

October 13, 2026

Village of Tannersville Zoning Board of Appeals
Attn: David Kukle, Chairman

RECEIVED
OCT 13 2026
RN

HAND DELIVERED

Re: 44 Route 23C (aks Hill Street) Tax map 166.17-1-10

Dear Chairman Kukle and members of the ZBA:

On July 2, 2026 the Village of Tannersville Planning Board, which consists of the Village Board, conducted a site plan review on this site. The submitted map showed this lot, along with 2 adjoining lots that front on Brookside Drive, all in the village of Tannersville, with a portion of 2 lots crossing into the town of Hunter.

On August 13, 2026 the Code Enforcement Officer issued a building permit for a structure on the lot at 44 Route 23C (aka Hill Street) (166.17-1-10). (Exhibit A). The proposed structure is fundamentally incompatible with the established residential character of the surrounding neighborhood and violates multiple provisions of the Village Zoning Law, including Article 4 (R-2 Residential District), Article 10 (Additional Requirements for Specified Uses), and Article 11 (Village-Wide Design Standards). Accordingly, the Zoning Board of Appeals is requested to reverse the Code Enforcement Officer's determination and revoke the building permit. See Exhibit B being screenshots from the manufacturer of this product.

If in fact the proposed use of the property is for STR's, that violates various other sections of the zoning law. The ZBA is requested to void the building permit on this ground as well.

A. The Zoning Law of 2011 provides:

1A-3: General Purpose and Intent

For the purpose of promoting the health, safety and general welfare of the community, the board of Trustees of the Village of Tannersville is hereby empowered by local law, to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes. Such regulations shall provide that a Board of Appeals may determine and vary their application in harmony with the general purpose and intent, and in accordance with general or specific rules herein contained. **The intent of the Zoning Law is the protection of the natural environment, conservation of land, energy and natural resources, reduction in vehicular traffic congestion and protection of pedestrians, historic preservation, reduction in sprawl development, protection and improvement of the built environment, protection of the visual character of the Village and the provision of a foundation for economic and population growth.**

This proposed structure and proposed use is incompatible and inconsistent with those stated purposes and goals.

1. The structure and its use have already resulted in the destruction of more than one acre (over 3 lots) of dense forested land. The clear cutting of the land included the 2 lots along Brookside Drive which were not part of the site plan review.
2. The structure is shocking in its futuristic presentation, unlike any other structure in the village. It is wholly inconsistent with the brick and wooden buildings near it, and throughout the village. (Exhibit C).
3. If the proposed use of the structure is as a 'short term rental' (STR) it does not provide a foundation for economic and population growth." The use of this lot for STR removes the lot from any permanent population growth.

B. This property is situated in the R-2 zone. (Article 4).

4.1: Purpose The R2 Residential Single-Family District is intended to create and/or maintain a **traditional residential neighborhood, characterized predominantly by detached single-family homes** at a relatively higher density. Each Residential unit will be located on a minimum half acre lot.

This structure and its proposed use as a STR does not create a 'traditional residential neighborhood' with detached single family homes. To the contrary there is nothing 'traditional' about this structure or its intended use.

Furthermore, as a STR, this use is NOT a SINGLE-FAMILY HOME. In *West Mountain Assets, LLC v Domkowski* (228 AD3d 48; 2024) the Appellate Division, 3rd Dept, which is the intermediate appellate court that defines the law in the 3rd Judicial Department, which includes Greene County, held:

(at page 50-51): Though owners of properties within the subdivision are permitted to rent pursuant to the express language of the deed restrictions, the restrictive covenant limits the permissible use to only "single[-]family residential purposes." This phrase unambiguously directs that all properties within the subdivision must be used for only residential purposes, and, thus, any and all rentals must be to those who would utilize the property for residential purposes—i.e., as a residence. A residence is the location where an individual "actually lives" and is established by "[t]he act or fact of living in a given place for some time" (Black's Law Dictionary [11th ed 2019], residence). Although there is no express durational requirement, a stay in a short-term rental property does not meet this definition (*cf. Turner v Caesar*, 291 AD2d 650, 650-651 [3d Dept 2002]; *but cf. Matter of Friedman v Town of Dunkirk*, 221 AD3d 1581, 1582-1583 [4th Dept 2023]; *Matter of Cradit v Southold Town Zoning Bd. of Appeals*, 179 AD3d 1058, 1060 [2d Dept 2020]). Lodgers in short-term rental properties do not live on the premises

but are instead on a short trip and often maintain a residence elsewhere where they "actually live[]" (Black's Law Dictionary [11th ed 2019], residence). This is true even though lodgers may have access to the entirety of the property and may use it in the same manner as a resident, including by cooking meals and sleeping as plaintiff highlighted

