



TOWN OF PLATTEKILL
ZONING BOARD of APPEALS
P.O. BOX 45 MODENA, N.Y. 12548

Minutes of: Thursday, February 26th, 2026

SALUTE TO THE FLAG (7:00 P.M.)

Chairman Christopher Mercier called the meeting to order at 7 p.m., led those present in the Pledge of Allegiance, and then conducted roll call of the board members.

ROLL CALL: Chairman Christopher Mercier, Vice-Chair Joseph Egan, Helene Dembroski, Robert Egan, Bruce Jantzi, Judith Loertscher

ALSO PRESENT: Code Enforcement Officer, William Johosky

ABSENT: Larry Lindenauer

PUBLIC HEARING: (Continued)

Jeffrey Sebesta of 15 Huckleberry Turnpike (SBL# 107.8-7-7)
Proposed: Front and Side Yard Fence Height Variance

- Applicant’s presence not required, board awaiting county determination.

NEW BUSINESS: None

OLD BUSINESS:

Kevin and Paula Roberts of 67 Church Street (SBL# 107.2-9-15.1)
Proposed: Use Variance for pre-existing second floor 1BR Apartment

- Applicant Paula Roberts seeking Use Variance; Board reviewed statutory requirements under Town Code §110-73.
- Board determined additional financial documentation required demonstrating lack of reasonable return (income and expenses for entire property).
- Applicant must address remaining **use variance hardship tests**: uniqueness of property, no neighborhood character change, hardship not self-created.
- Board noted application may also require an Area Variance depending on review.
- Application incomplete; additional documentation required before further review.

VOUCHERS: One (1) -- *Elan (Amazon)* \$15.99 CM/BJ/Aye

APPROVAL OF MINUTES: February 12th, 2026 JE/HD/Aye

ADJOURNMENT: 7:28 p.m. HD/JE/Aye

C. Mercier:

Okay, at this time we're going to start our zoning board meeting, so please silence your phones so we could get started. Okay, roll call. Judi?

J. Loertscher:

Here.

C. Mercier:

Bruce?

B. Jantzi:

Here.

C. Mercier:

Joe?

J. Egan:

Here.

C. Mercier:

Chris is here. Helene?

H. Dembroski:

Here.

C. Mercier:

Bob?

R. Egan:

I'm here.

C. Mercier:

Larry? He's not here. Okay. Okay, minutes.

J. Egan:

I'll make a motion we move the minutes to the end of the meeting.

B. Jantzi:

I'll second.

C. Mercier:

Seconded by Bruce. On the vote, all in favor?

All:

Aye.

C. Mercier:

Anyone opposed? No? Okay, we'll move the minutes to the end of the meeting.

PUBLIC HEARING:

(Continued)

Jeffrey Sebesta of 15 Huckleberry Turnpike (SBL# 107.8-7-7)

Proposed: Front and Side Yard Fence Height Variance

C. Mercier:

Okay, at this time we're going to reopen, actually not reopen, we have a public hearing of Jeff Sebesta for fence. Currently the status of Jeff is we are waiting for feedback from the Ulster County Planning Board since he is within 500 feet of a state road and we are leaving the meeting open and at this time does anyone have any questions regarding Sebesta and his fence while the meeting is still open?

J. Egan:

I'll make a motion to continue the public hearing for Jeff Sebesta.

J. Loertscher:

Second.

C. Mercier:

Seconded by Judy. On the vote, all in favor?

All:

Aye.

C. Mercier:

Anyone opposed? Okay, moving right along.

OLD BUSINESS:

Kevin and Paula Roberts of 67 Church Street (SBL# 107.2-9-15.1)
Proposed: Use Variance for pre-existing second floor 1BR Apartment

C. Mercier:

Old business, Paula Roberts. I know you had some representation also?

P. Roberts:

Yes.

C. Mercier:

Is he here or no?

P. Roberts:

I didn't see him.

C. Mercier:

So, one of the things I wanted to go over for you today is that you're applying for a use variance and there's strict guidelines that we have to face or that we have to adhere by for use variances, a little different than error variances. So, I saw your packet and I was going through it. So, what I'm going to do is I'm going to read from the code book so you know exactly what we're talking about because we're going to need additional information. It's not Chris Mercier as the chairman requesting the information. It's required by law in order for the use variance.

