

ZONING BOARD OF APPEALS
TOWN OF STUYVESANT
STUYVESANT, NEW YORK 12173

MINUTES OF OCTOBER 26, 2010

**** Approved at 6/21/11 meeting**

MEMBERS PRESENT:

Mr. William Vick, Chairman
Ms. Amy Abbati
Ms. Margaret Pino
Mr. Paul Harpis

MEMBERS ABSENT:

Mr. Robert Keller
Mr. William Gumaer
Mr. Sal Costanzo

OTHERS PRESENT:

Attorney Tal Rappleyea
Attorney Scott Longstreet

Chairman Vick called the meeting to order at 7:05 p.m.

The minutes for the September 28, 2010 meeting were not approved as there were not enough members present today to constitute a quorum.

Application for an Interpretation dated 8/30/10, 9/29/10 and 10/12/10: Attorney Scott Longstreet appeared representing William Pflaum, 3 Rybka Road, Town of Stuyvesant. Mr. Pflaum who was issued a zoning violation by the ZEO relating to the provisions of the Stuyvesant Zoning Law entitled "Home Occupation Class 2". Last year the Town of Stuyvesant Planning Board approved a site plan application from Mr. Pflaum to operate a dog boarding business on his property. Chairman Vick read the two applications requesting an interpretation before the ZBA. The first application requests an Interpretation in connection with the 8/9/10 Notice of Violation of the Town Zoning Law under Home Occupation, Class 2, Paragraph 7. The second application requests an Interpretation in connection with the Notice of Revocation of the Home Occupation Class 2 permit. Chairman Vick read the Zoning Law and definition pertaining to the Home Occupation Class 2. Mr. Longstreet requested the violation and revocation be addressed separately (bifurcated). Mr. Longstreet stated he was only requesting a public hearing be set to address the violation only. Chairman Vick informed Mr. Longstreet the ZBA would hear both the violation and revocation at the same time. Mr. Longstreet indicated he would not present his case at the meeting tonight but would do so at a public hearing.

Mr. Longstreet requested the ZBA set a hearing to hear the matter. The ZBA set a public hearing for Tuesday, November 23, 2010 at 7 pm. Mr. Longstreet was advised the ZBA will review all aspects of the Home Occupation Class 2 as it relates to Mr. Plfaum's business. Mr. Longstreet requested a letter outlining specifically what the ZBA would address in their review. Mr. Longstreet also expressed his objection that the scope of the hearing would extend beyond the specifics of Mr. Plfaum's application. Mr. Rappleyea explained the statute does not limit the board's authority to make any determination needed in their review. The Margaret Pino requested permission to visit the site. Mr. Plfaum agreed the board members can visit.

Chairman Vick read a letter of resignation from ZBA board member, Robert Keller. The ZBA will forward the letter to the Town Board.

The board members were informed Steve Winkley from NYS Rural Water will provide a presentation about drinking water resources in Stuyvesant on October 27th @ 7pm. This presentation will count toward required training.

A motion to adjourn the meeting was made by Margaret Pino and seconded by Paul Harpis. All members voted in favor.

Respectfully submitted,

Shirley Narzynski
Secretary to the Board