# Town of Catskill Zoning Board of Appeals

**Monthly Meeting**

September 27, 2023 6:00PM

439 Main St. Catskill

**Present:** Chairman- Gary Harvey, Vice Chairman-Ben Decker ( entered at 6:20 pm) Lee Heim, Albert Gasparini**,** Shravan Parvathaneni, Patricia Case-Keel-Zoning Board Secretary.

**All Present:**

**Roll Call Vote:**

**Chairman- Gary Harvey Present**

**Ben Decker Present**

**Vice Chairman Lee HeimPresent**

**Albert Gasparini Present**

**Shravan Parvathaneni Present**

Mr. Heim made a motion to accept the meeting minutes of August 23, 2023 as Written, seconded by Mr. Gasparini

5 Ayes 0 Nays 0 Absent Motion Carried.

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

**Area Variance V-9-2023 Gjergji Enterprise LLC 746 Rt.23B, Leeds**

Chairman Gary Harvey opened the Public Hearing for Area Variance V-9-2023 Gjergji Enterprise LLC 746 Rt. 23B . The Notice of Public Hearing was published in the Daily Mail on September 21, 2023 and September 23, 2023

**NOTICE OF PUBLIC HEARING**

The Town of Catskill Zoning Board of Appeals will hold a Public Hearing pursuant to Article 16-14 of the Town of Catskill Zoning Laws to allow adjustment for lot lines for existing structures, and minimum lot size owned by Gjergji Enterprise LLC located at 746 Rt. 23B, Catskill. Application Area Variance V-9-2023 Tax Map # 138.15-1-11.1 The Public Hearing will be held on the 27th day of September 2023 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. Monday – Friday , 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

The Board has conducted a site visit.

The applicant submitted the green card for the certified mailing .

The applicant is requesting a variance for two pre exiting parcels containing a single family dwelling and the second containing a event center. The Planning Board referred the applicant to the Zoning Board in the process of applying for a lot line adjustment, because of the existing non-conforming lot size and, setbacks between the 2 parcels and the parcels not conforming to zonings required acreage.

Mr. Harvey asked 3 times if there were any questions or comments regarding V-9-2023.

There were no questions or comments.

Mr. Decker made a motion to close V-9-2023, seconded by Mr. Parvathaneni

5 Ayes 0 Nays 0 Absent 0 Abstained Motion Carried.

**OLD BUSINESS:**

**Area Variance V-9-2023 Gjergji Enterprise LLC 746 Rt.23B, Leeds**

The Board reviewed the Findings and Decision with all answered “No”

Mr. Gapsarini made a motion to approve V-7-2023. Seconded by Mr.i Heim

5 Ayes 0 Nays 0 Absent 0 Abstained Motion Carried.

**NEW BUSINESS**

**Area Variance Stewarts Shop Inc. 10 Gateway Drive, Catskill.**

Marcus Andrews is representing this application at tonight’s meeting. The applicant is requesting a 3’ side yard variance and a 15’ rear yard variance for the placement of a shed to be used for storing a portable generator in case of a power failure. To be used on the site or possible another Stewarts site. The applicant had submitted an application, EAF and plans.

The Board reviewed the plans.

Mr. Heim made motion to schedule a Public hearing to be held on October 25, 2023 at 6:05 PM, seconded by Mr. Decker

5 Ayes 0 Nays 0 Absent 0 Abstained Motion Carried.

**Interpretation I-1-2023 Underhill Road Catskill.**

Tushar Soni is the current owner of the single family dwelling on the first parcel in the 4 lot subdivision, and was attending tonight’s meeting through the Zoom media . Also attending were the two developers for Underhill Road LLC, Ryan Scully and Jameson Trellor who are the current owners for lots 2, 3 and 4 .

Mr. Harvey stated the Board had received correspondence regarding this request for an interpretation approximately a week prior to this scheduled meeting. Correspondence was submitted by the applicant’s attorney Laura Ayers , along with an email submitted by the Code Enforcement Office Mathew Carlile and a copy of the building permit, Its to his understanding the issue involves the road known as the Little Delaware Trnpk,. now known as Old Underhill Rd which is the access for the parcels , not meeting the specifications for a private road .

Mr. Scully stated the development was denied a Certificate of occupancy due to the current condition of the private road.

Mr., Harvey stated to his understating Old Underhill Road is an unmaintained Town Road, that was never formally abandoned .

Mr. Soni stated he had purchased his parcel back in November of 2022 and had engaged the Underhill Developers to construct his home , and at that time they had obtained all of the necessary building permit from the Town of Catskill code Enforcement Office, and now in the past few weeks when a Certificate of Occupancy was it was denied by the Town’s CEO because of this issue with the road which to his understanding is due to approximately 2-3’ of the road that is needed to be widened in order for the road to be considered safe. The road being widened may take a little more time so what they are requesting is an exemption form this requirement since the new house is going to be this primary residence and he would like to be able to move in .

Mr. Jameson stated he would like to re add they also have completed homes on lot 26 and lot 40 that had received final approvals and inspections on and now they have been denied Certificate of Occupancies as well.

Mr. Heims stated in the email the Zoning Board received from the CEO it was indicated verbally regarding the issue with the Road had been pointed out earlier on in the project.

Mr. Scully stated Ryan James and along with himself are the only owners and neither had ever spoken with the CEO. He wanted to also point out there is a similar situation with another subdivision on Quarry Road, that was subdivided before subdivision regulations were adopted in the Town of Catskill ,and where the road is only 12 feet but COs were issued.

Discussion ensued.

Mr. Gasparini stated the ownership of the road must be determined before this mater can be resolved.

Mr., Harvey stated at this time the Board cannot make any determination without speaking with council in order to determine if this request for an interpretation is even within the Zoning Board purview, and thanked the applicant for participating at tonight’s meeting.

**OTHER BUSINESS:**

Mr. Decker made a motion to Adjourn, seconded by Mr. Heim

4 Ayes 0 Nays 0 Absent 1 Abstained Motion Carried.

**Meeting Adjourned at 7:05PM**

***Sincerely***

***Patricia Case –Keel***

***Zoning Board Secretary***

***Approved As Amended 10/26/2023***

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