

**Town of Catskill Zoning Board of Appeals
Monthly Meeting**

January 13, 2021 6:00PM
439 Main St. Catskill

Present: Chairman- Gary Harvey Vice Chairman- Ben Decker, (Zoom media) Margie Garafao, Lynne Zubris , Marybeth Lange, Patricia Case-Keel- Zoning Board Secretary.

Attendance : Roll Cal Vote

Ben Decker	Present
Lynn Zubris	Present
Mary Beth Lange	Present
Chairman- Gary Harvey	Present
Margie Garafalo	Present Motion approved.

Also Present: Elliot Fishman (Code Enforcement Office)

Mrs. Garafalo made a motion to approve the meeting minutes of November 12, 2020 seconded by Ms. Lange.

Roll Cal Vote:

Ben Decker	Aye
Lynn Zubris	Aye
Mary Beth Lange	Aye
Chairman- Gary Harvey	Aye
Margie Garafalo	Aye Motion approved

Ms. Lange made a motion to approve the meeting minutes of December 8, 2020 as written, seconded by Ms. Zubris

CONTINUATION OF PUBLIC HEARING:.

Area Variance V-20-2020 Geraldine Finelli 386 Rt. 32 Palenville.

Mr. Harvey stated the Board has been holding this public hearing open since the November 13 . 2020 meeting. The applicant did not attend the opening of the public hearing and has not returned to the Board since the October 14,2020 meeting At this time the Board will send the applicant a letter indicating if no one representing this application attends the February 10,2021 meeting then this application will be closed.

Mr. Fishman instructed the Zoning Clerk to send the letter certified mail and regular postal service.

CONTINUATION OF PUBLIC HEARING

Area Variance V-23-2020 William Jacobs 102 Park Lane, Leeds.

Mr. Harvey stated the Public Hearing had been opened for V-23-2020 at the Zoning Boards December 8, 2020 meeting but since the Board did not have a quorum the Public Hearing was continued for tonight's meeting .The Board had received the 239 Review from the County with their approval .

Mr. Harvey asked three times if there wee any questions or comments regarding V-23-2020

There were no questions or comments.

Mrs. Garafalo made a motion to close the Public Hearing for V-23-2020, seconded by Ms. Lange

Roll Cal Vote:

<i>Ben Decker</i>	<i>Aye</i>
<i>Lynn Zubris</i>	<i>Aye</i>
<i>Mary Beth Lange</i>	<i>Aye</i>
<i>Chairman- Gary Harvey</i>	<i>Aye</i>
<i>Margie Garafalo</i>	<i>Aye Motion approved</i>

Public Hearing Closed at 6:08 P.M.

CONTINUATION OF PUBLIC HEARING .

Area Variance V-24-2020 Megan Edwards 1248 Bogart Rd. Palenville

Mr. Harvey stated the Public Hearing had been opened for V-24-2020 at the Zoning Boards December 8, 2020 meeting but since the Board did not have a quorum the Public Hearing was continued for tonight's meeting.

Mr. Harvey asked three times if there were any questions or comment's regarding V-24-2020

There were no questions or comments

Mrs. Garafalo made a motion to close the Public Hearing, seconded by Ms. Zubris

Roll Cal Vote:

<i>Ben Decker</i>	<i>Aye</i>
<i>Lynn Zubris</i>	<i>Aye</i>
<i>Mary Beth Lange</i>	<i>Aye</i>
<i>Chairman- Gary Harvey</i>	<i>Aye</i>

Margie Garafalo

Aye Motion approved

Public Hearing Closed at 6:11 P.M.

NEW BUSINESS:

Interpretation I-1-2021 Sahar Cohen 401 Mossy Hill Rd. Catskill.

Sahar Cohen is requesting an interpretation for the placement of his shed in the rear of his lot. Mr. Cohen explained that he has a shed that had been built without a building permit at the rear of his lot, and also the shed does not meet the setback requirements. However his parcel is divided by Central Hudson and so in order to access the back of his parcel he uses a private road that runs off of Mossy Hill Road, Therefore he believes the back of the parcel is not actually the back, but could be considered the front.

Mr. Harvey stated A parcel can only have frontage on one side. Since the parcel primarily accesses off of Mossy Hill Road, then where the parcel faces Mossy Hill Road would be considered the front, and where the shed is located would be considered the back. If the applicant wants to keep the shed in its current location he will have to apply for an area variance.

Mr. Harvey thanked the applicant for attending tonight's meeting.

Area Variance V-1-2021 Rivertide Aikikai, LLC 3198 Old Kings Rd.

Arielle Herman is the owner and operator of Rivertide Aikikai and was in attendance at this night's meeting. The applicant is requesting a 41' front yard variance for the construction of extended overhang on the structure to be used as a porch to be used by customers in inclement weather. The applicant has submitted an application along with a set of plans.

The Board reviewed the plans.

Mr. Harvey stated this application will have to be sent to the Greene County Planning Board for a 239 Review. The Board will schedule a Public Hearing for V-1-2021 to be held on February 10, 2021.