Plaintiff's use of its parcel for short-term rentals does not fit the definition of a residence as is necessary to establish that the property is being used solely for residential purposes. Contrary to plaintiff's argument, this interpretation reflects the plain meaning of the terms of the restriction and does not "extend beyond the clear meaning of [its] terms."

The West case involved a neighbor's effort to enforce a deeded restrictive covenant which limited the use of a neighboring lot, in a subdivision, to "only "single[-]family residential purposes."

In Tannersville, the Zoning Law imposes that same 'single-family restriction across the entire R-2 district.

The R-2 district allows: 4.1: Permitted Uses: The following uses are permitted in R2-Residential Single-Family District A. Single-Family Detached Dwellings.

Certain Special Permitted uses may be applied for: 4.3:Special Use Permits The following uses are allowed as special permit uses in the RI (sic) District:

L. Seasonal Rental Units subject to additional requirements for specified uses in Article 10.10

Although the passage of the Zoning Law predates the proliferation of the STR industry, it does provide for Seasonal Rental of less than 6 months, as defined in 2.

SEASONAL RENTAL UNIT - A residential unit which is rented to tenants for a period of time shorter than the normal 6 month or yearly lease time period. A seasonal rental unit is therefore usually occupied by a series of different tenants throughout the year.

The term "seasonal rental" in the Village's zoning ordinance should be understood in the context of Tannersville's historic character as a seasonal resort community, where residential property owners traditionally rented their homes for an extended summer or winter season. Summer rentals commonly ran from July through Labor Day/ Columbus Day, while winter rentals generally ran from mid-November through mid-April.

The current short-term rental industry represents a materially different lodging model, in which properties are marketed and operated as standalone motel rooms, with stays typically averaging between two and five days. This repeated turnover of transient occupants raises a distinct land-use question from the traditional seasonal rental of a residential home.

Article 10 of the Village Zoning Law establishes additional restrictions and review standards for permitted and specially permitted uses, recognizing their potential impacts on surrounding properties, including noise, traffic, parking, visual character, and neighborhood compatibility.

Section 10.B identifies the character of surrounding properties as a relevant consideration. The proposed structure and its intended use are inconsistent with the established residential character of the surrounding neighborhood.

Furthermore, the existence of a special-use permitting process does not independently authorize a structure or land use that fails to comply with the applicable R-2 zoning requirements and Village-wide design standards.

These considerations include:

A. The purpose of this article is to place restrictions on specific uses, both permitted and specially permitted, because of the potential impacts to surrounding properties. These restrictions are applied to a project to mitigate impacts including noise, off-site parking, traffic, unsightliness, odors, dust and fumes. The regulations promote the public health, general safety and neighborhood character of the immediate neighborhood and the larger community.

When considering whether to approve or deny a special use permit, the ZBA may take into account a number of factors. (10.B). The first question, however, whether the special use permit is even warranted by reason of the unique physical conditions of the particular property (**not applicable here**) or by reason of the particular character of surrounding properties. **Using that 2nd standard, this structure and proposed use is not compatible with the character of the surrounding properties.**

The section continues with a series of factors the ZBA may consider. These include:

4. The overall effect on values and utilization of neighboring properties. **One does not need an appraisal to see that this structure and the proposed STR use will have a negative effect on neighboring properties.**

8. Preservation and/or upgrading of the neighborhood character. **This structure and use do not preserve not upgrade the character of this neighborhood.**

Article 11 provides Village-wide design standards. The general purpose of such design guidelines is to (11.1) The Village-wide design guidelines and standards are established to preserve and promote the unique Village character of Tannersville. The guidelines and standards are intended to encourage coherent architectural design, attractive streetscapes and safe roads and pedestrian walkways.

As applicable to this project:

11. 2. General Village-wide design guidelines Buildings, structures, sites, signs and public spaces should be designed to:

11.2(A) Retain, reflect and enhance the dominant aesthetic or visual qualities of the Village as much as possible.

