

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

Minutes of June 10, 2021

**THE MEETING FOR THE ZONING BOARD OF APPEALS OPENED
WITH A SALUTE TO THE FLAG BY CHAIRMAN WILFRIDO
CASTILLO AT 7:00 P.M**

ROLL CALL: Wilfrido Castillo Jr., Bruce Jantzi, Judi Loertscher, Pearl Morse,
Joe Egan, Larry Lindenauer, George Hickey

CONSULTANT: Richard Hoyt, ZBA Attorney

MOTION:

Mr. Jantzi made a motion to move the minutes to the end of the meeting, seconded
by Mr. Lindenauer. On the vote: Mr. Castillo-aye Mr. Hickey-aye Mr.
Lindenauer-aye Mr. Jantzi-aye Mrs. Morse-aye Ms. Loertscher-aye Mr. Egan-
aye.

PUBLIC HEARING:

Gorosh/Johnson	Side Yard Variance
6 Margaret Lane	SBL# 94.15-1-11

Mr. Bruce Jantzi read the Public Hearing notice:

Gorosh/Johnson	Side Yard Variance
6 Margaret Lane	SBL# 94.15-1-11

Public Hearing notice.

Mr. Lindenauer stated that fourteen (14) certified mailings were returned and two
(2) came back undeliverable.

Ms. Aster Johnson and Mr. David Gorosh were present.

David Ale: What side of the house will the addition go on?

David Gorosh: It will go on the right side of the house the driveway side.

MOTION:

Motion made by Mr. Jantzi to close the Public Hearing, seconded by Mr. Lindenauer. On the vote: Mr. Castillo-aye Mr. Hickey-aye Mr. Lindenauer-aye Mr. Jantzi-aye Mrs. Morse-aye Ms. Loertscher-aye Mr. Egan-aye.

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Factors Considered:

- 1. Whether the variances will result in an undesirable change in the character of the neighborhood or detriment to the nearby properties:

WC GH JE BJ JL PM LL
N N N N N N N

- 2. Whether the benefit sought by the applicant can be achieved by some other feasible alternative to the variance;

WC GH JE BJ JL PM LL
N N N N N N N

- 3. Whether the requested variance is substantial;

WC GH JE BJ JL PM LL
N N N N N N N

- 4. Whether the variance will have an adverse impact on the physical or environmental conditions in the neighborhood;

WC GH JE BJ JL PM LL
N N N N N N N

- 5. Whether the alleged difficulty was self-created which will be relevant but not necessarily conclusive on the application for the variance;

WC GH JE BJ JL PM LL
N N N N N N N

Based on the above, does the benefit to the applicant outweigh the detriment to the community?

WC	GH	JE	BJ	JL	PM	LL
Y	Y	Y	Y	Y	Y	Y

MOTION:

On the vote; Chairman: Willie Castillo: Motion to grant variance made by George Hickey and seconded by Mr. Larry Lindenauer.

For the record; Vote to grant variance

On the vote;	AYE	NAY
Chairman: Wilfrido Castillo	X	
Pearl Morse	X	
George Hickey	X	
Bruce Jantzi	X	
Joseph Egan	X	
Judi Loetscher	X	
Larry Lindenauer	X	

CONTINUATION OF PUBLIC HEARING:

Dirago/Bucci Drag Strip
No mailing were submitted (per: Patti Brooks)

David Gordon – Attorney
Discussed noise study per the letter (dated June 10, 2021)

Andy Beck
Discussed the noise study (document dated 6-9-21)

Amy Hepworth
Spoke regarding the noise issue it will cause for people with and without voices.

Mark Rubinstein

Spoke regarding the traffic concerns.

Melissa Peck

Stated that it is a drag strip not a fairground.

Jim Brooks

Owns property that Amy Hepworth farms. He doesn't think the buffer should be changed and stay in place as it is.

Meredith Rubenstein

This property has designated wet lands by the DEC for a reason and does not feel that the variance should be granted.

Valerie Smith (Speaking for Phil Adkin - unavailable)

Valerie is speaking tonight for the person who purchased her home. Considering the impact on the property owns.

Valerie proceeded to read a letter from Phil Adkin

Marly Horneck

Spoke regarding the noise issue. She submitted articles regarding race tracks for the file.