Okay, so the procedures for a use variance and I'm going to read out of the *Town of Plattekill Zoning code 110-73 "Powers and Duties."*

B) use variances.

- 1) *A zoning board of appeals from the decision or determination of the administrative officer charged with enforcement of this chapter shall have the power to grant use variances as defined herein.*

- 2) *No such use variance shall be granted by a zoning board of appeals without a showing by the applicant. The applicable regulations and restrictions of this chapter have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the zoning board of appeals that:*
 - a) *he or she did not realize a reasonable return, provide lack of return is substantial as demonstrated by competent financial evidence.*

So we're going to be requiring financials and stuff like that.

- b) *the alleged hardship related to the property in question is unique and does not apply to substantial portions of the district or the neighborhood.*

In other words, why is your property unique in granting a use variance?

- c) *the requested use variance, if granted, will not alter the essential character of the neighborhood.*
 - d) *the alleged hardship has not been self-created.*
- 3) *The zoning board of appeals in the granting of use variances shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship provided by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.*

So when we start this procedure, just going through your application, I saw you did one part of the test. In submitting, you submitted some bills. I'm not too sure what all these bills are, but you also, so that's on the expense side, but we're also going to need on the income side of that. In your application, you gave us one dollar amount, but that was only pertaining to the one unit. The variance goes with the property, so we need the income from everything on the property in order to satisfy the first step. The use variance is designed to be very hard to achieve, and we're here to make sure that we comply with the zoning and state requirements for use variance at this time. Do you have any questions for us?

P. Roberts:

Can I get a copy of that?

C. Mercier:

Sure.

P. Roberts:

What I need to do?

C. Mercier:

Yeah. I'll tell you what. So this is the zoning code, okay? And I'm going to give you my copy. I got more copies of this, and it's going to be all spelled out all the way to here for the use variance, and also, you might also be subject to an area variance also, so you might need two variances. But let's just start with the use variance and those requirements, because that's the hard test. And then we can go from there.

P. Roberts:

Thank you. We're done?

C. Mercier:

You're welcome. We're done.

P. Roberts:

Have a good night.

H. Dembroski:

You too.

VOUCHERS:

C. Mercier:

All right. Okay. I have a voucher before me for folders. Our portion of it would be \$15.99. The other half would be to the planning board. So could I get a motion to adopt or to approve the \$15.99?

B. Jantzi:

\$15.99 in what form?

J. Egan:

Fifteen dollars and ninety-nine cents.

C. Mercier:

Yes. \$15.99.

J. Egan:

I make a motion to pay the voucher in the amount of \$15.99.

B. Jantzi:

Second.

C. Mercier:

Bruce seconds that. On the vote, all in favor?

All:

Aye.

C. Mercier:

Anyone opposed? That is all we have in front of us. The last thing is the minutes.

B. Jantzi:

Excuse me one second. Can we find out what these gentlemen are here for? Is there a mix up on some agenda or date or something?

C. Mercier:

Yes. That's what I just asked.

OOA Rep:

So we are from the old orchard air park. We had a gentleman, what's Greg's last name? Gorton. We had a gentleman by the name of Greg Gorton that supposedly presented some paperwork to put us on the agenda to talk about the ZBA resolution that created us and some modifications we wanted to do.

E. Ackerly (Clerk):

I remember speaking with you guys, we had exchanged a couple emails, but I didn't receive any formal requests to be on the agenda.

OOA Rep:

I just got a text from Greg, he said that I emailed Mike and then he said it'll be moved, the meeting is going to be moved to a different point of grasp. Okay, because he reported to us at our meeting that tonight we were to be here and be in front of you, so that's why we came.

C. Mercier:

Yeah, I don't have anything.

OOA Rep:

Alright, so what you're telling us is, so we can be clear when we go back and talk to our group, was that he never completed the documentation that he needed to do to be put on the agenda?

E. Ackerly (Clerk):

Correct, because I do that.

OOA Rep 2:

Now, since it's so early, could we at least explain what we're looking for?

C. Mercier:

We really can't, you're not on the agenda. The way we run the board is for you to get on next agenda, all your paperwork has to be in before this meeting.