The product manufacturer itself describes this structure as a “futuristic space capsule,” a design fundamentally inconsistent with the traditional buildings characteristic of the surrounding neighborhood and Village.

11.2(B) Encourage and promote a sense of design continuity that appropriately relates the historic past of each neighborhood to ongoing revitalization and redevelopment efforts.

The proposed structure bears no architectural relationship to the historic residential character of the neighborhood and fails to provide the design continuity addressed in this provision.

C. Appropriately relate proposed development to existing designs, styles, building forms and land uses. **This structure does not do this.**

E. Encourage and promote the use of predominant existing building materials within the neighborhood and the predominant existing building materials, architectural features and fenestration on specific structures as a guide in determining appropriate replacement and new construction materials. **This structure does not do this.**

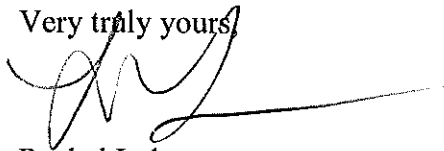
F. Be in keeping with the general color themes of the Village. Buildings shall be painted with no less than two colors and no more than four colors. One dominant color shall cover no less than 70% of all exterior surfaces. **The dominant color may be that of a traditional exterior earth material such as brick and stone. This structure does not do this.**

G. Protect, respect and expand the design of green space, landscaping and open space within the neighborhood and encourage public and private development that enhances this character with landscape design details such as trees, lawns, plantings, and fountains. **This developer has clear cut more than 1 acre of land, over the 3 contiguous lots it owns, which violates every aspect of this design requirement.**

11.4 Design Standards for Residential Buildings in established neighborhoods A. Building context and compatibility New infill single-family buildings, additions to existing structures, and accessory buildings shall be constructed to be generally compatible with other existing dwelling units or accessory buildings on the same block frontage within 200 feet. **This structure is not compatible with other existing dwelling units on the same block.**

The ZBA has the authority pursuant to Section 11.5 (A) to hear and decide this complaint regarding the error by the Code Enforcement Officer in issuing this building permit based on his failure to enforce the Zoning Law on this project.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Rachel Lubow', with a long horizontal flourish extending to the right.

Rachel Lubow

Exhibit A

POST THIS PERMIT ON OR NEAR PREMISES WHERE IT CAN BE SEEN BY THE
PUBLIC

VILLAGE OF TANNERSVILLE BUILDING PERMIT

DATE: 8/13/2026 PERMIT NUMBER: 13/26

PERMISSION IS HEREBY GRANTED TO:
Yurok Yevtushenko

PROJECT DESCRIPTION: Installation of SFR (tiny
home)

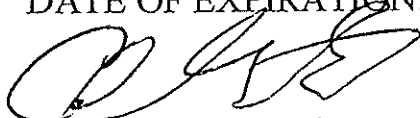
LOCATION: 44 Hill Street

TAX MAP NUMBER: 166.17-1-10

ZONING DISTRICT: R2 – Residential District

THIS WORK IS GRANTED UPON EXPRESS CONDITIONS THAT ALL
WORK DONE IN, AROUND, AND UPON SAID BUILDING AND PREMISES OR
PART THEROF, SHALL CONFORM IN ALL RESPECTS TO THE ORDINANCES
OF THE VILLAGE OF TANNERSVILLE AND THE NEW YORK STATE UNIFORM
CODE, AND THIS PERMIT SHALL BE REVOKED AT ANY TIME UPON
VIOLATION OF ANY OF THE PROVISIONS OF SAID TOWN ORDINANCES OR
NEW YORK STATE CODE.

