

ZONING BOARD OF APPEALS  
DECEMBER 22, 2011

PUBLIC HEARING

Application D-260-A Walnut Street LLC would like to get a greater than 10% grade variance on County Highway 38 in Margaretville. Tax map # 285-2-48.111.

AGENDA

1. Approve/amend the minutes of the December 1, 2011 meeting.
2. Action on application D-260-A Walnut Street LLC.
3. Anything else to come before the meeting

The Town of Middletown Zoning Board of Appeals will be held their regular monthly meeting on Thursday, December 22, 2011 at 7 p.m. in the Town Hall, Route 28, Margaretville.

Board Members:

Chairman.....Jason Wadler  
 Board Members.....Kurt Holcherr, Warren Slavin and Ken Taylor

Others Present: Connie Spielman, John Gebert, Scott Soderback, Lynn Johnson, Allen Hinkley, Cedric Taylor, Curtis Taylor, Robert Sweeney, Peter Molnar, Terry Johnson, Leonard Utter, Patrick Davis and Beth Bush.

Chairman Wadler called the public hearing to order at 7:00 pm.

Application D-260-A Walnut Street LLC is requesting a steep grade variance to create a flag lot on County Highway 38 in Arkville. Mr. Molnar explained that he would like to create flag lot on his property and the access is over the 10% grade required per the regulations. **Terry Johnson**, Arkville Water Superintendent, is concerned that the water tank is dead center of the proposed “flag pole” of the lot, the tank is 100’ x 100’ with chain link fence. He would request that the proposed road be at least 50’ along the north side of the tank. There is also a buried water line from the tank to the road so the road would be built directly over the buried line and he is requesting that heavy machines don’t drive over the line. **Lynn Johnson** asked if they were planning on selling the property to the tower company? Peter Molnar said no that they would lease the property. Lynn Johnson asked why they need the new road, there is already a road there? Peter Molnar said that the company would determine what kind of access they need. Allen Hinkley said that essentially the road will remain the same but probably gravel will be added to firm up the existing road. Peter Molnar is willing to make any changes that will be needed and will be consulting with Terry Johnson on the road near the tank. A letter from NYSEG was read into the record from Barbara Shields requesting that the Town take no action until they review the proposed site plan. Allen Hinkley spoke to Alan Murphy at NYSEG who had not yet spoken to Barbara Shields about this project oad through their easement and the tower company will build a road as part of the lease with the landowner. Leonard Utter asked about the utility easements? Allen Hinkley said that the utility will

be good because the power is all there. **Rob Sweeney**, Fire Chief Arkville Fire Dept. asked if the buildings have fire alarms on them? Allen Hinkley said that they do have alarms. Rob Sweeney asked how he is supposed to get up there in the winter? Peter Molnar should we put a stipulation in there that the Fire Dept is not responsible from the property line? There were no further public comments.

Chairman Wadler closed the public hearing and called the regular meeting to order.

Ken Taylor made a motion to approve the minutes of December 1, 2011 as presented. Kurt Holcherr seconded motion. Motion carried.

Action on application D-260-A Walnut Street LLC. A worksheet was completed for this application. The board discussed several recommendations that should be passed along to the Planning Board. Kurt Holcherr made a motion to approve this application with the following conditions:

- ✓ The applicants should clear any work with NYSEG due to powerline proximity
- ✓ Clear any work with Arkville Water, Superintendent is requesting a 50' setback from water tank fence to property line.
- ✓ Address the fire access issue, fire chief concerned with not being able to access tower if an automatic alarm goes off.
- ✓ Possibly put a residential restriction on the property due to the property's steepness.

Ken Taylor seconded motion. Motion carried.

Kurt Holcherr made a motion to adjourn the meeting at 7:40 p.m. Ken Taylor seconded motion. Motion carried.