OOA Rep:

We were created 25-30 years ago, we went through the ZBA and the planning board and the different boards, and the ZBA created a resolution that then got passed to the town board that they voted on and approved in creating us as the special use permit that we use for the land that we have the airport on. So, things have changed, the federal government has changed, and we're seeking a modification of that resolution, so we have to come back and do it officially.

J. Egan:

Didn't you guys go to an extension a couple of years ago?

OOA Rep:

We bought additional land, and we bought significant land south of us as a safety zone, and because of the change in the town law at that time, my understanding was that they had to do some modifications because the southern portion of the land was not conforming to the original use of the land under the current town law at that time.

J. Egan:

But I believe at that time they came to the zoning board, we gotta look that up, they came to the zoning board at that time for a use variance, I think, granted?

OOA Rep:

Yes, that was a use variance.

J. Egan:

That was a while back. So you expanded?

OOA Rep 3:

Ten years ago, yeah.

J. Egan:

So you guys are expanding again?

OOA Rep 3:

We're not expanding, what it is is under the application there is a resolution that at the time they asked what are recreational aircraft, right? So we gave the definition of what a recreational aircraft was 30 years ago by the FAA. And they changed it. And since now, actually in October this year, the FAA came out and changed what governs light sport aircraft, recreational aircraft that we are. So we're looking to just try to get the original resolution modified to match up with what the FAA has now so that we're compliant with the town's compliance and the FAA so that the three legs of the stool are all in balance.

J. Egan:

Well, when you're doing this, I would get the original one, the variance that you were given on expansion together on one because when you mentioned that, for some reason, I remember there was a size requirement for like twin engine or something like that. Don't tell me exactly, but something of that nature that the horsepower or something aircraft was actually modified it based on weight.

OOA Rep:

And there's a thing called a stall speed for an airplane. It's how slow an airplane flies before it stops flying. That's called a stall. It's not like in a car. And they modified all the horsepower requirements to now just state weight, maximum weight and stall speed, which is how slow the airplane can go.

J. Egan:

My point is between the original one and the secondary one for the expansion, some of these dynamics were mentioned. So when you put in the application and try to be as inclusive of what you need versus what you may already have.

OOA Rep:

We're going to try to be as encompassing as possible that we're as transparent as possible to say this was the original. This is what it is now. And this is what we like it to. This is what we would like the resolution to be modified to. So the town's in compliance. We're in compliance. The building inspector is in compliance. And we've been good neighbors for a long time. We want to stay good neighbors.

C. Mercier:

Okay. Yeah. Just get with Liz and get all the necessary paperwork and she'll get you on the agenda.

OOA Rep:

Thank you.

C. Mercier:

Okay.

OOA Rep:

I appreciate it.

C. Mercier:

Thanks, guys.

OOA Rep:

Have a good night. It's quite all right.

OOA Rep 3:

Good luck. We'll see you again. Can we get with you now to get that paperwork?

C. Mercier:

Yeah, you're going to have to come tomorrow.

E. Ackerly (Clerk):

Business hours.

OOA Rep 3:

Okay.

APPROVAL OF MINUTES: February 12th, 2026

C. Mercier:

Okay. On the minutes. Did everyone get a chance to look at the minutes?

J. Egan:

Yep.

C. Mercier:

Does anyone have any changes? They want to add corrections to the minutes of February 12th?

J. Egan:

Nothing for me.

C. Mercier:

Nothing. I'm good.

R. Egan:

I'm good.

J. Egan:

I make a motion we accept the minutes. February 12th.

H. Dembroski:

Second.

C. Mercier:

Joe makes a motion. Helene seconds. On the vote?

All:

Aye.

C. Mercier:

Anyone opposed? No one opposed. Okay.

DISCUSSION:

C. Mercier:

Before I adjourn the meeting, does anyone have anything they want to talk about for discussion?

J. Loertscher:

Well, I have something. Just in terms of Kevin Roberts' case going in front of the court, I noticed that there's no date that says so ordered on this day of June 25. What is the day? Do we know?

C. Mercier:

Uh, where is that?

H. Dembroski:

You mean the order of remedy? February 20, 2024. In the first paragraph.

J. Egan:

No, but she's saying on the final stamp at the end.

H. Dembroski:

Oh, at the final stamp. Oh, so maybe this isn't a final copy. It's not legit.