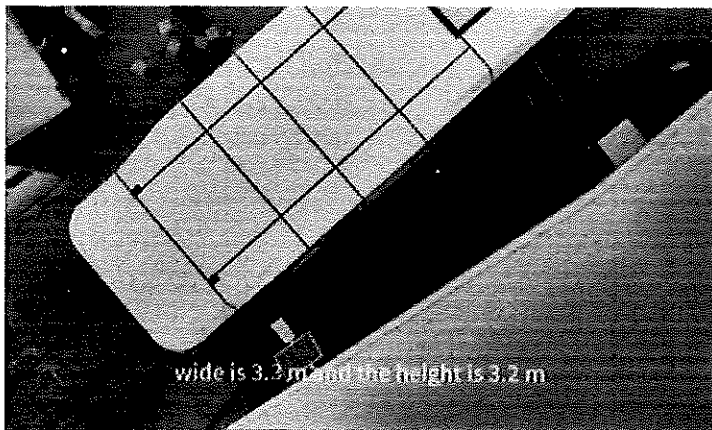
DATE OF EXPIRATION: 8-13-2027



Carl Giangrande

CODE ENFORCEMENT OFFICER
VILLAGE OF TANNERSVILLE

Exhibit B



wide is 3.3 m and the height is 3.2 m

" WIDE IS 3.3 m and the height is 3.2 m



it's really like a very big

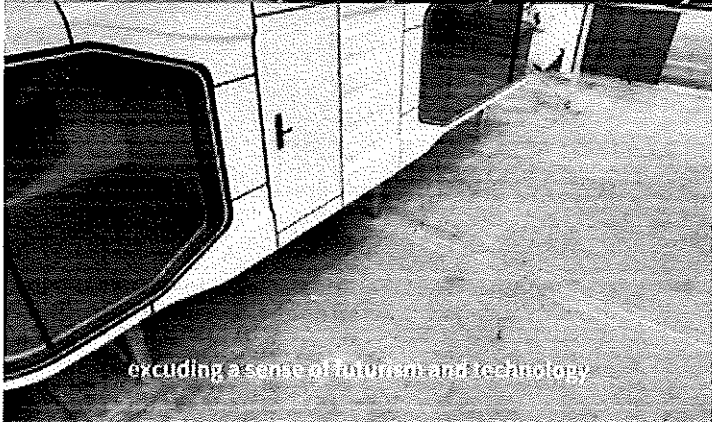
It's really like a very big

Space capsule and



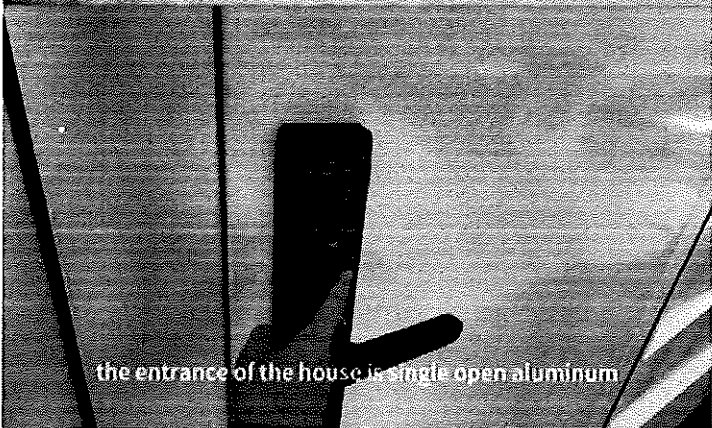
the color of our capsule house is silver

