# Town of Catskill Zoning Board of Appeals

**Monthly Meeting**

August 24, 2022 6:00PM

439 Main St. Catskill

**Present:**, Chairman- Gary Harvey , Vice Chairman-Ben Decker , Lee Heim., Marybeth Lange .

Margie Garafalo, **:**, Albert Gasparini (alternate member). Patricia Case-Keel- Zoning Board Secretary.

**Attendance: All Present.**

**Also Present** : Victoria Polidorio (Zoning Board Attorney Zoom- Media).

**Roll Call Vote:**

***Chairman- Gary Harvey Present***

***Ben Decker Present***

***Mary Beth Lange Present***

***Margie Garafalo Present***

***Lee Heim Present***

***Albert Gasparini Abstained***

*Ms. Garafalo made a motion to approve the meeting minutes of July 20, 2022 meeting, seconded by Ms. Lange .*

**Roll Call Vote:**

***Chairman- Gary Harvey Aye***

***Ben Decker Aye***

***Mary Beth Lange Aye***

***Margie Garafalo Aye***

***Lee Heim Aye***

***Albert Gasparini Abstained Motion approved.***

Ms. Lange made a motion to open the Public Hearing for UV-1-2022, seconded by Mr. Heim

**Roll Call Vote:**

***Chairman- Gary Harvey Aye***

***Ben Decker Aye***

***Mary Beth Lange Aye***

***Margie Garafalo Aye***

***Lee Heim Aye***

***Albert Gasparini Abstained Motion approved.***

**OPENING OF PUBLIC HEARING 6:05 pm**

**UV-1-2022 Use Variance Reid Mower 1349 RT 23B, Leeds.**

Chairman Gary Harvey opened the Public Hearing for Area Variance UV-1-2022 Reid Mower 1349 Jefferson H. The Notice of Public Hearing was published in the Daily Mail on July 20, 2022 and July 22, 2022

 **NOTICE OF PUBLIC HEARING**

The Town of Catskill Zoning Board of Appeals will hold a Public Hearing

pursuant to Article 160-11 of the Town of Catskill Zoning Laws to allow

the use as a whole sale business, trucking and excavating, on lands owned by Reid Mower located at 1349 Rt. 23B, Leeds. Application Use Variance UV-1-2022 Tax Map # 138.00-7-19 The Public Hearing will be held on the 24th day of August 2022 At 6:05 PM, at the Town Hall located at 439-441 Main Street, Catskill, NY.to allow public comment on the application .The above application is open for inspection at the Office of the Zoning Board of Appeals located at 439 Main Street, Catskill, New York between the hours of 10:00 a.m. and 2:00 p.m., or by appointment. The public is also welcomed to attend the Public Hearing through digital Zoom platform. Detailed information for the Zoom platform will be posted on the Zoning Board meeting agenda on the Town website By order of Gary Harvey Chairman, Zoning Board of Appeals, Town of Catskill

Mr. Holtz gave a brief overview of the project .Reid Mower owns the parcel consisting of 13 acres located at 1349 Rt. 23B and has requested a Use Variance in order to establish an area for parking his equipment that are used for his trucking and excavating business and to construct a 40’x 60’ garage in a Moderate Density Zone and the site will be 500’ form Rt. 23.

The Board members had conducted a site visit.

Mr. Harvey asked if anyone present or attending Zoom media, has any questions or comments regarding UV-1-2022.

Jason Post resides at 1339 Rt. 23B Leeds. Mr. post stated his concern is with the potential for flooding could become form the excavating dome on the site. He also would like to know what was involved with WB Handlings across the street, and if there were ever any plans submitted for that site.

Mr. Harvey stated the concern with WB Handlings is not is the Zoning Board purview The Zoning Board had granted a Use Variance for that project with the condition for the applicant to obtain a Sit Plans approval form the Planning Board . Apparently the applicant ignored the process and the Town ignored it as well. At this time Mr. Mower is requesting a Use Variance which does not involve reviewing the flood plains or traffic flow.

Mr. Schmitt Resides at 1400 Rt. 23B. Mr. Schmitt stated he is opposed to the variance until he finds out all of the requirements for the prosed business

Chris Spragner resides at 27 Brinks Lane. Mr. Spragner asked how can a business move onto a property without all of the required permits .The area of this site is known for flooding . Before Mr. Mower purchased the parcel, there use to a hollow on the site, and now the site has been raised at least 10’-15’ .along with construction blocks, without any permits.

Mr. Harvey answered the required permits for a business to operate is a question for the Code Enforcement Office.

Mr. Spragner stated he would ask for the Zoning Board to table this review until the Code Enforcement Officer can be involved.

Ms. Polidorio asked if a notice of violation has been issued.

Mr. Harvey introduced Victiroa Polidorio as acting attorney for the Zoning Board, since the Town’s Attorney Ted Hilscher had to recuse himself from the review of this application . Mr. Harvey then answered Ms. Polodorio’s question, “not that he is aware of.

Laurie Schmitt resides at 1400 R.t 23B, Leeds Mrs. Schmitt asked if the Board had conducted a site visit .

Hans Schmitt reside at 1400 Rt. 23B Leeds. Mr. Schmitt asked what the Boards assessment of the site was after conducting a site visit.

Mr. Harvey answered the Board has conducted a site visit however the Zoning Board does not consider matters concerning the elevation of the site

Ms. Schmitt stated at the last meeting the Board requested information form the applicant to indicate on the plans information for the flood plains and topography, which the applicant only just submitted at this meeting . The applicant has been dumping loads of fill onto the site long before he filled for a building permit. and the applicant has been traversing through Elton Road to gain aces onto the site. Also she Has FOILED the application for UV-1-2022 as well as the application for WB Hanslings . There was no denied building permit for either application.