Mr. Harvey thanked the applicant.

OLD BUSINESS:

Area Variance V-22-2020 Michael Cherry 12 Ben Hill Rd. Palenville.

There was no one representing the applicant at tonight's meeting

Mr. Harvey stated the Board had held a Public Hearing for this application at the Zoning board November 12, 2020. However the Board was not able to move forward with the application because the County had not responded to the 239 Review. The Board had since received the County's remarks on this application on November 22, 2020 with the County's approval. The application had been rescheduled for the Zoning Board's December 8, 2020 meeting but the Board did not have a quorum. At tonight's meeting the Board can review the Findings & Decision for this project..

The Board reviewed the Finding & Decisions for V-22-2020.

Ms. Lange made a motion to approve V-22-2020-, seconded by Ms. Zubris.

Roll Cal Vote:

<i>Ben Decker</i>	<i>Aye</i>
<i>Lynn Zubris</i>	<i>Aye</i>
<i>Mary Beth Lange</i>	<i>Aye</i>
<i>Chairman- Gary Harvey</i>	<i>Aye</i>
<i>Margie Garafalo</i>	<i>Aye Motion approved</i>

Area Variance V-23-2020 William Jacobs 102 Park Lane Leeds

The Board reviewed the Findings & Decision for V-23-2020

Ms. Garafalo made a motion to approve V-23-2020,seconded by Ms. Lange

Roll Cal Vote:

<i>Ben Decker</i>	<i>Aye</i>
<i>Lynn Zubris</i>	<i>Aye</i>
<i>Mary Beth Lange</i>	<i>Aye</i>
<i>Chairman- Gary Harvey</i>	<i>Aye</i>
<i>Margie Garafalo</i>	<i>Aye Motion approved</i>

Area Variance V-24-2020 Megan Edwards 1248 Bogart Road , Catskill.

The Board reviewed the Findings & Decision for V-24-2020

Ms. Garafalo made a motion to approve V-24-2020,seconded by Ms. Lange

Roll Cal Vote:

<i>Ben Decker</i>	<i>Aye</i>
<i>Lynn Zubris</i>	<i>Aye</i>
<i>Mary Beth Lange</i>	<i>Aye</i>
<i>Chairman- Gary Harvey</i>	<i>Aye</i>
<i>Margie Garafalo</i>	<i>Aye Motion approved</i>

Area Variance V-21-2020 Mary Tex 4511 Rt. 3-2 Palenville

Mr. Harvey recused himself from the review of V-21-2020.

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Ms Zubris stated the Board had held a Public Hearing for this application at the Zoning Boards November 12 ,2020 . However the Board was not able to move forward with the application because the County had not responded to the 239 Review. The Board had since received the Counties remarks on this application on November 22, 2020 with the Counties approval . The application had been rescheduled for the Zoning Boards December 8, 2020 meeting but the Board did not have a quorum. At tonight's meeting the Board can review the Findings & Decision for this project..

The Board reviewed the Finding & Decisions for V-2-2020.

Ms. Lange made a motion to approve V-2-2020-,seconded by Ms. Garafalo

Roll Cal Vote:

<i>Ben Decker</i>	<i>Aye</i>
<i>Lynn Zubris</i>	<i>Aye</i>
<i>Mary Beth Lange</i>	<i>Aye</i>
<i>Chairman- Gary Harvey</i>	<i>Abstained</i>
<i>Margie Garafalo</i>	<i>Aye Motion approved</i>

Area Variance V-11-2020 Richard & Joanne Ziello 567 Old Kings Road, Catskill.

Mr. And Mrs. Ziello were both present at this night's meeting along with their contractor Peter Hernandez. The applicant had requested a conference with the Board in order to discuss the Zoning Boards determination to deny their request for a Variance for the construction of a studio apartment over a garage which, would fall under the definition of a second dwelling on their parcel located on 567 Old Kings , which IAW Town Code (160-9) is not permissible.

Mr. Harvey stated the reason for the Boards denial for this request, was due to the structure being new ,and because in the Town of Catskill, the code does not allow for more than one dwelling on a single parcel. In the past the Board has taken into consideration when there was more than one dwelling on a parcel, that was preexisting from before the Town having adopted Zoning regulations, because those conditions were preexisting, however not when it involves new construction .

Mr. Ziello stated the reason for the apartment is due to his health, and they were planning on their daughter coming to stay with them and help with his care.

Discussion ensued.

Mr. Harvey stated since the applicants parcels consist of 11 acres, the applicant may want to consider subdividing the parcel, and then the use of the apartment would be permissible. The Zoning board has recommended to the Town Board to consider making some adjustments to Town Code 160—9 so that under certain conditions a second dwelling may be permissible. The applicant may want to consider following up with the Town Board on this matter.

Mr. Harvey thanked the applicant..

Meeting Adjourned at 7:25 P.M.

Sincerely

***Patricia Case –Keel
Zoning Board Secretary
Approved as Amended 2/10/21***

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