the color of our capsule house is silver



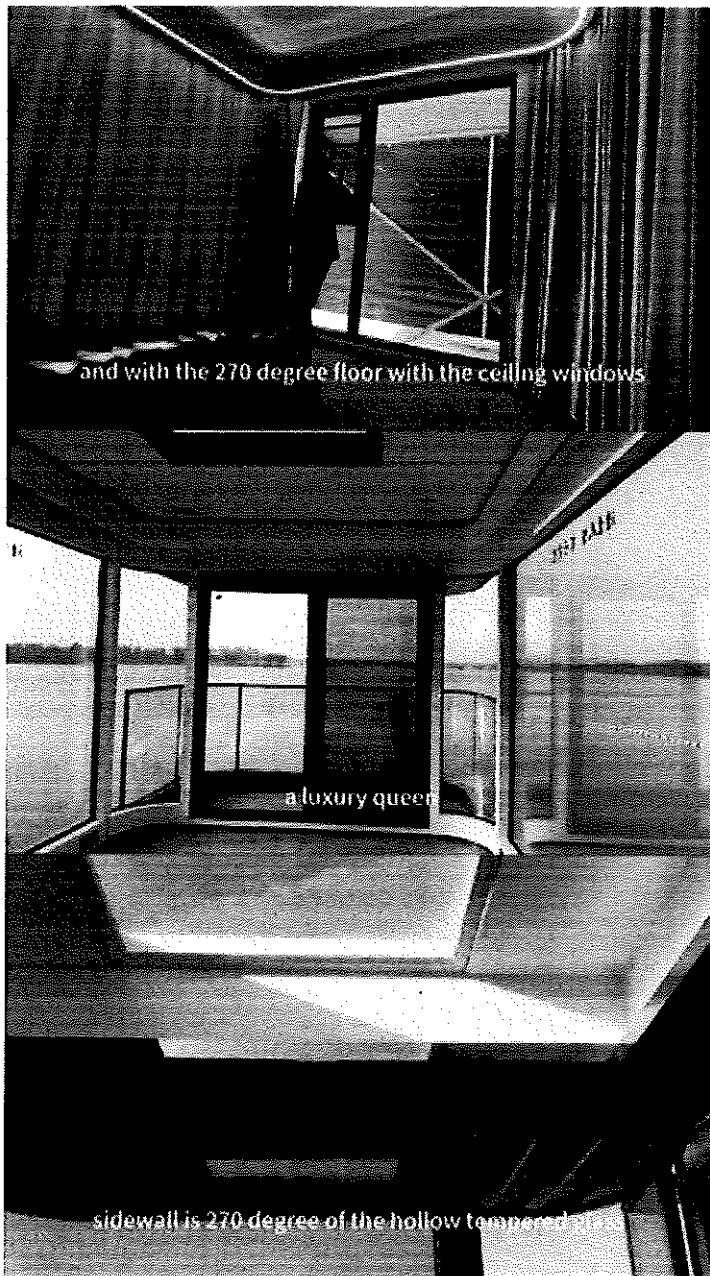
exuding a sense of futurism and technology

exuding a sense of futurism and technology



the entrance of the house is single open aluminum

the entrance of the house is single open aluminum



and with the 270 degree
floor with the ceiling
windows

a luxury queen

Side wall is 270 degree
of the hollow tempered
glass.

Payment Terms:	40-50% deposit, balance before shipping.	Lead time:	30 days after received deposit
Buyer note:	1- The seller is committed to change all the wrong items or send the defects during the installation period on his own cost, including the screws and all that is necessary to complete the work. 2- The buyer must be informed of any majeure happens forces that may impede the productivity of the work, so that no responsibility is placed on the seller towards the time of delivery. 3. Seller will not liable for any delay resulted from customs inspection.		
Terms:	Or within 7 days after we inform you shipment time, we need to charge you inventory management cost		

Signature & Stamp:

Buyer:

Seller:

