



RECOMMENDATION

ZBA Chair
Town of Shandaken Zoning Board of Appeals
P.O. Box 134
Shandaken, NY 12480

REFERRAL NO: 2023-178
DATE REVIEWED: 12/06/2023

Re: APFU, LLC – Area Variance

Summary

The applicant is requesting three area variances (Section 116-40 A.(1),(2), & (4)) to construct a 7-unit, multifamily building located adjacent to 6280 U.S. Route 28 in the R-1.5 zoning district.

Materials Submitted for Review:

- Referral Form
- Area Variance Application
- Site Plan and Building Elevations

Recommendations

Use Variance

It appears that a use variance may be in order rather than an area variance as it relates to the variance request regarding 116-40 A.(1). The standard only allows multifamily dwellings through the process of a conversion of a one or two-family home whereas this proposal appears to be entirely new construction which would be a prohibited use.

Advisory Comment

The ZBA will need to interpret whether an area variance or a use variance is required in this instance and if the latter, the applicant will need to submit an application for a use variance and meet all of the relevant criteria for that type of variance. Should all variances be granted, the proposal will require site plan review by the Town Planning Board and referral to the Ulster County Planning Board.

The rest of the variances do not rise to a level of County Impact and the Board's subsequent comments will be cc'd to the Town Board.

The Ulster County Planning Board supports the development of multifamily housing and has the following advisory comments to offer:

- In zones where multifamily conversions from one and two-family homes are allowed, they should instead be permitted as of right or through the site plan review process.
- Multifamily structures should be prohibited from housing short-term rentals.
- It is recommended that the Town adopt a minimum affordable housing set aside of 10% of proposed units (with developments consisting of 10 or more units) at or below 80% of Area Median Income (Ulster County Metropolitan Area) should be included in the ROD. Affordability

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Area Variance

should utilize the HUD definition in which the occupant is paying no more than 30 percent of their monthly income for housing costs (rent or mortgage payment), including utilities.

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

Cc: Vivian Welton, UCPB