Ms. Polidorio reviewed the requirement for a use variance.. Ms. Polidorio stated at this time she has not seen adequate information for the Zoning Board to be able to make a determination. The applicant must submit proof of when the property was purchased, and then the Board will consider when the Zoning Laws were adopted by the Town. Nor has the applicant submitted information indicating financial hardship.

Discussion ensued.

Mr. Heim stated if any resident has a concern regarding activates taking place on the applicants property, they can contact the Code Enforcement Office and make them aware.

Laurie Schmitt asked if the Zoning Board is obligated to inform the CEO in regarding to potential illegal activities taking place on the applicants land.

Ms. Poidorio answered “No” the Zoning Board is not obligated to report information to the CEO must already be aware because the applicant was sent to the Zoning Board.

Mr. Sprague stated the applicant has moved large amounts of dirt onto the parcel. The operation across eh street has been in operation without any permits the concern ids how both of these operation will raise the water in the flood plains.

Mr. Harvey stated these types of concerns should be brought to the attention of the Town Board.

Discussion ensued.

Michelle Marotta resides at 1369 Rt 23B Leeds. Mrs. Marota submitted pictures of her property indicating flooding that’s been occurring.

Randy Pelosie stated he has concerns regarding the noise and disturbances being created by the activities on the parcel.

Mr. Harvey stated the Zoning Board will take note of the concerns being presented at tonight’s meeting, but he has to re iterate these concerns are more within the Planning Boards purview Mr. Harvey.

Bruce Scmidt resides at 145 Elting Road, Leeds. Mr. Schmidt stated he has noticed the applicant’s truck have been disturbing the neighborhood in the area, with the noise from the operation and the traffic. Mr. Schmidt asked if the Planning board is aware that the applicant is operating on the site.

Mr. DeLuca stated the applicant had been before the Planning Board at the August 9, 2022 meeting. However the Planning Board is not reviewing the application at this time because the applicant has not obtained a use variance.

Mr. Schmidt stated the applicant activities on the site has changed his life, and he does not understand how the applicant is operating without approvals from the Town Or code Enforcement Officer .

Mr. Decker stated unfortunately the Zoning Board has no authority over these concerns, it is a matter for the Town Board.

Ms. Polidorio stated because the Planning Board will not be reviewing this project until after the Zoning board makes a determination, the Zoning Board will be required to review SEQRA. The applicant will be required to submit data on environmental impacts such as traffic and storm water.

Mr. Harvey gave a brief overview on the SEQRA process.

A resident stated the reason why people are attending tonight’s meeting is because if the Zoning Board approves the use variance in all actually the Zoning for the area will be changed. At this time the applicant is already operating on the site and nothing has been done to stop it.

Discussion ensued regarding process for mailing notices.

Ms. Polidorio stated if people attending the public hearing did not get a notice but are in attendance then they have been notified.

Mr. Harvey stated the Zoning Board will continue the Public Hearing at the September 28, 2022 at 6:00 PM Zoning Board meeting.

Mr...Heim read aloud a letter dated March 22, 2017 pursuant to placing fill in flood plains from Elliot Fishman.

Mr. Harvey read aloud an email dated August 24, 2022 form Nicole Lauster expressing concerns regarding flooding in the area and an email form Jason Post submitted on August 18, 2022.

Mr.. Holtz explained the layout of the two parcels belonging to Mr. Mower. Mr. Holtz stated he does have flood elevations he can submit. Mr. Holts reviewed with the Board the 4 criteria have required for a Use Variance.

Larry Schmidt was attending tonight’s meting through the Zoom Media. Mr. Schmidt resides on Pine Cliff Drive .Mr. Schmidt stated the applicant is not asking for permission he is asking for forgiveness. He has environmental concerns regarding this project because he is downhill form the site.

Mr. Harvey stated the Board has discussed the concerns regarding the environment, most of those concerns are issues the Planning Board .would review.

Mr. Holtz reviewed the 4 required question regarding a Use Variance He is not sure about some of the returns that would be achievable in selling the parcel or potentially having rentals or building a shop and what the comparable to mechanical repairs on the equipment .

Ms. Polidorio stated some of the information the Board will need is how much the applicant paid for the parcel and the current value of single family homes .in the area, and the monetary figures for all of the permitted uses in that zone.

Mr. Holtz continued the review of the 4 questions with the Board and stated he will be submitting all of the information in writing. He stated here are several other business in that zone along with a trailer park .

Mr. Decker stated when the parcel was purchased it was already in the MD Zone.

Ms. Schmidt asked how long the ZBA will entertain an application.

Me. Harvey answered thee is not drop dead date for an application being revised.

Mr. Heim asked if there is dead line for the public hearing to be continued.

Ms. Polidorio answered the Public Hearing can continue especially since SEQR has not been conducted although the applicant can request for it to be closed.

Mr. Decker made a motion to continue the Public Hearing for the Zoning Boards September 28, 2022 meeting, seconded by Ms. Lange

**Roll Call Vote:**

***Chairman- Gary Harvey Aye***

***Ben Decker Aye***

***Mary Beth Lange Aye***

***Margie Garafalo Aye***

***Lee Heim Aye***

***Albert Gasparini Abstained Motion approved.***

Ms. Polidorio stated the Board at some point maybe requesting an escrow account for the SEQRA.

Mrs. Garafalo made a motion to adjourn, seconded by Ms. Lange

**Meeting Adjourned at 7:25 PM**

***Sincerely***

***Patricia Case –Keel***

***Zoning Board Secretary***

***Approved as Amended 9/28/22***

: