

TOWN OF PLATTEKILL
ZONING BOARD OF APPEALS
P.O. Box 45, Modena NY 12548

Minutes of Thursday, June 11, 2026

SALUTE TO THE FLAG (7:00PM)

ROLL CALL: Joseph Egan
Robert Egan
Bruce Jantzi
Judith Loertscher
Christopher Mercier
Helene Dembroski

Absent: Larry Lindenauer

Old Business:

Paula Roberts of 67 Church Street (SBL# 107.2-9-15.1)

Proposed: Use Variance for pre-existing second floor 1 BR Apartment

APPROVAL OF MINUTES: May 28, 2026

ADJOURNMENT: No time stated in recording for adjournment.

C. MERCIER:

Can everyone silence their cell phones, please rise. I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all. I'll make a motion we move the minutes to the end of the meeting.

Seconded by H. Dembroski

On the Vote: All Ayes

C. MERCIER:

All right, we're going to continue with Robert's use variance. You got the additional questions?

Paula Roberts:

Yeah. I would have thought they would have been answered, personally.

C. MERCIER:

Like I said, the last meeting, I reached out to our attorney and asked him if he had any additional questions to put them down on paper, and I would phone to you. I got them on Monday, and that's what I did. And I don't know if he had a chance to review it or not. We're going to move forward. I think some of those questions were answered. But today, our attorney could not be here also, but we're going to move forward and probably schedule a public hearing after I go through a couple things. And that way we could get that started, and if there's anything that comes up, we still could just leave the public hearing open. Since the last meeting, we said we would check to see if this application has to go to county. You're not within 500 feet of an ag district or a state road, so it doesn't have to go up to Ulster County. So we don't need any of their comments on this. I do know, Liz did send you the SEQRA form. Did we get that back from the attorney?

P. ROBERTS:

I have a copy of it.

C. MERCIER:

So if you could provide Liz with that copy of the filled seeker form. At this stage, I would like to schedule a public hearing unless anyone else has any questions. Like I said, our attorney will be at the next meeting. He couldn't be at this meeting. But I would like to schedule and move this application along.

J. EGAN:

I'll second that.

H. DEMBROSKI:

Did we get clarification on which apartment; it was one of those questions?

C. MERCIER:

That was one of the questions that went to... We asked, again, Ms. Roberts, attorney. They're going by what the sign settlement agreement says. Sign settlement agreement says it's the upstairs apartment.

R. EGAN:

Does that mean the first floor one is not going to be used?

C. MERCIER:

According to the settlement agreement that the town signed, the court-ordered settlement agreement says the second floor. So we only could go by the record that's in front of us. I did reach out, Everyone saw the memo on June 1st. We have not heard anything back from the town attorney or the building department. And we still couldn't answer any of those questions while public hearings, no, taking place. But at the end of the day, it's going to be... Two accessory apartments are not allowed. So whether it's the upstairs or downstairs, they're going for three. So the use variance is going to be for three. And as I mentioned in my memo, that was litigated outside the ZBA's realm. And we should not be getting involved in any of those decisions. We should only go by what the court signed and sent to us.

J. EGAN:

Three, is that including the main dwelling?

C. MERCIER:

No, so they're allowed the house and one accessory. So they're coming from us, from the courts, for the third one. That's why they need the use variance, because the code says you only could have one accessory structure.

B. JANTZI

So it's two accessory apartments in the main building then, not... I think you said three accessories.

C. MERCIER:

So you've got the main house, and then you have the garage, which has two accessories. And you're only allowed to have one accessory. So that's why they're in front of us for the use variance.

H. DEMBROSKI:

So then the use variance is going towards from RS1 to multifamily?

C. MERCIER:

No, multifamily is different. Multifamily, the house and the garage would have to be connected. That's a multifamily. So, in this case, the code states that you're only allowed to have one accessory structure, which they have. Which is what Bill wrote in his Notice of Determination, that it was pre-existing. Meaning that they already had approval for the one. They didn't have approval for the second one. And through their settlement agreement with the town, they were sent here from the courts with the signed settlement agreement stating that it was the upstairs unit that needed the variance.