Steve Oflattsat

Stated that he does not feel that this drag racing strip fits into a residential area.

Robert Cusack

Indicated that he opposes the variance because the town has rules for a reason.

Donna Cusack

Indicated that this is not made for a residential area.

Audience Member

It does not fit the criteria for a zoning variance, they do not feel that this is defined enough.

Wilfrido Castillo

Explained that he understands what he is saying but this did not go in front of planning first and they came to him for over a hundred - foot variance and that was it. He is taking into consideration what everyone is saying in front of the Zoning Board.

Nicole Silva

Strongly opposes the variance, herself included. Explained that she had a seizure today because she was at the town hall and Joe Croce was on the phone speaking loudly and another, women, was also speaking and between the two sounds it was too much. She lives 1.4 miles from the proposed area and this could jeopardize her health. She stated how this could harm the children with disabilities with, not limiting to, the light that will be generated from the added drivers. This has to do with variance because this will create more noise and light.
(Added more time to accommodate for her disability).

Lindi

Why didn't the application go to the Planning Board first? Why when the ZBA were presented with the application why didn't they throw it back to the Planning Board so they could deal with it and the ZBA would not have to deal with all of this?

Wilfrido Castillo

By law can not say because it would look like he was biased. If the applicant choices to come to them he has to hear the applicant.

Lindi

Said that it was her understanding that the chain of events was that they are to go to the Planning Board first and then if there is a Zoning issue it should then go to the ZBA.

Wilfrido Castillo

Stated that he personally went to the Planning Board and spoke with the Chairman and asked what the applicant brought in front of them and in 2019 they brought a concept of an idea. The chairman of the board went through the minutes and there was nothing stating from a board member that they needed to go to the ZBA and it

was Ms. Brooks who chose to bring it to the ZBA. He could not deny them by law to come in front of the board.

Attorney – Richard Hoyt

On February 3, the Code Enforcement Officer wrote a letter of determination that the project needs a setback. The Code Official is the only one in the town who can determine the code other than the ZBA board. The Planning Board can not make that determination. On February 3 the Code Enforcement determined it was a out door amusement and needed a setback. If it is granted it will then have to go in front of the Planning Board.

The Board will convene on June 24, 2021 and the applicant will send out the mailings to the public who is within the 500ft. announcing the June 24th hearing at 7:00 pm.

Recommending another public hearing on June 10, 2021 since there was a defect with the mailings.

MOTION:

Motion: Mr. George Hickey made a motion to move the Public Hearing to June 24, 2021 to the Highway Department at 7:00 pm seconded by Mr. Larry Lindenauer. On the vote: Mr. Castillo-aye Mr. Hickey-aye Mr. Lindenauer-aye Mr. Jantzi-aye Mrs. Morse-nay Ms. Loertscher-aye Mr. Egan-aye.

NEW BUSINESS:

Shari Riley – Appeal – April 13th Determination

Someone who is appealing a Code Official determination by Law and The Town of Plattikill must own property within 500ft & be an aggrieved party.

Mr. Hoyt reviewed the draft Resolution with the board.

MOTION:

Motion: Mr. George Hickey made a motion to deny appeal seconded by Mr. Larry Lindenauer. On the vote: Mr. Castillo-aye Mr. Hickey-aye Mr. Lindenauer-aye Mr. Jantzi-aye Mrs. Morse-aye Ms. Loertscher-aye Mr. Egan-aye.

See the full Resolution on file

MOTION:

MOTION: Mr. George Hickey made a motion to approve May, 2021 minutes seconded by Mr. Larry Lindenauer. On the vote: Mr. Castillo-aye Mr. Hickey-aye Mr. Lindenauer-aye Mr. Jantzi-aye Mrs. Morse-aye Ms. Loertscher-aye Mr. Egan-aye.

MOTION:

MOTION: Mr. George Hickey made a motion to close the meeting seconded by Mr. Joe Egan. On the vote: Mr. Castillo-aye Mr. Hickey-aye Mr. Lindenauer-aye Mr. Jantzi-aye Mrs. Morse-aye Ms. Loertscher-aye Mr. Egan-aye.

ADJOURNED:

Meeting closed at 8:30 pm