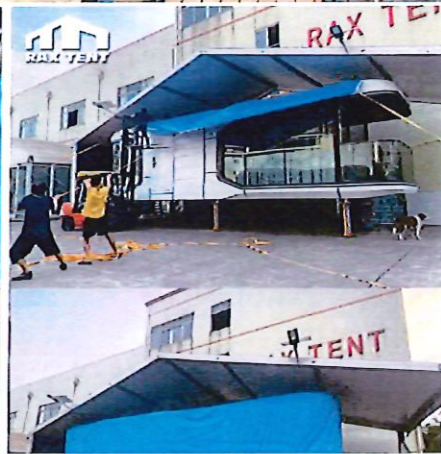
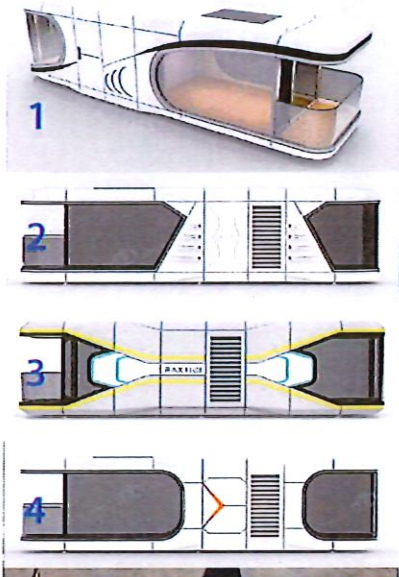
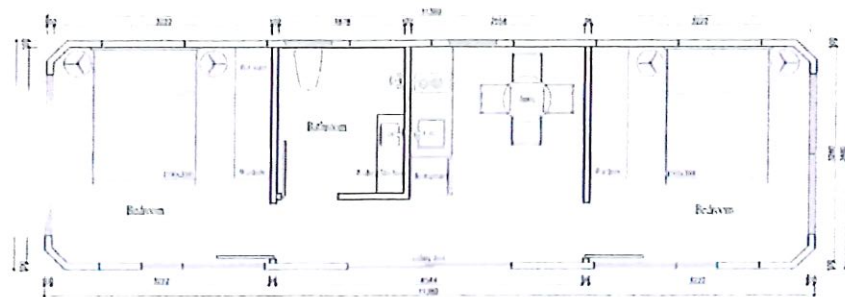
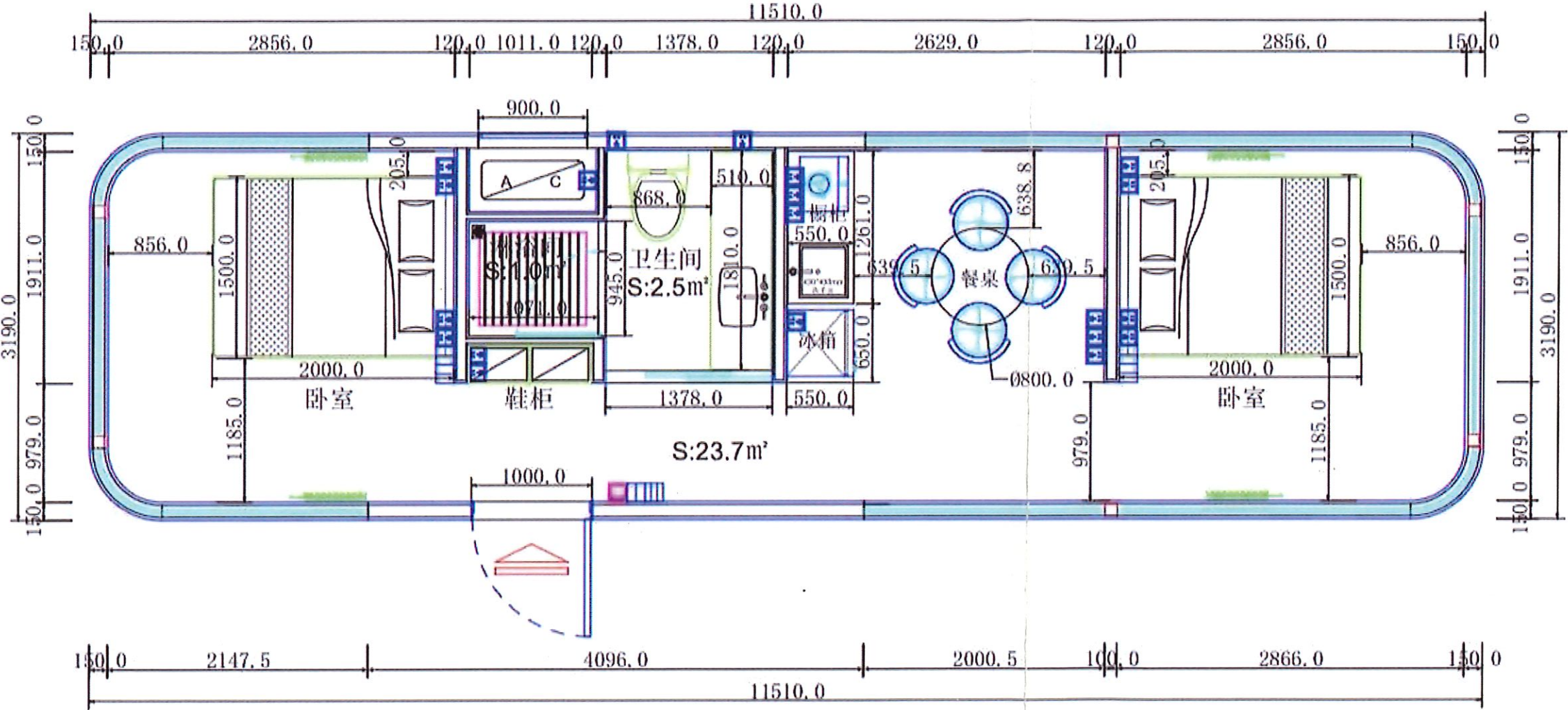


Exhibit C





平面布置图



广东瑞登建筑科技有限公司
GUANGDONG RAX DOME CO., LTD

独立设计专利产品
Raxtent design of patent products
坚持中国制造业品质
Adhere to the quality of China's manufacturing industry