H. DEMBROSKI:

But one of those units did have a prior approval on it, didn't it?

C. MERCIER:

Correct. And in the package that, in the original application that was sent to us, the town also made them do a complete engineering report on both units. And that's in there.

J. EGAN:

But if they had the one unit, which is allowed, how'd they end up in court?

C. MERCIER:

Because you are only allowed one unit. They had two. Two Units

J. EGAN:

And that is what the court issue was?

C. MERCIER:

Correct. So, they sent them for a use variance.

J. EGAN:

An area variance, too, right?

C. MERCIER:

They're going to need an area variance, too, but the hardest test is the use variance. So, that's why we're doing the use variance first.

H. DEMBROSKI:

But that's what's going to state in the public notice, is that for both use and area.

C. MERCIER:

Yes. Hoyt's going to help us draft up. We're not going to come up with the language for the notice today. (8:09) Hoyt's going to draft that up with Elizabeth and we'll get that.

J. LOERTSCHER:

So, the accessory structure basically turns into a multifamily then?

C. MERCIER:

No, multifamily is three. So, the accessory structure, what they're applying for is a use variance so they could have the additional unit on that. And the whole big thing was in Bill's original notice of determination, he said that it was the downstairs. But when they signed the court settlement agreement, they said upstairs. So, that's where I think some of this upstairs, downstairs is confused. So, right now, you know, that's what we have in front of us from the courts, is it states upstairs. Unless anyone feels different.

H. DEMBROSKI:

Just wanted clarification so we know what we're putting on the paperwork.

C. MERCIER:

So, I would like to get a motion to send this to, if we did go out to, it would be, if we go out to public. The 9th is a Thursday then the 4th of July would be a Sunday. That would give it plenty of time for it to be posted and for you to get the mail. At least 11 days before.

P. ROBERTS:

So, a public hearing anyone can come?

C. MERCIER:

Yes, anyone can come. Anyone from within, you know, the town, you know, could speak. Anybody for or against, whatever interest they have. Everybody's allowed to speak. You'll get a list of property owners, dwellers within 500 feet of you.

P. ROBERTS:

Are they going to be told that the dwelling is already there, that we're not building a new one?

C. MERCIER:

So they're going to be notified that you're applying for a use variance. And, you know, so that's the public notice that's going to be going out. That goes out with all use variance, area variances. It gives the public a chance to respond. Some people show up, some people don't. So it's just a procedural thing that, no, it's not just unique to you. It goes out for everyone. And like Bruce started saying, you'll get Liz. She'll give you the addresses within 500 feet. You got to send them out all certified receipt return.

P. ROBERTS:

I have to do that?

C. MERCIER:

Yes, and then there's a publication that goes out into the newspaper. It's got to be 11 days prior to the next meeting.

(11:40) So that's usually when we set the public hearing. It's usually a month out. So from there, anyone could ask any questions.

P. ROBERTS:

What newspaper is it going in?

L. ACKERLY:

Southern Ulster Times and I put it in the newspaper for you. I will give you a list of all your neighbors as well as the materials you'll be sending to them.

P. ROBERTS:

And I just send it to them?

L. ACKERLY:

Yes, Certified. Certified with a return receipt.

J. EGAN:

You have to bring back the receipts. Everything that's returned and what you sent out, and we keep it as a record.

C. MERCIER:

At this time, could I get a motion to send this to public input for July 9th?

B. JANTZI:

I'll make a motion to set the public hearing for this matter for July 9th, 2026. Roberts Use.
And area variance.

Seconded by B. Egan

On the Vote: All Ayes

C. MERCIER:

We set your public hearing for July 9th. You can probably give Elizabeth a call tomorrow and she could get a package ready for you. So you won't be on the agenda for next meeting. It will be July 9th.

VOUCHERS:

J. EGAN:

We have two vouchers here. We'll take the first one. It's for Mr. Hoyt for services rendered from 8-27-2025 to 5-29-2026. that pertaining to the matter was just before us so there's the sum of one thousand nine hundred and ninety eight dollars and seventy five cents; any questions?

