

**REGULAR MEETING, TOWN OF TUSTEN ZONING BOARD OF APPEALS,
OCTOBER 10, 2022**

The regular meeting of the Town of Tusten Zoning Board of Appeals was held on October 10, 2022 in person at the Tusten Community Hall, 210 Bridge Street, Narrowsburg, NY 12764

PRESENT: Neal Latkowski, Chairman
Patricia Hawker
Steve Stuart
Rich Norton

NOT PRESENT: Nico Juarez

OTHERS PRESENT: Amy Lohmann, Board Clerk; Ken Klein Town Attorney; Crystal Weston, Town Clerk: 3 people on zoom

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

RESOLUTION #20-2022

Accept Minutes

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

ADOPTED 4 AYE 0 Nays

RESOLVED, to accept the September 2022 monthly minutes.

Roll Call Vote:

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

Correspondence:

- Letter from Mr. Gailey forwarded to the board members. This is to clarify points he made during Robert Weigers application, 437 Hankins Road, SBL 23-1-22.5

OLD BUSINESS

Concerning Mr. Gailey's letter, the applicant is only looking for two variances since the 1st meeting ~ 1 road frontage, 2 lot width

RESOLUTION #21-2022

Accept Amended Application

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

ADOPTED 4 AYE 0 Nays

RESOLVED, to accept the amended application from Robert Weigers.

Roll Call Vote:

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

The DEC was sent all correspondence that the board has and there is nothing more to send.

Rattle snakes and bald Eagles are adhered to with any building

The 15% grade or less referred to by Mr. Gaileys by surveyor is not clear on the map submitted. The 15% grade would be if someone builds on it. It should have nothing to do with the ruling tonight as it would need to go to planning. There is no record that this is greater than 15% and is not an issue for the ZBA.

The houses around have very steep driveways. There is a rattle snake den within 1.5 miles.

Review of the 5 criteria's

1- Would the benefit be greater?

Determined that there is no other property available

2- The undesirable change is the nearby properties~ many people spoke at the public hearing for denial of the application, the neighbors spoke about how they ended up with their properties and on that road, granting the variance is undesirable on that road

- Allowing the subdivision blends in with other lots in the neighborhood. This would not be going against the character of the neighborhood
- Ken Baim from the Planning Board had sent in correspondence for the last meeting that many of the lots are non-conforming
- This lot is still 5 acres. There is a structure on the property and is permitted use.

3- Request substantial – no exact number, not substantial

4- Adverse physical or environmental effects – addressed in SEQRA review

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 cannot be purchased from the neighbors. Yes, this is self-created.

All of the criteria were reviewed. This is a self-created hardship. This does not benefit the neighbors and will not harm anyone. This is not detrimental; it will improve the neighborhood.

The ZBA's job is to allow the Town to grow, people become disappointed because they don't like change. The board discussed the concerns about the rattle snakes and bald Eagles.

RESOLUTION #22-2022

RESOLUTION PROPOSAL

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

ADOPTED 4 AYE 0 Nays

RESOLVED, to have Ken Klien put a resolution together for this application in favor of granting the variances.

Roll Call Vote:

Neal Latkowski	AYE
Steve Stuart	AYE

Pat Hawker	AYE
Rich Norton	AYE
CARRIED	

The next meeting is on November 14 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 November 14@ 7:30 PM respectfully submitted, Amy Lohmann, ZBA Clerk.