

**TOWN OF NEVERSINK
ZONING BOARD OF APPEALS
P.O. Box 307 - 273 Main Street
Grahamsville, NY 12740
(845) 985-2262 fax (845) 985-7686**

REGULAR MEETING MINUTES

FEBRUARY 19, 2019

Chairman Brent Gotsch called the regularly scheduled meeting of the Town of Neversink Zoning Board of Appeals to order at 7:30 PM with the Pledge of Allegiance.

Board Members Present:	Brent Gotsch, Chairman	PRESENT
	Jim Wells	PRESENT
	Mike Dean	ABSENT
	Larry Bracken	ABSENT
	Steve Porter, Alternate	PRESENT

Other Officials:	Ken Klein, Esq., Town Attorney	PRESENT
	Keith Stryker, Code Enforcement Officer	PRESENT
	Michael Brooks, Town Board Representative	ABSENT

Other Guests Present: Dorothy Muthig

A motion to **APPROVE** the minutes of the January 15, 2019 meeting as corrected was

Moved by: Zoning Board of Appeals Member, Jim Wells

Seconded by: Zoning Board of Appeals Alternate Member, Steve Porter

Approved by UNANIMOUS vote: AYES 3 NAYS 0 ABSTAIN 0

APPLICATIONS:

34.-1-13.4 GARY MUTHIG: Variance in relation to relief from the Mobile Home Standards Zoning Law Section 50-21 (9)(b)(1) at 25 Huson Rd. Parksville Mr. Muthig was present to represent the application. Brent explained that the purpose of the ZBA meetings. In his experience ZBA Boards do not decide on relief of units of time or age in this case. They address relief of units of distance such as an area variance and use variances. There is no wiggle room in the town law for units of time. It is either newer than 12 years old which is permitted or older than 12 years old which is not permitted in the Town Zoning Law. To Brent's knowledge there has never been any relief of units of time and if the board did grant this request it would be a request to supersede town law. Brent encouraged Mr. Muthig to go to the Town Board to change

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the law. Ken Klein could not find anything in in the zoning to waiver time. He spoke to the Association of Towns and they said the same. Ken said that the ZBA does not have the power to make this decision. He said that Mr. Muthig can go to the Town Board or to a court to change the ruling as discriminatory practice.

A motion to close the public hearing and re-open the regular meeting at 7:55 PM was

Moved by: Zoning Board of Appeals Alternate Member, Steve Porter
Seconded by: Zoning Board of Appeals Member, Jim Wells
Approved by UNANIMOUS vote: AYES 3 NAYS 0 ABSTAIN

Brent explained that in his opinion there isn't really anything the ZBA can do to help to approve or disapprove in this case and the other members agreed. There was some more discussion regarding what other towns do and questions as to whether or not they will have to remove it from the property. It was then recommended that Mr. Muthig go to the Town Board to ask for a change of law.

OTHER:

CORRESPONDENCE: NONE

There being no further business before the Board, a motion to close at 8:10 PM was

Moved by: Zoning Board of Appeals Alternate Member, Steve Porter
Seconded by: Zoning Board of Appeals Member, Jim Wells
Approved by UNANIMOUS vote: AYES 3 NAYS 0

Respectfully submitted: Geri Gorton, Clerk
(B202)

NEXT MEETING: MARCH 19, 2019 at 7:30 PM.