C. MERCIER:

So on Mr. Hoyt's voucher there are some legal fees from last year which would carry over into this year and would come out of this year's budget as of I don't have an exact figure our budgets eleven thousand and I think there's like ten thousand left in our budget Hoyt gave me an update that this was coming most of its on the Roberts case so some from Liberty View and I'm assuming it there in the future there's probably going to be some stuff from Liberty View how much I don't know but I know that's still ongoing with the town.

J. EGAN:

We also have to be cognizant that when we have them in next week we're going to get another bill later on the services for the next meeting, busy year.

B. JANTZI:

I'll make a motion to pay the voucher from Mr. Hoyt for the dates 8/27/25 to 5/29/26 in the amount of one thousand nine hundred ninety eight dollars and seventy five cents for legal services rendered.

Seconded by R. EGAN

On the Vote: All Ayes

J. EGAN:

Second voucher here for a hotel stay for the NY Planning Federation training, annual training 2026. Training dates are 4/19/26-4/20/2026 for \$220.00 Helene.

C. MERCIER:

Just a little side note on that, we did approve Joe's right now the town board is currently deciding on what they're going to do, again I feel you know that's all part of the training.

B. JANTZI:

Hadn't they said they would allow it if it was approved and I thought it was approved?

C. MERCIER:

There's a little misunderstanding of the budget.

B. JANTZI:

I will make a motion to pay the voucher submitted by Helene Dembroski for two nights for the NY Training Federation, 2 nights for \$220.00.

Seconded by J. LOERTSCHER

On the Vote: All Ayes

MINUTES:

B. JANTZI:

I do have a few things, Borderline typo's but I think if anything had to be reviewed down the road, it may make a little bit more sense on a couple of the items.

J. EGAN:

Do we want to table to the next meeting and then we can go through all of these things?

B. JANTZI:

I have them listed.

C. MERCIER:

I would say let's just my opinion we see what the board says you know we could review this if there's any other questions you can send it to Elizabeth and we could have a correct it before next meeting.

B. JANTZI:

you want to put these in now and then see if there's more after or just table the whole thing. Do you want me to go over the corrections now? So if anyone wants to follow along, page 12. At the very bottom; C. Mercier, but its not other unit on the second floor per bill, that would be capitalized or even put in last name for clarification purposes. Page 14, third conversation down, myself. I want to let it soak in, not sulk in. Page 16, Helene, so you are saying that what they've submitted is complete, my guess as opposed to competent.

H. DEMBROSKI:

Correct. Can I make a suggestion? These were done quickly but not emailed correct.

B. JANTZI:

They were emailed a couple days later.

H. DEMBROSKI:

But to save print for everybody, again we made this a couple years ago about using excessive printing, just email the changes and we can look it. Does everyone need to have a copy printed?

J. LOERTSCHER:

I prefer printed.

C. MERCIER:

I like them printed.

H. DEMBROSKI:

Can I make a suggestion to do more do we have to have word-for-word or do we have to have summary what are the rules on you don't have to have the word-for-word right just to save since we have right because now we have the video recording which back in the day I agree they needed to have a full record.

J. EGAN:

Just a record of the votes of what you are supposed to have right.

L. ACKERLY:

I kind of take out the conversational parts but there was a lot of stuff here that was pretty serious back and forth with the Roberts attorney.

H. DEMBROSKI:

Was this transcribed or you used your recorder right? I am just trying to understand the process of it.

C. MERCIER:

I don't know if the board is aware, Elizabeth is moving on. This is her last meeting with us. Thank you for your time with us.

H. DEMBROSKI:

So we are not discussing these minutes? Are we voting on them? Are we tabling them until we have a secretary?

B. JANTZI:

The vote will always be per the changes.

H. DEMBROSKI:

Do we feel comfortable to vote on them so it doesn't leave us one more thing to do?

J. EGAN:

I'm okay, I have to abstain anyway, I wasn't here.

B. JANTZI:

I'll make a motion to approve the Minutes from May 28, 2026 with previous reviewed amendments.

Seconded by J. LOERTSCHER

On the Vote: All Ayes

J. Egan Abstains

H. DEMBROSKI:

I make a motion to adjourn.

Seconded by J. EGAN

On the Vote: All ayes