

**REGULAR MEETING, TOWN OF TUSTEN ZONING BOARD OF APPEALS,
SEPTEMBER 12, 2022**

The regular meeting of the Town of Tusten Zoning Board of Appeals was held on
September 12, 2022 in person at the Tusten Community Hall, 210 Bridge Street,
Narrowsburg, NY 12764

PRESENT: Neal Latkowski, Chairman
Patricia Hawker
Steve Stuart

NOT PRESENT: Nico Juarez, Richard Norton~ Deputy Chairman

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

The regular meeting was opened at 7:30 PM following the Pledge of Allegiance.

RESOLUTION #19-2022

Accept Minutes

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

ADOPTED 3 AYE 0 Nays

RESOLVED, to accept the August 2022 monthly minutes with one correction that
the Lawyers name is Jacobowitz & Gubits.

Roll Call Vote:

Neal Latkowski	AYE
Steve Stuart	AYE
Pat Hawker	AYE
CARRIED	

Correspondence:

- 239 has been returned from Sullivan County with local determination for Robert Weigers
- Letter from Stanley Boder from NYS DEC regarding rattle snakes. There are no dens on this site
- Lisa Masi from NYS DEC regarding Robert Weigers
- Email from the Town of Tusten Planning Board unanimously voted to approve the project.
- Jacobowitz & Gubits lawyer reiterated what has already been said by Mr Copello
- Letter from J Ben Gailey read by Steve Stuart

OLD BUSINESS

Robert Weigers has new maps and there is a buffer around where the Eagles Nest is. There is a 5 % grade. The well and septic area is where the proposed house location, which maybe higher. There is enough area with the house and utilities that would not even come close to the 660 feet from the Eagles Nest. The timber rattle snake den is within a 1.5 mile and the DEC would have to see if snakes are moving through.

Review of the 5 criteria's

- 1- Would the benefit be greater?

Steve mentioned the comments/concerns of the public: additional parcels/homes, great respect for history, traffic concerns, # of houses built, rented houses, debate

and discussion about the size of the lot this would be stepping away from the character of the neighborhood. There is a safety concern that if emergency vehicles had to get there a fire truck is 8 foot wide and the road is only 12 foot wide. One truck in would block all other emergency vehicles from getting to the scene. The public safety to the neighborhood outweighs the subdivision.

Neal feels that the project does not change the scenario of the road size and this argument will not change anything because there are other buildable lots in this area.

Pat stated that Mr. Weigers has more to gain than the community – other lots are grandfathered in.

- 2- Benefit outweighs small effects that another house being built would have. The undesirable change is the neighbors don't want more houses. There are currently many houses down that road and this project is not changing that.
- 3- Request substantial – the variance asking for is 33.29 road frontage and 52.53 at the 50-foot setback. The 52 feet would be greatest out of 300 feet required which is about 17.3%. Steve feels that this is substantial large variance to grant. The 17% is noncompliance.
The UDC doesn't see it as an issue the distance from the road to the river. Neal feels that is not substantial it is nowhere near the 50% of required feet.
- 4- Adverse physical or environmental effects. This addresses the SEQRA that has already been done. Mr. Weigers had the Eagles Nest located on the map by his surveyor for us. There are no major adverse effects.
- 5- Benefit achieved other means feasible of the applicant
The alternate would be to get more property but there is no property for sale surrounding this lot. Property can not be purchased from the neighbors. Yes, this is self-created.

The board members have reviewed the criteria's and will table the decision until the October 10 meeting at 7:30 PM. The applicant agrees with the board to extend the decision of the board to the October meeting. The board is not requesting any further documentation from the applicant.

The next meeting is on October 10 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 8:40 pm. All in favor. The next meeting will be on October 10 @ 7:30 PM
Respectfully submitted, Amy Lohmann, ZBA Clerk.