



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

Minutes of July 9, 2026

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

ROLL CALL: Joseph Egan, Bruce Jantzi, Judy Loertscher, Chris Mercier; Robert Egan

ABSENT: Helen Dembrowski; Larry Lindenauer

PUBLIC HEARING:

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

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

OLD BUSINESS:

Hudson Valley Flyers (Old Orchard Airpark) of 156 Freetown Rd. SBL# 101.2-3-6.11

Proposed: Site-Plan Restrictions Amendment

DISCUSSION:

VOUCHERS:

APPROVAL OF MINUTES:

ADJOURNMENT:

J. Egan

Evening, everyone. Now, first up on our list is going to be the Hudson Valley Flyers. You can sit right there, you don't have to drag up here.

Mr. Schindler

We weren't supposed to be on the list.

J. Egan

Well, you were when we set the last meeting we had, we set this date.

Mr. Schindler

We sent Burkhardt, my son, very busy, so he stayed at work. I stopped in and a woman told me, you're not on the meeting. If we are on the meeting, great.

We submitted the paperwork you wanted. What's the next step?

J. Egan

Now, as we go forward here, what you're looking for is a change in the conditions that you had reached in 1999 when you set up your place over there. You were given conditions from the zoning board and the planning board in order to operate over there.

Mr. Schindler

Correct.

J. Egan

So, in order to make this change, in order to come back and do a reconsideration, we have to have our board vote on whether or not they want to see this consideration, and it would have to be a unanimous vote of us present to reconsider the conditions.

R. Hoyt

Well stated, Mr. Chair. Both local law and state law say if a board is going to rehear a matter already decided, it can do that, but it has to be a unanimous vote. It can't be any one of you decide not to rehear it, in which case the applicant has to just live with that.

J. Egan

So, we can make a motion to see if we want to rehear it, and it has to be a unanimous decision to go forward. Otherwise, you have to have what you have.

It's not an area of variance and other stuff. This is just reconsidering your conditions.

R. Hoyt

1999 was an appeal. It was not a variance. It was an appeal to the entire building inspector's determination. But your code says any decision you ever make, as long as they don't come back

within one year, your code says, no, you've got to stay away for a year. But this has been 27 years.

J. Egan

It's been a while.

R. Hoyt

You're not agreeing to the relief they want. You're just agreeing to rehear it, and Mr. Egan and I discussed today, we probably, in fairness, should give them a public hearing, like you do for any applicant.

J. Egan

So, we're going to allow you to, if the board wishes a unanimous effort, we can take a vote on that, unless someone has any questions pertaining to that.

R. Hoyt

A motion.

J. Egan

We're going to make a motion, but I'm asking if someone has questions.

R. Hoyt

To rehear the airport matter, and in that motion, you can pick a day in August, because we would have to notice it, the neighbors, the county, to publish in the paper.

J. Egan

So, I'll make a motion that we do rehear the conditions for the Hudson Valley Flyers. Does anybody agree?

Judy?

J Loertscher

Aye.

J. Egan

Bruce?

B. Jantzi

Aye.

J. Egan

So, it's a unanimous decision to have a hearing for you.

J. Estis

I think it would be August 13th.

J. Egan

I'm going to push it out a little further, because they have to get stuff done without a secretary, it's going to maybe be a little more problematic.

Mr. Schindler

Do you have a piece of paper you can write us down?

J Egan

I don't have a piece of paper on me right now, but I will make a call to the man in contact. Burkhart, and let him know.

Mr. Schindler

Right.

J. Egan

All right.

J. Estis

So, it'll be basically six weeks out.

J. Egan

Yes, because we have to hopefully get a secretary by then, and we'll get the proper paperwork for you to do the mailers that you need to do. So, someone's going to have to come into town for that.

J. Estis

So, it'll be August 27th.

J. Egan

August 27th.

J. Estis

Yep.

J. Egan

Okay, so we're going to put off to see you guys on August 27th.

Mr. Schindler

Okay, we'll see you on the 27th.

J. Estis

Thank you.

C. Mercier

Burkey will be contacted before that to set up for picking up all the paperwork that needs to be and stuff like that.

Mr. Schindler

Now, do we need new maps at this time?

J. Egan

Well, the maps, I don't think, the maps are sufficient for what we're doing, because you're trying to change your conditions of operation for use of the land.

Mr. Schindler

Yes, but the point is we don't have anything printed on the map from 16. You might want new smaller maps with that agreement we have printed on it.

J. Egan

It won't hurt if you want to bring one in. We'll be more than happy to take it in, okay? Well, I'll let Burkhardt discuss that with you guys.

Mr. Schindler

By the way, is that your lawyer?

J. Egan

Yes, it is.

Mr. Schindler

Aha, good to meet him. We've been hearing about him.

