



metes and bounds. Chairman Wick stated that a deed with a full metes and bounds description prior to 1971 would benefit the application. The Applicant had investigated applying for a lot-line adjustment which was not feasible. A deed reflecting the 46' width would be helpful to the ZBA in making a decision. A public hearing would be scheduled for September 17, 2024.

Chairman Wick provided items that were considered when the ZBA made a determination.

## **PUBLIC HEARINGS - CONTINUATION**

06-11-24-01                      Attorney Stenger Appeal of 4/1/2024 CEO Letter of Determination –  
Seasonal

Tom Barron - Mr. Barron stated that the ZBA's review in defining "seasonal" had been thorough and the decision for the definition had passed unanimously by a 5-0 vote on March 29, 2024 and had not been appealed. CEO Jaffee had issued a letter on April 1, 2024 which claimed that "seasonal" meant multiple seasonal uses. In effect, the CEO attempted to override the ZBA decision without the authority to do so. Secondly, the core of the content of the April 1, 2024 letter is incorrect. There was one business with one use. The CEO had given two examples of multiple seasonal uses, one for warm weather and one for cold weather with different events. The proposed business had no events, no community center, pool or common area and Mr. Barron's observation was that it was one business with one use. He felt the original decision was sound and must stand.

Derek Karabec – Provided written comment distributed to the Members for the record. Mr. Karabec stated that the CEO did not support the zoning regulations and was striving to support the project which was in direct conflict with zoning. The lack of a request for the determination (April 1, 2024) and the conflict with the letter present, he asked that the ZBA reject.

Rich Ferri – Concurred with previous comments. He requested an explanation procedurally why the subject was being revisited. Summer/seasonal does not mean year-round. His written comment was provided for the record. Chairman Quick inquired where Mr. Ferri was taking the summer/seasonal definition from since that was not part of the ZBA definition. Mr. Ferri responded that he had taken it from Zoning. Chairman clarified that the ZBA had defined "seasonal." The Applicant indicated that the project had not been called a "summer seasonal" project.

James Horan, Esq. (representing the Applicant) – With respect to the April 1, 2024 letter, the CEO had testified at the last hearing as to how the letter had come about and indicated for the record that of the CEO had issued a determination with respect to the project before the ZBA and based on the determination that the ZBA had made, he had plugged in the definition of seasonal that the ZBA had made. Attorney Horan's recollection was that the CEO had made based upon the seasonal definition. With respect to seasonal, it was only used within the definition and the word "seasonal" was used to reflect how the cottages were to be designed and read excerpt of §123-13 of the Code. Chairman Wick inquired how the testimony was relevant to CEO Jaffee's letter and stated that the comments being made would be appropriate to be directed to the

Planning Board. Chairman Wick would poll the Board to determine what was the intent when the original Motion was made.

Eric Jacobs – Mr. Jacobs stated that his concern was with content of the CEO’s determination and feared the precedent it set rendered the any seasonal restriction in the Code as worthless. There was an enforcement issue as to when a season started and ended and he feared that the wording in the CEO’s letter made it easy to circumnavigate.

Lorine Karabec – Read prepared statement prepared and submitted for the record. She felt CEO Jaffee’s April 1, 2024 letter undermined the ZBA’s definition of “seasonal.”

Kenneth Stenger, Esq. – Attorney Stenger stated that on March 20, 2024, the ZBA established the definition and set the law. Anyone had the ability to challenge the decision of the ZBA and no appeal was ever filed and the Decision was not challenged. Without a request for an interpretation, there is not a determination but rather, an opinion. Attorney Stenger had been unaware of the April 1, 2024 letter of CEO Jaffee. Attorney Stenger stated that the April 1, 2024 letter of CEO Jaffee suggested that the ZBA “got it wrong.”

**Upon Motion of Chairman Wick, seconded by Member Brought and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 member and 2 members being absent, the Motion to close the Public Hearing at 8:14 p.m. was carried by the following vote:**

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Guy Brought	Aye
Gloria Van Vliet	Absent
Katie Zahedi	Aye
James Tomassetti	Aye
Mike Pittner	Excused
Kathy Kiernan	Aye

06-04-24-03 PB Request for determination – apply seasonal and ridgeline definitions

Planning Board Member Chris Marta stated that the Town Board was considering the development of a ridgeline overlay map.

**Upon Motion of Chairman Wick, seconded by Member Zahedi Brought and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 member and 2 members being absent, the Motion to close the Public Hearing at 8:16 p.m. was carried by the following vote:**

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Guy Brought	Aye
Gloria Van Vliet	Absent

Katie Zahedi	Aye
James Tomassetti	Aye
Mike Pittner	Excused
Kathy Kiernan	Aye

Chairman Wick read the ZBA decision for “seasonal” and polled the Board Members asking if definition restricted a project to one use per year or did the definition refer to each part of project. Chairman Wick felt it should not apply piecemeal to elements of a project which would be under the Planning Board review. Member Kiernan agreed with Chairman Wick’s reasoning. Member Zahedi had the understanding agreed. Member Tomassetti stated that contiguous meant that the time periods didn’t need to apply to the entire site. Member Brought agreed.

The ZBA agreed to render a decision when CEO Jaffee was present.

**Upon Motion of Chairman Wick, seconded by Member Brought, and the affirmative vote of 5 members, the negative vote of 0 members, the abstention of 0 member and 2 members being absent, the Motion that no further discussion regarding ridgeline or seasonal was necessary by the ZBA was carried by the following vote:**

<b>Member:</b>	<b>Vote</b>
Karl Wick, Chairman	Aye
Guy Brought	Aye
Gloria Van Vliet	Absent
Katie Zahedi	Aye
James Tomassetti	Aye
Mike Pittner	Excused
Kathy Kiernan	Aye

Attorney Stenger consented to a 30-day extension of a decision as well as Attorney Horan.

Upon Motion of Member Brought, seconded by Member Kiernan and all in favor, the meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Lisa K. Mance, Administrative Assistant

Submitted on September 11, 2024

Approved: September 17, 2024