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Mobile: +86-138 2211 5092
Email: raxtent@raxtent.com

建设地点:
Construction site:

项目单号:
Item No.:

项目名称:
Name:

11.5米太空舱
11.5M Space Capsule

子项名称:
SUB Item:

球体框架
Dome Frame

图纸名称:
Drawing Title:

平面布置图
Plane Drawing

设计阶段 Step		3D设计图 3D Drawing
项目负责人 SPE. Designer		张碧玉 Yuliya
审核 Examined		张碧玉 Yuliya
比例 Scale		1:1
日期 Date		2025/09/17
单位 Unit		mm
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(Rv)

Section 11.4(A) — Building Context and Compatibility

Section 11.4(A) of the Village of Tannersville Zoning Law requires new residential construction to be generally compatible with existing dwellings on the same block frontage within 200 feet, satisfying at least four of seven specified architectural characteristics.

The ordinance expressly requires that at least four of the listed features be **similar to the majority of other dwelling units within 200 feet on the block frontage**.

For comparison, I will be using the three residences immediately surrounding the Hill Street development, including 28 Route 23C, 40 Route 23C, and 54 Route 23C, which directly adjoins the cleared development lots.

The proposed glamping capsule stands in stark architectural contrast to the surrounding residences and fails to conform to at least six of the seven architectural characteristics specified in §11.4(A)

1. Roof Style and Overhang — §11.4(A)(1)

Ordinance criterion: “Roof style and overhang”

Existing neighboring houses have recognizable traditional residential rooflines, with prominent pitched roof planes, defined peaks, articulated corners, and projecting eaves. These shingled roof configurations create distinct architectural forms above the exterior walls.

The proposed capsule structure has no traditional gabled roofline or prominent roof peak. It features a top with large, flat panels integrated directly into the body of the exterior and a large integrated glass skylight, in stark contrast to the pitched, shingled roofs and conventional roof overhangs of the three surrounding residences.

3. Building Massing — §11.4(A)(3)

Ordinance criterion: “Building massing (e.g., ranch with attached garage; two-story with attached garage; bungalow)”

The proposed capsule is an elongated, narrow, single-module structure with rounded ends, measuring approximately 37.7 feet long, 10.8 feet wide, and 10.5 feet high.

The surrounding residences exhibit conventional rectilinear building forms, with substantial rectangular volumes, defined wall planes, and traditional 90-degree exterior corners. Their massing reflects established single-family residential building types, including ranch-style and traditional multi-story houses.

In stark contrast, the proposed capsule has an elongated, aerodynamic form characterized by smooth, continuous exterior lines and curved corner radii. Unlike the defined rectangular volumes and articulated facades of neighboring houses, the capsule consists of a continuous manufactured enclosure with rounded ends and a curved exterior profile.

The manufacturer expressly describes the structure as “**exuding a sense of futurism and technology.**” This characterization is consistent with its distinctly unconventional building form.

The proposed building massing is fundamentally inconsistent with the massing of surrounding residences and does not satisfy §11.4(A)(3).

4. Floor Area — §11.4(A)(4)

The ordinance expressly states:

“Floor area shall be no less than 75% and not more than 150% of the average floor area of other single-family dwelling units.”

The three identified neighboring homes at 28, 40 and 54 Route 23C have reported floor areas of 1,455 square feet, 1,680 square feet and 2,508 square feet respectively.

Their average is approximately **1,881 square feet.**

The proposed capsule unit has an approximate footprint of only **409 square feet**, based on the manufacturer’s stated dimensions of approximately 37.7 feet by 10.8 feet. The capsule’s approximate 409-square-foot footprint represents only **21.7% of the neighboring homes’ average floor area**, far below the ordinance’s 75% minimum.

This represents a substantial disparity in residential building size.

Section 11.4(A)(4) establishes an express numerical standard, and the proposed capsule’s dimensions indicate a substantial failure to meet that standard.

5. Front Porches — §11.4(A)(5)

Ordinance criterion: “Front porches, existence of”

The proposed capsule does not feature a conventional residential front porch but rather an exterior platform with glass railings incorporated directly into the end of the capsule. The manufacturer’s promotional video expressly identifies this exterior area as a “**balcony.**”

This configuration differs from a traditional residential porch which contributes to the architectural composition of its principal facade.