C. Mercier:

We could get clarity on that.

R. Egan:

I don't think I've seen it.

C. Mercier:

Yeah, I didn't see that either. Let's see.

H. Dembroski:

You're right.

B. Jantzi:

That's signed by the fire inspector. Kevin signed it, but the judge didn't sign this.

C. Mercier:

The settlement agreement that you guys were in with Annemaria.

W. Johosky:

Signed by the judge.

H. Dembroski:

His copy is signed.

W. Johosky:

It's the same copy.

C. Mercier:

We don't need copies. Just make one for the folder.

W. Johosky:

When we deviated it, it was waiting for a signature. I just don't want to give the notes.

E. Ackerly (Clerk):

I'll make a copy.

C. Mercier:

I'll give her a copy.

W. Johosky:

I have notes on that are like done, done, not done. Just internal notes.

C. Mercier:

She's only going to make one copy for her back there.

J. Loertscher:

Well, so that would lead to my next question. So this is July 14th. She put in her application. And it's a 30-day thing.

J. Egan:

Our assignment in June, yeah. June 13th. 30 days.

So she missed the 30-day window.

B. Jantzi:

So do you think about that?

H. Dembroski:

So what's your question, Judy? Just to be clear, so I didn't think we'd hear it over here. What was it that you pointed out?

J. Loertscher:

I was wondering if they missed the 30 days. Because this says, well, you told me.

W. Johosky:

Yeah. They had 30 days to come to submit a Zoning Board of Appeals application.

J. Loertscher:

And then on her application, it's dated the 12th of July.

J. Egan:
June 13th.

C. Mercier:
So they missed it by one day?

J. Loertscher:
Does it seem like that?

H. Dembroski:
Oh, that's kind of important.

W. Johosky:
I mean, in the real world, would I vote a 24-hour difference on it? I'd be like, no, holidays were in there and everything else. So one day is one day.

B. Jantzi:
It's going from a Friday to a Monday.

H. Dembroski:
So it's a weekend.

B. Jantzi:
So the 30 days would have been Sunday.

H. Dembroski:
Which isn't a legal count day.

R. Egan:
Right. That's what I'm saying. Would I argue 24 hours? Well, at least the board has a chance to talk about it, right?

H. Dembroski:
It's good that you brought it to the attention.

J. Egan:
Well, it could be a question that comes up later on. So it's good to cover it, saying 31 days because it's a weekend.

W. Johosky:
And then, like I said, you can see how the judge put it in the stipulations as to what happens. Our biggest, for the building department and the zoning part of it, is, if I'm not mistaken, it's going to be 5, 6, and 7 on the stipulation, is where we're at now. Because 1, 2, 3... 1, 3, and 4 are already complied with.

B. Jantzi:
Well, on 5 is the 30-day question.

W. Johosky:
Right.

H. Dembroski:
I have a question then. So do we have an idea, now that you bring it to the attention, when did it get into, like, you made copies for us, Liz, but when did it come to us as to why wouldn't we have a signed copy? Because this is over a year ago.

J. Egan:
Well, we got that in October.

C. Mercier:

This was before Liz was on board with us. So this would have been with Janice.

H. Dembroski:

So these copies would have been made before, I mean, it's been since October of 2025.

J. Egan:

I agree.

E. Ackerly (Clerk):

I got a new set of applications sent to me. New meaning a month, month-and-a-half ago.

W. Johosky:

I can answer that question. Because the last time they were here, it was in Paula's name, where the settlement was in Robert's name. Now they submitted, supposedly, because we forced them back into court to be held to the stipulation, they said they submitted paperwork with both names on it. They sent it to the court, and they sent it to the zoning board. Neither of them showed up until, magically, they appeared one day. Oh, look, we have these. Now they have dual names, which, if you really want to get technical, the one they submitted wasn't even dated. So we can go, that's an incomplete application.

H. Dembroski:

But these are the things that are going to get you, you're right, if you don't point them out, and then somebody can appeal it and go, well, this is invalid from the whole start because the dates don't match.

W. Johosky:

And this has not been an old case. I mean, for us, the building department, I believe this has been going on since, why do I want to say 2022?

H. Dembroski:

Okay, that makes sense then. But then why don't we, I still have a signed copy.

