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## Town of Shandaken Zoning Board of Appeals

### MINUTES FOR REGULAR MEETING

March 18, 2015

The regular monthly meeting was opened by Board Chair Johnson at 7:50pm with the pledge of allegiance.

Roll called by Zoning Board of Appeals Secretary Tracy Longhi, and attendance was recorded as follows:

Keith Johnson, Chair	Present
Rolf Reiss	Absent
Joseph Michaels	Absent
Gary Guglielmetti	Present
Mark Loete	Present

Roll call summary: 3 present/2 absent

Others present: Dean Cassano, Mr. and Mrs. Dicidio

The Public Hearing for the Cassano Area Variance was opened by Board Chair Johnson at 7:53 PM.

The Board invited Mr. Dean Cassano to address the board regarding his application for area variance. Mr. Cassano's parcel is located on Fawn Hill Road in an R3 zoning district with a minimum front yard setback of 60 feet. Mr. Cassano states the potential building site is limited due to the steepness of the property and therefore is requesting an area variance in front yard variance of 15 feet which would make his minimum setback requirement 45 feet.

Board Chair Johnson invites anyone in the gallery to address any questions or comments. Mr. and Mrs. Dictero being the only attendees for the Cassano Public Hearing refuse to comment stating they attended in response to the notice sent to them and have no issues with Mr. Cassano's application.

Board Chair Johnson closed the Public Hearing for Dean Cassano's Area Variance application at 7:57 PM.

A motion was made to accept Dean Cassano's application for Area Variance and to vote on the application by Board Chair Johnson, and seconded by Board Member Guglielmetti.

Roll Call Vote was recorded as follows;

Board Member Reiss-Absent

Board Member Michaels-Absent

Board Chair Johnson-Yes

Board Member Guglielmetti-Yes

Board Member Loete-Yes

Roll Call Vote Summary 3 Yes, 0 No, 2 absent

Mr. Cassano was advised a notice of decision would be prepared, filed with the Town Clerk, and mailed to him.

Appearing before the Board without prior notification is Mr. Al Higley, regarding a past area variance application for Hanover Farms, and his new attorney Philip Wellner.

Board Chair Johnson invited Mr. Higley to address the Board.

Mr. Higley introduced himself and stated that his matter is old business and elaborates on the purpose of his appearance. Mr. Higley introduced his attorney Philip Wellner.

Mr. Wellner thanked and addressed the Board Members stating he and Mr. Higley feel that the ZBA has misinterpreted the DOT response letter regarding the 04/21/14 area variance application. Mr. Wellner requested that the ZBA restore Mr. Higley's 04/21/14 area variance application that was previously denied on 10/15/14, due to the ZBA's misinterpretation of the DOT response letter. Mr. Wellner was advised the matter would be placed on the April 15, 2015 agenda to be discussed further after the ZBA seeks advisement from ZBA Attorney Larry Wolinsky. This matter to be added to the April 15, 2015 ZBA agenda.

### **Adjournment**

There being no further business before the board a motion was made for adjournment by Board Member Guglielmetti, seconded by Board Member Johnson.

The March 18, 2015 ZBA meeting adjourned at 8:25PM