The presence of a balcony or viewing platform does not, by itself, establish the existence of a front porch comparable to those contemplated by the ordinance.

The proposed capsule does not demonstrate similarity to the front-porch arrangement of the neighboring residence under §11.4(A)(5).

6. Exterior Building Materials — §11.4(A)(6)

Ordinance criterion: “Exterior building materials”

The proposed capsule features a, factory-manufactured exterior shell composed of large modular panels with a metallic appearance, visible geometric lines, and extensive, asymmetrical glass surfaces. Windows, doors, and ventilation openings are incorporated into the manufactured shell with little to no projecting trim or conventional detailing.

In contrast, the surrounding residences feature traditional residential exterior materials, including siding, conventional and defined shingle roofing, individually framed square and rectangular windows, and separate architectural elements that articulate the exterior walls.

The manufacturer expressly promotes the structure’s futuristic and technological appearance, reinforcing the intended architectural character of its exterior.

7. Pattern of Window and Door Openings — §11.4(A)(7)

Ordinance criterion: “Pattern of window and door openings”

The proposed capsule features expansive, floor-to-ceiling panoramic glazing, with large glass panels arranged along contrasting angled planes and integrated nearly flush with the exterior facade.

These oversized window sections extend across the end and adjoining sides of the structure, creating an almost continuous glass enclosure rather than a series of individually framed residential window openings.

The manufacturer expressly advertises **270-degree floor-to-ceiling panoramic windows** as a defining feature of the structure.

The capsule also incorporates a substantial integrated glass skylight and a separate aluminum entrance door positioned along the side of the structure.

Rhythm of Openings and Solid-to-Void Ratio

The surrounding residences maintain a predominantly solid exterior wall composition, with opaque, traditional walls and smaller, individually framed rectangular windows.

This arrangement creates a conventional residential rhythm of openings and a high solid-to-void ratio, such that solid exterior wall surfaces occupy substantially more of the facade than window openings.

In stark contrast, the proposed capsule features massive panoramic glass sections extending across multiple exterior planes. Its nearly continuous floor-to-ceiling glazing substantially reduces the proportion of solid wall surface and creates large transparent sections of the building enclosure.

The capsule's glass panels are arranged along angled exterior planes, following the rounded form of the structure and creating a continuous panoramic effect. This configuration contrasts sharply with the individually separated, conventionally proportioned windows of surrounding residences.

The neighboring homes also feature conventional residential entrance arrangements, with doors integrated into recognizable front elevations. The capsule instead incorporates an aluminum entrance within its streamlined manufactured exterior shell.

The difference concerns the entire pattern, scale, proportion, placement, and configuration of the window and door openings—not merely the type of glass installed.

The proposed capsule's oversized 270-degree panoramic glazing, nearly flush-mounted angled glass panels, integrated roof skylight, and side-entry configuration constitute a fundamentally different architectural arrangement from the established residential character of the surrounding neighborhood.

Conclusion

These are specific, identifiable architectural discrepancies documented through photographs of the surrounding residences, the manufacturer's published product specifications and promotional materials, and neighboring property records.

The proposed capsule does not merely introduce a different architectural style. Its roof configuration, building massing, floor area, porch arrangement, exterior materials, and window and door patterns collectively depart from the established architectural characteristics of the surrounding residential neighborhood.

The differences are evident in the fundamental form and composition of the structure: its elongated, rounded manufactured shell; nearly flat integrated roof; unusually small floor area; absence of a conventional front porch; smooth modular exterior panels; and extensive, nearly continuous panoramic glazing.

These characteristics stand in stark contrast to the pitched roofs, rectilinear building forms, traditional residential materials, and conventional patterns of windows and doors exhibited by the surrounding homes.

Section 11.4(A) requires similarity to the majority of neighboring dwelling units in at least four of seven enumerated categories. The documented characteristics of the proposed structure demonstrate substantial nonconformity across six categories.

I therefore request that the Zoning Board of Appeals...

I respectfully request that the Zoning Board of Appeals reverse the Building Inspector's determination of zoning compliance and direct the revocation of the building permit issued for the Hill Street development, on the grounds that the proposed structure fails to comply with the Village of Tannersville Zoning Law, including Section 11.4(A).