TOWN OF PLATTEKIL

ZONING BOARD OF APEALS

*P.O. BOX 45*

MODENA, N.Y. 12548

Minutes of: April 10, 2025

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

ROLL CALL: Chairman: Larry Lindenauer, Joe Egan, Bruce Jantzi, Bob Egan

EXUSED ABSENCE: Helene Dembroski, Judy Loertscher, Chris Mercier

**MOTION:** Mr. J. Egan made a motion to move the minutes of January 22, 2025 to the end of the meeting with Mr. Jantzi seconding the motion. All ayes

**NEW BUSINESS:**

*Michael Duranti (Spagna Properties, LLC) Proposed: .89 Acre Variance*

*1029 Milton Tpke, Clintondale SBL# 94.4-3-34*

Mr. Lindenauer: We have your request and we also have the code enforcement officer’s determination letter. Has he been out to see the actual building?

Mr. Duranti: The Code Enforcement officer? I do not know if he has.

Mr. Lindenauer: Did you get the Code Enforcements letter?

Mr. Duranti: Yes.

Mr. Lindenauer: It says here “currently unaware if the basement has plumbing, egress windows, square footage, or the celling height to properly be converted to an apartment”. So without him confirming or denying coming out to see you I would tell you we could discuss this a little tonight. The normal process is for you to present to us, us to discuss with you and ask you questions and we would potentially move to a public hearing. Without this information I would kind of think the board would want be hesitant to move to a public hearing. So if you want to give us, certainty will probably will review it all again, but if you want to give us a quick rundown on what’s going on and maybe you can give us some indication as to those questions.

I will say he will be in touch with you. You can get them connected?

Ms. Stryker: Yes.

Mr. Lindenauer: Have you spoken to him?

Mr. Duranti: No, I haven’t.

Mr. Lindenauer: Janice will get your information over to him so he can arrange a date to come and do a proper evaluation.

Mr. Duranti: Ok great.

To answer mostly, we have everything but the egress window. There is a large window down there but we were planning on cutting it out and making a larger window anyways. The ceiling heights I believe are 8 ½ - 9 ft. There is plumbing in the basement. It was a finished basement with a kitchen.

Mr. Lindenauer: There is a door in and out?

Mr. Duranti: Yes.

Mr. Lindenauer: We will not get too too much into that till we get that. Maybe just tell us why you are looking to making a separate or I will just let you expand on the reason why you want a separate dwelling opposed to a single home.

Mr. Duranti: Quick story, this was their grandparents house many years ago. They left it to their daughter who lived there for a while and then let it run into the ground a little bit. When she passed away it got left to the estate. The family members were going to sell it and asked them to come up and look at it and see if there were any heirlooms in there. When they went up there, they got kind of reminded of their childhood. They asked the family if they could buy it and that is kinda what we did. They didn’t have funds at the time. I am married to Elizabeth and I stepped in to help them out and just as we are trying to keep the character to it. It just has run expensive and has gotten more and more expensive. So, we were hoping that if we split into a multi-family just for a couple of years, we could get a little money back out of it and then use it for our home or a secondary home. Joe, who is in the National Guard, he mangled up to the base up here in Newburgh.

It’s kinda a three-to-five-year plan; we just want to rent it out for him. We started looking at getting a mortgage and things like that. Interest rates have gone up like that and rentals up here aren’t the same as rentals down there and stuff like that. The mortgage and the rental are almost even. Hoping to get a secondary income out of the bottom rental just to put funds into the house.

Mr. Lindenauer: There really is not a mechanism to set up a separate apartment, sub divide it that way then kinda return it. It would remain with the building. Then everyone is going to want to turn their basement into a second apartment. There would be some questions and hurdles just speaking for myself not the rest of the board. If it went to a Public Hearing your neighbors may say what is going on here.

One of the reasons why the inspector has to go there is issues with plumbing and things like that and there is no sewage, we have to make sure the lot can handle it.

As a financial remedy we really have to look at it long and hard. It would just open the door to the town and anybody can come into the town and say I am trying to catch up on my mortgage and if I rent out this or rent out rooms, you know there are people out there renting out rooms.

Mr. Duranti: We plan on being part of the community at some point so we wanted to do everything underhanded handed.

Mr. Lindenauer: Without getting too deep into this we first have to get the proper determination so I will. Anyone else on the board have any questions?

Mr. J. Egan: Does this have to go to planning because it is zoned for one family.

Mr. Lindenauer: It may very well.