J. Egan

But you can't hire him though. You can't hire him right now.

Mr. Schindler

Why not?

J Egan

Because you're before us.

Mr. Schindler

Let's hope we don't need a lawyer.

Okay, sir. Thank you.

J. Egan

Thank you, sir. The next one is Roberts.

C. Mercier

The public hearing was scheduled for tonight.

I'm going to be recusing myself.

J. Loertscher

I'm going to recuse myself.

J. Egan

Judy's going to recuse herself. And is there anybody else that has issues or wish to be recused?

C. Mercier

Yeah, I will be recusing myself from the Roberts hearing due to a potential conflict and interference.

J. Egan

Okay, so we fail to have a quorum at this time, which leads us into another area. We're going to maintain this public hearing open. Without a quorum, decisions cannot be made or dealt with. I'd like to schedule another meeting where we can figure out where we're going to do it on the board here.

K. Langston

I'm confused.

J. Egan

We don't have a quorum here to make a decision. There's not four out of the seven members. So, we can't make a decision on anything for the most part. So, we're going to set another date, also you, for August 27th. So that we can get, since people recuse themselves, we're going to have to get alternates to hear the case.

K. Langston

So, we're not having a hearing tonight.

J. Egan

No, we're not.

R. Hoyt

If I may. The public got a notice, it was published in the paper.

I advised Mr. Egan, anyone who came out tonight should be heard. The board can hold a hearing without a quorum. It just can't make a decision without four votes.

Rather than waste everyone's time, I'm assuming some people are here on the Roberts matter.

And it wouldn't be fair to tell you folks, no, come back. You're here. It was noticed. And, by the way, the law allows less than a quorum to hold a hearing. So, that's good.

J. Egan

We just can't vote on anything.

R. Hoyt

Just can't vote on anything. So, that's why the chair already knew this had to get adjourned. But the hearing's open. Whatever you say tonight will be part of the record. And it will be continued August 27th at 7 p.m. You will not get another notice. This is your notice. If you bothered to come out tonight, you're here now. Speak whatever you want to say tonight. But if you're interested in coming back August 27th, then, again, you will not get a notice like you did for tonight.

J. Egan

So, we continue to process right now.

P. Roberts

Okay.

J. Egan

Just that we cannot vote until we have a quorum of people to make a decision. (10:17) Just one thing.

B. Egan

I will not be here on the 27th. So, I don't know if that's going to push it out further. I've got to tell you that up front.

J. Egan

So, there's enough time for us to try to get alternates in. And if it should change, we will notify you. But we'll try to keep the 27th date to keep the process moving along.

P. Roberts
That would be nice.

J. Egan
So, we're going to do everything we can to move this forward as it stands right now. But we will take the information in from everybody. As Mr. Hoyt said, you're here. Let's hear what you have to say. And you can still come back on the 27th in case you forgot something to say.
Would anybody like to make a statement pertaining to the Roberts property? Please state your name. And I have a copy of the letter that he gave me. We'll put it into the record.

F. Malondy
I've been on the next floor for the last 41 years.

J. Egan
Can you state your name for the record, please?

F. Malondy
Frank Malondy.
Next door, subdivided the property. They built another house behind their house.
I wasn't too happy about that. But now what the board here told me when they built that other house, that that's a single-family residence, and so is the one that they're in. How they got the second residence in there, I don't know. Because I didn't receive one of these for the second residence. Yeah, so the board said that there were two single-family residences. Not that there was just two residences. I never got anything about that. And now they're trying to make it three. So that doesn't work for me. They already brought my property down once. I don't want it again with a commercial building next door. It's a residential area. They're supposed to be residential for one person, not two.

J. Egan
If you think of anything else on the 27th, you can come in

F. Malondy
Are you going to reschedule this meeting I just heard you say something about rescheduling?

J. Egan
No, we're having what can be put in now, but we're continuing on into the 27th, where we have not closed a public meeting yet. So, once we close the public input, then there's no more public input. So, it's still open.

R. Hoyt
That's the 27th of August.

J. Egan

August, yes.

27th of August. In case I didn't make that clear, 2026. August 27th 7 o'clock.

J. Egan

Anybody else have something?

D. Langston

How are you doing? My name is David Langston.

I am the people that bought the property behind legally, lawfully, subdivided to an acre, which is legal for residents. It was subdivided legally. We are the back properties.

These are our neighbors. Both are our neighbors. Friends of both of them.

It's a tough position. I understand that they're all providing paperwork that needs to be provided to make a decision on this stuff. It's a shame you don't have enough members here tonight.

But I've enjoyed Plattekill. It's always been fair where we're at. The town board and the building inspectors have always been very good to us. As I say, we did buy the property in '92. It was subdivided legally. We have 2 1/2 acres, which is legal, and we have a residence that's legal.

