

TOWN OF SHANDAKEN ZONING BOARD OF APPEALS
MINUTES FOR PUBLIC HEARING & REGULAR MONTHLY MEETING 9/19/12

The public hearing was opened by Chairman Reiss at 7:35 PM with the Pledge of Allegiance to the Flag. The Secretary called the roll, advised that a quorum was present and that the meeting could commence.

ROLL CALL:

<i>Gary Guglielmetti</i>	<i>Present</i>
<i>Tom Hickey</i>	<i>Present</i>
<i>Keith Johnson</i>	<i>Present</i>
<i>Joe Michaels</i>	<i>Absent</i>
<i>Rolf Reiss-Chair</i>	<i>Present</i>
<i>Roll Call Summary:</i>	<i>4 present, 1 Absent</i>

Also Present: Elin Posner, Kathleen Ahearn, Kurt Boyer, Murray Arnott, Art Christie

Case 2012-10 Shimon Eckstein, request for a front yard variance to construct a residence on property located on Moonhaw Rd. SBL# 35.-1-21.120 Zoned R5.

Mr. Arnott is here representing Mr. Eckstein. He explained Mr. Eckstein would like to build a moderate residence and is located on the west side of the creek and does necessitate the need for a bridge. The only other site would require the building of a road. This site is better suited to build on and would require less disturbance. Chair Reiss indicated he and member Keith Johnson along with a representative from the Olive Fire Department visited the site and feel that there is a need for a bridge be built to accommodate emergency vehicles.

Ms. Posner whose property abuts Mr. Eckstein expressed concern about vehicle traffic increasing on the road and concerns regarding the creek. Mr. Arnott explained where the bridge and the house would be located on the property and where it is located in relation to her property. He explained the other site would be right above her house. This bridge would only be used for access to Mr. Eckstein's property. Mr. Arnott explained that there would not be a lot of construction traffic as the house would be brought in in pieces and dropped into place by a crane.

Chair Reiss made a motion to close public hearing. Seconded by member Keith Johnson, all members present in favor.

Chairman Reiss opened the regular monthly meeting. Roll call dispensed with as no change in attendance

Action on Public Hearing for Case 2012-10:

Motion made by Chairman Reiss to approve front yard variance contingent upon a bridge being built to accommodate emergency vehicles and declared this a Type II under SEQRA requiring no further review, seconded by member Tom Hickey.

Roll Call Vote:

Keith Johnson- yes

Rolf Reiss- yes

Tom Hickey- yes

Gary Guglielmetti- yes

4 Yes 1 Absent

New Business:

Case 2012-11 Carole & Andy Malenda 92 Halsey Manor Rd. Manorville, NY requesting a side yard variance on property located on Woodland Valley Rd. Phoenicia, NY. SBL# 24.16-1-25 Zoned R3. The Malendas would like to demolish the current residence and rebuild in the same footprint but with an attached garage

Mr. Art Christie is here representing the Malenda's. He explained that the Malenda's would like to tear down the existing house and rebuild in the same footprint with an attached garage therefore requiring a side yard variance. Mr. Christie explained they will not be moving the septic and will be drilling a deeper well. Discussion ensued on the setbacks for an attached garage: is this considered an accessory structure. Chair Reiss feels it should not be considered an accessory structure. Mr. Christie quoted the definition of a garage as indicated in section 116-4 in the Town of Shandaken Code and the definition of an accessory structure located in the same section. Chairman Reiss read section 116-59 of the code and feels that the proposed application is fine. He feels that according to section 116-28 of the Town of Shandaken Code he would require a special use permit due to the development near a stream. Mr. Christie will contact the Planning Board in regards to this. Chairman Reiss had a question regarding something to do with the proposed garage on the original application. Mr. Christie indicated these are the original drawings which is why it indicated proposed. There was a question as to the square footage on the original house as opposed to the proposed residence. There were no further questions. Chair Reiss made a motion to send this to public hearing with the amendments to 2 side yard variances, seconded by member Gary Guglielmetti. All members present in favor.

Case 2012-12 Phoenicia Library PO Box 555 Phoenicia, NY SBL# 14.13-3-4 Zoned HC. To renovate and add additional space to existing library located at 48 Main St. Phoenicia, NY.

Kurt Boyer is here representing the Library. Mr. Boyer explained he realizes they need additional variances than originally requested. They will do an amendment to include all five (5) variance requests. They are requesting a front yard, 2 side yard, an area & bulk density, and a parking variance. Chairman Reiss asked Mr. Boyer to explain the reason they are requesting these variances. Mr. Boyer explained that the library has never met the national suggested standards for space per person/per patron and the library at its current size is at 60% of the ALA recommended amount of space per capita, and they require the additional space so they may offer expanded programs to the public. Chairman Reiss asked if the handicap accessibility is required. Mr. Boyer indicated that it is required since they are expanding 50% it has to meet state and ADA codes. Member Tom Hickey asked if they have addressed the issue of water run-off. Mr. Boyer indicated there will be gutters and drains to direct the water to the back of the property. He indicated the addition is being built on piers so there will be less displacement of water. This is done under FEMA codes as well and a very little amount of water will be displaced. The building will be flood-proofed and they are working with the town's flood plain administrator. Mr. Boyer indicated that according to the flood plain administrator, commercial buildings are exempt from having to raise the building. Chairman Reiss has some concerns regarding the floor level, Mr. Boyer indicated it is 2 feet above grade and will continue through the addition. Because of the grading they feel that the library will not reach the flood levels, as the grade of the property would direct the water down to the Esopus Creek. Discussion ensued on the Library amending their permit to include all variances. Member Tom Hickey made a motion to move this to Public Hearing, seconded by member Keith Johnson. All members present in favor.

Chairman Rolf Reiss has decided to step down as chairman of the ZBA to give other members on the board a chance to hold the chairman's position, as it is a good learning experience and after speaking with all members of the board he would like to make a motion to recommend Tom Hickey to replace him as chairman, seconded by member Gary Guglielmetti. Member Tom Hickey recused himself from this vote. All other members present in favor

Secretary brought up the upcoming training events, the first on October 11, 2012 at SUNY Ulster, the other being at Hanna on October, 17, 2012.

Motion made by member Tom Hickey to accept minutes as presented, seconded by Gary Guglielmetti. All members present in favor.

There being no further business, member Tom Hickey made a motion to adjourn, seconded by Rolf Reiss. All members present in favor.