Mr. Duranti: I believe we have (2) acres and we need to have (3) three for a multi-family.

Mr. Jantzi: Yes, 1 ½ acre zoning.

Mr. Duranti: Yeah, yeah, we are a little short. In terms of the neighbors, we have the orchards to the left of us a guy that has farm animals behind us and he has a bunch of acres.

Mr. Lindenauer: The Code Enforcement Officer can clue us in on if this is something that would have to go to planning first.

Ms. Brooks: How many square feet is the apartment going to be?

Mr. Duranti: I believe they have it listed at seven hundred square feet. It feels a little bigger than that.

Ms. Brooks: Can it fit as an accessory then and he wouldn’t even have to be here? You don’t need the additional acreage if it is under a certain size with a separate entrance.

Mr. Jantzi: Can an accessory be rented?

Ms. Brooks: Yes.

Board: Spoke among themselves.

Mr. Lindenauer: In the meantime, you have a couple different avenues to explore.

Mr. J. Egan: How does it become an accessory?

Ms. Brooks: There is provisions in the code. If the apartment is less than a certain square footage, we have one attached to our home, we don’t have to have the acreage for it because it is not a two family at that point. If they don’t consider it a two family and I obviously do not have the code in front of me but there are certain criteria that why I just asked the question.

Mr. Lindenauer: He will come in and will have to look and see if the water and the septic. Whether those things will fall in as well as the other issues. As whether there is a full bath and whatever else there is. I will let you work on that and get in touch with Janice if we need to see you again.

Mr. R. Egan: Basically, if they do not need the variance they do not need to come back here.

Mr. Lindenauer: Yes. The Code Enforcement Officer would just have to make sure they qualify.

Mr. Lindenauer: Going forward we really should make sure so they don’t have to pay the fees.

Ms. Stryker: No.

They had initially talked to Dawn and she is the one who sent them to me. The Building Inspector usually does not go out to look at a job until they have come in front of the board. He looks at whatever has been given to us.

Mr. Lindenauer: Oh, ok*.* I have not spoken to him yet. I would like to have some time to speak with him about this and maybe we can get more of a stream line process or get something where they pay for an application where potentially they do not have to.

Ms. Stryker: Ok.

Mr. J Egan: 500 Sq. ft.

Ms. Brooks: 500 ok.

Mr. J Egan: 25% of the floor area of the finished principal structure or 500 square feet.

Ms. Brooks: So, if they want to reduce it, it’s up to them.

Ms. J. Egan: Yes is 700 and 1700 upstairs it’s still more than 25%.

Mr. Lindenauer: That 700 might not be part of it. A lot of times the furnished basement is not counted as square footage

Ms. Brooks: Dawn is on it as far as codes. She must have felt they didn’t need it or she would have suggested it.

Ms. Stryker: Exactly

*Mary Jane & Christopher C. Tenny SBL# 108.3-7-2 & 3*

*102 Decker Road Proposed: (4) Variances*

 *Lot Width, Side Yard, Front Yard*

Ms. Patti Brooks, Control Point, was present to represent May Jane & Christopher Tenny as well as the Estate of Kenneth R. Decker.

This property is at the end of Decker Road. They are located on the easterly side of the road. The westerly side is actually the Town of Newburgh. Mr. Decker was in front of the Zoning Board back in 2011-2012. At that point in time, he was seeking multiple variances among them an area variance. The Zoning Board made a recommendation to add land in the back to the front house in order to get the acreage and then they would entertain the variances. He was not interested in doing that I believe at that time his sister it was lived in the front house. He lived in the back house and these were his sheds and he did not want to give up his sheds. So, he was denied. I have a feeling he was denied and went away.

Mr. Lindenauer: So, it is currently one lot.

Ms. Brooks: Showed: This is one lot and this is one lot owned by the daughter.

Lot 1 and lot 2 are owned by the Estate of Kenneth Decker which is Mary Jane. Now that her dad and her aunt have passed away she is looking to sell the properties. They are a burden to take care of. So, we are once again back in front of the Zoning Board to seek the area variances required to separate the two houses to individual lots.

At the same time, we are in the M3 Zoning District they are seeking to obtain additional land from the parcel so they will then have a conforming like lot.

Mr. Lindenauer: So, the estate as in daughter to separate the houses.

Ms. Brooks: Exactly. Basically, the estate is the daughter.

Mr. Lindenauer: Everything here is existing.