I have no problem with it myself, but that's our opinion.

J. Egan

Okay. Thank you.

Sir, your last name?

D. Langston

Langston. L-A-N-G-S-T-O-N.

K. Langston

She's had tenants there since we've been there.

J. Egan

Okay. Anybody else with anything? Nobody else has anything?

Third time around, no input? Okay. At this time...Let's adjourn later. If nobody else has anything at this time, I think we'll move the date.

P. Roberts

Can I just clarify something?

J. Egan

Yes.

P. Roberts

The building has been there for over 30 years.

J. Egan

We addressed the board, please. We don't have the conversations out there.

P. Roberts

So that's what is in question. It's not a garage that's in question. It's the upstairs that has been there for 30 years. It was rented out when we bought it. Nothing is changing. It's not obscuring someone's view. It's been there and been rented out for 30 years.

R. Hoyt

Can I ask a question? Are you Ms. Robert?

P. Roberts

Yes.

R. Hoyt

Is it the upstairs apartment or the downstairs?

P. Roberts

It's upstairs.

R. Hoyt

So the variance you're seeking is for upstairs.

The downstairs was...When was that occupied?

P. Roberts

It's occupied right now.

R. Hoyt

But when was it occupied first? Was it occupied when you bought it?

P. Roberts

No.

R. Hoyt

So in answer to this gentleman's question, do you recall any permitting process with the town when the downstairs apartment women have a good month?

J. Egan

Are you aware of any permitting that happened to the downstairs apartment on her property?

F. Malondy

The garage dwelling or the house?

J. Egan

This is all pertaining to the garage house, the auxiliary house dwelling, accessory structure.

F. Malondy

There was a six-car garage downstairs with a workshop and cars. I helped build it, so I know.

P. Roberts

That's not what's in question.

J. Egan

That's not what's before us. Before us is the accessory structure. The other building that's there, which could be a garage or whatever, has a unit in there.

F. Malondy

I'm having a hard time hearing.

J. Egan

This is not pertaining to the house that she's in. This is pertaining to an auxiliary building.

F. Malondy

Right.

J. Egan

This is what this is about. So the question was, which apartment existed beforehand? She's saying it was the upper apartment.

J. Estis

I think he stated the downstairs was a six-car garage.

J. Egan

So the question was, did you see a permit or anything to build the downstairs apartment in that? We're not here for the downstairs apartment. I just asked him if he was aware of it for the statement he made.

F. Malondy

It's for the garage as far as I know.

J. Egan

All right. So this variance...

P. Roberts

The variance is for upstairs.

R. Hoyt

But I need to clarify.

J. Egan

Yes, we do, because we have a conflict.

R. Hoyt

It's complex. Because how many units end up on a 2.6 acre parcel is also an issue for the board.

It's two acres zoning per unit with well and septic.

And so that's why I asked the question about the prior unit, because it is relevant to the potential third unit. That's why I asked the question.

F. Malondy

Also, the people before them wanted to move their mother-in-law in, and they just told, no way.

It's a single-family residence, is what you told them.

J. Egan

The thing is, there's a pre-existing apartment there when they purchased the property. So the question is going to be the second unit that will go into that, which will make it a two-family, or that's the question before the board.

There is a little conflict on which apartment we're talking about, because the zoning board enforcement officer made a determination on one apartment, and your agreement with the court was on another apartment. So it's which one we'll be talking about. But either way, you end up with two in that unit, and that's what needs to be decided, can you have two in that unit or not. And the conditions that pertain to that as presented to the board. Is that clear? Is that about what we're talking about? Because you already have one unit, which is allowed by code.

P. Roberts

I have two units there.

J. Egan

Yeah.

P. Roberts
One is empty.

J. Egan
But your variance is for use, to get the second one in, an area, to allow for the second unit, because you have to have so many feet, so much land per unit. Okay, so that's why you have the use, and you have the area variance.

P. Roberts
That's what we're trying to get.

J. Egan
Yes, and that's the question, okay? So that's what we're dealing with. And we've taken all the information in, your information, neighbors, what the code says and what the law is, and we'll make the determination from there.
Now, you have a court decision involved in this, too, so all that has to be put together and follow whatever the code says.

R. Hoyt
Mr. Chair, one more item. We asked the applicant to submit a short environmental assessment. I think they did, but due to lack of a clerk, I never got it. Could someone, I don't need it tomorrow or even next week.

J. Egan
I'll get it to you.

R. Hoyt
Appreciate it. Thank you.

P. Roberts
Yeah, we submitted that.

J. Egan
It's always the paperwork has to be correct. Everybody wants to be fair. So go through the process and make sure that everybody has their say and that we follow the law.
Anybody else want to say anything? Nothing, silence.
Again, we'll meet on August 27th at 7 p.m. right here for the next step, and hopefully we have a full board or at least four to make a decision.

