot road frontage. And what is going to happen with the other lot? It is going to be an abandoned lot because no one is ever going to build on it. We should get a new

Assessment up there, because there is no way you can squeeze two tiny little houses up there.

Mr. Jantzi-If the house was put the other way, the same size house would fit there and you would have the full fifty foot side yard variance.

Mr. Castillo-When someone comes before us, we try to give the least amount of a variance we can get. I understand everybody's concern. When we look at a pre-existing, non-conforming lot, we try to look at everything.

Mr. Gustafson-What is going to happen with the Town Road? When she moves back there and we have another lot there. They wouldn't let me pave it about ten years ago, we put the road in but it wasn't up to Town specs.

Mr. Castillo-You are not on a Town Road. You are on an abandoned Town Road.

Mr. Gustafson-Since I put gravel on it and plow it every year, what should I do, start a community fund to pay for it? George (Dougherty) said that my driveway permit starts where the macadam ends.

Mr. Castillo-I know the history of the whole area. We are going to keep this public hearing open until May 12th. Because the Board is going to take everything that was said tonight under consideration.

MOTION: Mrs. Morse made a motion to continue the public hearing until May 12, 2016 with Mr. Jantzi seconding the motion. On the vote: Mr. Castillo-aye Mr. Lindenauer-aye Mr. Hickey-aye Mr. Egan-aye Mrs. Morse-aye Mr. Jantzi-aye

MINUTES

MOTION: Mr. Jantzi made a motion to accept the minutes as written with Mr. Hickey seconding the motion. On the vote: Mr. Castillo-aye Mr. Lindenauer-aye Mr. Hickey-aye Mr. Egan-aye Mr. Jantzi-aye. Mrs. Morse abstained.

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ADJOURNMENT

MOTION: Mr. Jantzi made a motion to adjourn with Mr. Hickey seconding the motion. On the vote: Mr. Castillo-aye Mr. Lindenauer-aye Mr. Hickey-aye Mr. Egan-aye Mrs. Morse-aye Mr. Jantzi-aye

The meeting adjourned at 8:55 p.m.

Respectfully submitted by
Susan Bolde, ZBA Clerk