Ms. Brooks: They are not proposing any new construction at all. The area variances we are requesting are on Lot #1 lot width required is 250 ft. and we have 149.2. Side yard required is 50 ft. we have 14.2 existing. We always had a policy when we come before the Zoning Board of Appeals even if it’s a pre-existing non-conforming set back, we kind of roll into the request. So, it is clear for the record that it was acknowledged, understood, and verified.

Mr. Lindenauer: It is currently there already and that’s 14 ft. We are just reviewing it because it is part of the overall.

Ms. Brooks: Correct.

Lot #2 is 250 required ft. and we have 195.84 ft.

The front yard again required is 50 ft. pre-existing non-conforming is 26.7ft.

A 50 ft. side yard is required and 41.7 is existing.

That is part of the comments we got from the MHE Engineering consultants of the Planning Board.

I take exception to that because the garage is an accessory structure and even though it is 41.7ft. it meets the criteria for accessory structure and the dwelling unit itself is 62 ft. Even though it was mentioned in the comments I don’t believe we require that.

Mr. Jantzi: The first question I have on here is what does this indicate where they want to steal the land to make the changes.

Ms. Brooks: Originally when Mr., Decker came here he had the lot coming straight across from the back of that lot corner to here since the lot is only an acre. Piece back here will go to the front lot and that is how they will get to the 3 acres.

Ms. Brooks continued to show how they were creating a flag lot and how the separation was going to happen. So, the people could also have their own driveway (currently a shared driveway).

Mr. Lindenauer: Right now how many access driveways do they have?

Ms. Brooks: Two Driveways.

Mr. Lindenauer: One driveway for this house and a shared driveway for this house.

Ms. Brooks: Each lot will have its own driveway and they will not have to share a driveway.

There will be a shared common access; because there is not enough room between this lot line and this barn to turn around.

Mr. Jantzi: That’s something that will be stated on the deed?

Ms. Brooks: Yes.

Mr. Lindenauer: These two lots right now? Is that the case?

Ms. Brooks: It isn’t because this was all family.

My suggestion to them was to do it now as part of the subdivision so it is done and never a problem down the road.

Mr. Jantzi: Is this basically all it was before?

Ms. Brooks: Yes.

Mr. Jantzi: So, these sheds that he didn’t want to surrender are not an issue any more.

Ms. Brooks: Correct.

Mr. Jantzi: So, everything else is essentially the same.

Ms. Brooks: All the variance that were required before are the ones required now. At that point in time the ZBA said ok but you can’t do anything where the existing buildings are but you can do something about meeting the lot area.

Mr. Lindenauer: That is the neighbor on the other side. Do we have an indication of the distance?

Ms. Brooks: That is about 25 ft.

They do try to minimize the flag lots in the town but in this instance with the houses all being existing we are not changing the character. The only change would be the addition of one new driveway and they would be side by side.

Mr. Lindenauer: The town is aware of that? They have looked at the aspect?

Ms. Brooks: I have not brought it to the Highway Superintendent yet, that is part of the Planning Board review.

Mr. Lindenauer: That is something that obviously they would have to look at.

Again, when you are looking at road frontage for driveways they usually like a certain amount of frontage for a driveway and this is going to become 26ft. Right now, it is fine because you have plenty of space.

Let me ask you this, since you are representing them and we don’t get ahead of ourselves or the highway department or planning board; what do you see the next steps being?

Ms. Brooks: We made an application with the Planning Board. They reviewed it at their meeting on March 25th. Wavers were granted, a deed plot of the entire lot and no new construction proposed so the Planning Board waved topography. Both of those were waved and we got a referral to come to the ZBA so we can go through the process with you and get the variance that is required. Once we obtain the variance, we would go back to the Planning Board.

**MOTION:** Mr. Jantzi made a motion for a Public Hearing on May 8, 2025 with Mr. J. Egan seconding the motion. All ayes on the motion.

Mr. Lindenauer: So, we are going to be looking at the 100 yd variance required on lot 1, the side yard setback 36 ft. variance, which is pre-existing, lot 2 we are looking at the 54 ft variance for the lot width and the front yard setback.

Ms. Brooks: Also, pre-existent.

**MINUTES:**

January 23rd, 2025 minutes have been moved to the following meeting as there was not a corium to vote (Mr. Lindenauer was abstaining).

**MOTION:**

Mr. Egan made a motion to close the meeting with Mr. J. Egan seconding the motion. All ayes on the motion.

The meeting adjourned at 7:35 p.m.

Respectfully submitted by

Janice Stryker, Zoning Board of Appeals Clerk