P. Roberts
Okay.

J. Egan
It's staying open. The public hearing is open and staying open, so no other notice will be given. This is your notice, as Mr. Hoyt told you, and we'll register your cards that you sent out and received.

F. Malondy
Just curious, how long ago was it made a two-family that I wasn't notified about?
J. Egan
I couldn't tell you that.

F. Malondy
Because it's supposed to be a single family. They put two residents, and now I have two families over there already. And now you're looking for three or four.
It's devaluing on my property. It's going right down the tubes. How do I get it back to a one family?

J. Egan
We will follow the code, and if you wish to look at it, you can see the code. I can give you a copy of it now, if you wish. And that's what we can do. That's what we're here to follow, whatever the code is. Let everybody have their say. Everybody will have their say, for and against, and we'll proceed from there.
Anything else? 27th, if you have more you want to say, and you read the code, or see something we did not see, you're more than welcome to come in and air that. When we have our meeting on the 27th, if you find something in the code, or something you forgot to say, you're more than welcome to come in that day and clarify your statements, or add to it.
We do have your written one will be put in the file, so it will be part of the official record.

F. Malondy
I'd like to see the file that had it changed over to family also. I'd like to see how that came about.

P. Roberts
We bought the house like that.

F. Malondy
You bought the house as a single residence?

P. Roberts
No, we didn't.

J. Egan

Okay, let's not, we don't argue among each other here, please. We get to have your say, and you get to hear it.

P. Roberts

Can I get a copy of that?

J. Egan

Yes, we'll make a copy for you, okay?

P. Roberts

Tonight, or tomorrow afternoon?

J. Egan

If the office is open, young lady's here, I'll ask her to make a copy for you. All right, are we good?

R. Hoyt

You can submit anything in writing any time between now and the 27th, as well as coming. In other words, you don't have to, if you have something you want to share with the board, you can send a letter in. Anything you send, though, should be sent to the applicant.

In other words, any letters that come in, you folks should see. Ma'am, were you represented?

P. Roberts

Yes, but when we spoke to the lawyer this morning, he was not informed that this was happening today.

J. Egan

That was set up at the last meeting, this public hearing, so we should have been aware of that at that time, because he was present when it was set.

P. Roberts

I don't know, he said that he wasn't made aware of it.

J. Egan

You're sitting at the meeting, so...

P. Roberts

I have no idea, I'm just relaying...

J. Egan

Okay, all right, it's not here nor there, just so you let them know of the 27th of August. As Mr. Hoyt said, anybody who wishes to send something in or whatever, we will receive all correspondence and take it into consideration.

P. Roberts

Thank you.

J. Egan

All right. Any other questions or inquiries in the process or anything like that? Okay, then I think today we'll be adjourned for this meeting at this part at the moment.

August 27th. And just for clarity, was everybody able to hear me or do I need to speak louder? So that'll be that for this case today, okay? And I'll get you a copy of this.

We have no minutes. We'll make sure there's no minutes to be typed up. It's been recorded but not typed up.

Just for the record, we know that Larry has not attended. He actually called me so he's got an excused absence on why he could not make it. And Helene is occupied in Albany or Kingston with her business. So on the record, people that are here is Judy, Bruce, Chris, and Bob and myself Joe. Now as pertaining to the minutes from the last meeting, without the secretary, we did have a video recording of it that anybody can see coming to town and get to see it, if you wish. When we do get a secretary, it will be typed up and approved by the board. It's the same as this meeting today. We have a video recording of it, and upon time we get a secretary, we'll have it all typed up and presented.

Any other questions or anything for the board here? We don't have any vouchers or anything, so we have nothing to do as far as that's concerned.

C. Mercier

Has anyone else submitted any applications that you're aware of?

J. Egan

Nope, I came in yesterday and there was nothing submitted.

C. Mercier

So are we having a meeting next or not?

J. Egan

No, right now as it stands, the next meeting will be August 27th unless something comes in, and of course you'll be notified. But at the moment we have nothing on the agenda.

August 27th, 7 p.m. That will be Robert's, and it will be the Hudson Valley Flyers. Now, mind you, we're going to be considering the change in wording, as we know from last time, from the original 1999 agreement is before us. That's where they're applying about. Everything else is not. When they talk about different issues, we have to understand the whole thing is about the language of the restrictions that they want modified.

J. Estis

The operational stuff is essentially all staying the same.

J. Egan

That's not what they asked for. They just simply asked for the definitions to be changed. That's what's before us, and that's what we're going to deal with.

So I have some other paperwork. I think everybody got their emails of paperwork?

Any questions? I'll make a motion to adjourn the meeting.

All in favor?

ALL

Aye.

J. Egan

Opposed?

Any questions?

We're good to go.