

**REGULAR MEETING, TOWN OF TUSTEN ZONING BOARD OF APPEALS,
AUGUST 8, 2022**

The regular meeting of the Town of Tusten Zoning Board of Appeals was held on August 8, 2022 in person at the Tusten Community Hall, 210 Bridge Street, Narrowsburg, NY 12764

PRESENT: Neal Latkowski, Chairman
Richard Norton, Deputy Chairman
Patricia Hawker
Steve Stuart

NOT PRESENT: Nico Juarez (was present on zoom but due to COVID law changes he could not vote)

OTHERS PRESENT: Amy Lohmann, Board Clerk; Ken Klein Town Attorney; Crystal Weston, Town Clerk:

Chairman Latkowski opened the public hearing at 7:20 PM for Robert Weigers, 437 Hankins Road, Narrowsburg, NY SBL 23-1-22.2. The application is for a 20 foot variance.

Discussion from the public:

- **John Cappello**, attorney with Jacobus and Gilbert. Has the 239 form been completed with the county? Site Plan? Septic location? Well location? House location and driveway?
- **David Hartley** Are the lots in a floodplain? There's a small cabin on the property also. Applicant needs to consider the hills, when finding a location for the house,
- **Nancy Workman** Clarification on frontage? The EAF mapper was not complete listing endangered or threatened species, ~ existing eagle's nest. 100 year flood plain, and the timber rattlesnake.
- **Vicki Harris** The essential character of that particular road would be altered If this particular variance is granted. This particular road is integral to the preservation of the Scenic River District
- **Nancy Workman** This is a letter from Charles and Joan Graham, Hankins Road. We are not in favor of granting this variance to protect the size and value of neighborhood neighboring properties, including bald eagles.
- **Julia Solo** the information is misleading. It has a large pine. I think cutting down this part of the forest and increasing density is a mistake.
- **Charles Elson** The traffic on the road has increased. There is more pollution and there has been more soil erosion. I am not in favor of this variance being granted.
- **Steve Moses**. I want to echo what everyone else is saying about the reasons not to give this chance here.
- **Victoria LaViolette**, There is an eagle's nest, an active eagle's nest on the adjoining property. The short term SEQRA didn't note the eagle's nest and the rattlesnake. A driveway needs to be built.
- **David Hartley**. Concerned about traffic and has to put signs out for people to slow down and watch out for children.
- **Robert Weigers** We are not asking permission to build another building? I am going to take down the old cabin.
- **Vicki Harris** Kenny was asked by Bob to build the exact same house on this lot. That is that he's asking for the subdivision on.
- **John Copella** If you grant this variance and you create the law, someone can build on there, have a legal right to build on it once the law is created. You are required to review it as if someone's building to make sure that the lot you're creating is

buildable and that the variance, if you consider it, will not do a detriment to the neighborhood in doing that.

- **Ken Klein** One, we take Mr. Capello's suggestion, and we refer to the planning board to get their recommendation in accordance with what we expect the state statute requires. There were a number of substantive issues that were raised with regard to the flood zone issues, and where exactly this eagle's nest may be located, the proximity of this property, a number of others discussed. Let's give the applicant the opportunity to address those in a substantive way. Every lot has got to be treated as though it's buildable. We are not really in a position to take an action at this time.
- **Neal Latkowski** We haven't gotten no response on the 239 yet.

RESOLUTION #18-2022

Close Public Hearing

On Motion by Stuart, seconded by Hawker that the following resolution was

ADOPTED 4 AYE 0 Nays

RESOLVED, to close the public hearing for Robert Weigers.

Roll Call Vote:

Neal Latkowski	AYE
Richard Norton	AYE
Steve Stuart	AYE
Pat Hawker	AYE
CARRIED	

The regular meeting of the Town of Tusten Zoning Board of Appeals was opened following the Pledge of Allegiance.

Neal Latkowski One thing on correspondence we received the decision from clients on the court decision on the Weidens and viability matter. That matter is closed and this board has no further action on that.

Neal Latkowski Old business, the Eagle's Nest Subdivision, 437 Hankins Road, SBL 23-1-22.2 A number of things have been raised tonight at the public hearing. We need to have a few things addressed. One being the location of the Eagle's nest, which has been alleged to be in close proximity.

Bob Weigers Will get a surveyor to document the distance from the nest.

Nancy Workman No problem having someone on property to measure the nest distance.

Crystal Weston to Ken Klein Can you clarify before you go on for Nico Juarez ~ he's not considered to be present and he cannot vote due to being on zoom.

Nico Juarez If someone has COVID and your part of a board, you can't vote.

Ken Klein It's to the state of New York. Set the rules when they adopted the budget back in April. They set the rules in terms of how you how you can deal with remote participation.

Bob Weigers The House site should also include the well location and the septic location as well, not just the physical house, but the building, the house element.

Neal Latkowski Where the eagles nest is located in relation to your property.

Bob Weigers The main issue is the distance between the eagle's nest and the house.

Nancy Workman the second thing is how much road frontage there actually is

Ken Klien A certified survey by variances that they're asking for is 33.29 feet of both the road and 52.53 feet on setback. Those are two variances that they're asking for.

Neal Latkowski For the variances One is 33 feet. The other one, 52.

Mr. Workman Were the driveways dug through the trees that where the point is where the property of the line a point of impact?

Neal Latkowski This is only for a variance.

Ken Klein The surveyor can certainly take the flood map and interpolate on to here where the flood zone.

Neal Latkowski Mr. Weigers submitted the certified mail receipts and return cards. And the letter. That was sent out

Nico Juarez I just want to make sure that everybody on the board knows what those questions. And I read about 12 of them. Do we know what they are so the Weigers can answer.

Neal Latkowski It's pretty clear about the Eagles, and flood plain. The UDC has signed off on this project, the 239 has been sent to the county at this time no response, slope verification needed, rattle snakes. Get documentation of these items.

Neal Latkowski The next meeting is on September 12 at 7:30 PM.

Adjournment

With no further business or board comment a motion by Pat Hawker, seconded by Steve Stuart to close the ZBA regular meeting at 9:02 pm. All in favor. The next meeting will be on September 12 @ 7:30 PM

Respectfully submitted, Amy Lohmann, ZBA Clerk.