W. Johosky:

Early '24.

J. Egan:

Are we able to give her a list of the paperwork defects that exist and make sure the remedy before she comes in?

H. Dembroski:

I mean, if Bill's submitting the signed thing, and if that's the discrepancy, then it's been solved. But how did we get copies of a, I mean, are our packets old from 2020? You know what I'm saying? That's what I don't get. That could be a valid argument if somebody were to bring up.

W. Johosky:

Because I also have a signed stipulation that you guys had, which is the original without the judge's signature.

H. Dembroski:

Right, that's the copy that must have been made.

W. Johosky:

Right, because we entered into that. And once court is over, that's when the clock starts, whether the judge signed it or not. It was a signed stipulation between attorneys. That gets finally sent to the judge. The judge finally puts the habeas corpus and sends it back to everybody.

H. Dembroski:

Okay, all right. So as long as we're covered with that paperwork, we're fine with it.

W. Johosky:

Right, it's not like there's any change to it.

H. Dembroski:

Right, right, right.

W. Johosky:

We entered into an agreement after court, and we're waiting for the, you know how it is, the parties bouncing back and forth between lawyers, and then finally it goes to the judge for their statement.

J. Egan:

Where to? Is it residence, occupied now?

W. Johosky:

Unknown. We're not there. Unknown.

B. Jantzi:

It's illegal to make a determination.

W. Johosky:

And I know why they're back here, because we set for a court date to hold them in violation of the stipulation, which would trigger 7, 8, and 9. Because under our thing, they withdrew from you guys by not answering you.

J. Egan:

My question again is, it was hazy about ownership. We knew the county said the ownership is not Kevin, which of course was...

B. Jantzi:

It's hers and he's paying for it.

C. Mercier:

Right, it's hers. It was transferred into her name. It's her property. Kevin was listed on the settlement agreement. So he basically told me he's paying for it, but it's hers.

J. Egan:

Okay. I just want the paperwork to be correct. No matter how we decide, everybody here knows, the paperwork is not correct. It leaves room for error.

W. Johosky:

Absolutely, absolutely. But that's why it comes down to is, why is now a non-owner on an application to the zoning board?

H. Dembroski:

Well, that's happened before, unless there's like a lease agreement or something that says that she has the right to bring it.

W. Johosky:

No, no, no, I'm saying Kevin. Why is Kevin now, it's the same application, just went from Paula to Paula and Kevin, and Kevin doesn't own the property.

J. Egan:

Doesn't it designate someone to speak for them?

C. Mercier:

Well, she does. We have a letter of agent, her, no, didn't show up, so that's why, because I asked her in the beginning, that Alex guy, so he didn't show up, she showed up.

H. Dembroski:

But then could Kevin speak on it too then, because his name's on the application.

W. Johosky:

Yeah, that's true.

B. Jantzi:

His name does not fulfill a financial obligation.

H. Dembroski:

But it doesn't stipulate that specifically in that document.

J. Egan:

It comes down to having the correct paperwork and having it right. Right. So if that's something they need, that's what they should know to have, so we don't go have three or four of these meetings over this paperwork. Spinning our wheels.

C. Mercier:

Well, like I said, I read the stipulations to them. I mean, they got 5% of 95% that they have to get to us, so it's, you know, so, you know, she knows going.

W. Johosky:

But the question that I bring up, since you brought up financials to them, is are we looking at just Paula, or are we looking at Paula and Kevin? Because that now opens the door, since you asked for financials, and it goes with the property. Is it just Paula, or is it now Paula and Kevin?

C. Mercier:

So it would be whoever has the income from those three units. So because the variance would run with the property. So those would be the financials. And I know when it comes to the financials, even though the zoning board is going to get them, there's only certain information that we could, you know, give out. We're probably going to have to redact some stuff.

J. Egan:

Is there a cost for operation for the property?

C. Mercier:

We need the dollars in and the dollars out. It's not, like I read, there was one unit. But I read the procedures. I don't want to elaborate too much more on this. Just some stuff the attorney told me. So until we actually get going on the application. She's got a lot of work to do. And we can just go from there.

H. Dembroski:

Okay, I make a motion to close the meeting.

J. Egan:

I'll second that.

C. Mercier:

On the vote.

All:

Aye.