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P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

Supervisor: (845) 688-7165
Police: (845) 688-9902
Town Clerk: (845) 688-5004
Justice Court: (845) 688-5005
Assessor: (845) 688-5003
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Highway: (845) 688-9901
Fax: (845) 688-2041

Town of Shandaken Zoning Board of Appeals

MINUTES FOR REGULAR MEETING & PUBLIC HEARING
SEPTEMBER 17, 2014

The regular monthly meeting was opened by Board Member Reiss at 7:38pm with the pledge of allegiance.

Roll called by Planning Board Secretary Tracy Longhi, and attendance was recorded as follows:

Tom Hickey, Chair	Absent
Rolf Reiss	Present
Joseph Michaels	Present
Gary Guglielmetti	Absent
Keith Johnson	Present

Roll call summary: 3 present/2 absent

Others present: Herb Finch
Sue Finch
Don Bucher
Ulla Warchol
Hedi Kyle
John Wasylyk
Alfred Higley

Board Member Reiss invited Don Bucher to address the Board and Public Hearing attendees regarding request for Area Variance for the dwelling situate at 10 Jay Street, SBL# 13.16-3-34 (A.V. application number 131633420140626ZBA) and to provide an overview of proposed project and variances being requested.

Mr. Bucher introduced himself and explained the necessity for the Area Variance application to the ZBA Members and the meeting attendees. Mr. Bucher elaborates on a request to build a first floor bedroom addition for his 84 year old mother-in-law, in order to provide handicapped access for a wheelchair. The project design encroaches on the set back by six feet. Mr. Bucher explained this addition will enable his family to keep his mother-in-law home for the remainder of her life as opposed to a nursing home.

Public Hearing was opened at 7:42PM by ZBA Member Rolf Reiss.

Rolf Reiss invites questions/comments from meeting attendees in the gallery.

Attendee Sue Finch- Ms. Finch introduces herself as a resident of Fleischmann's and an attendee of the Phoenicia Wesleyan Church (one of the abutting properties to the Bucher parcel) Ms. Finch questions whether or not the septic system will be affected by adding the bedroom. Mr. Bucher stated that the bedroom will be over the top of the septic but that there will be space to access it, as the addition will be constructed on pier footings.

Board Member Reiss invited Ms. Finch to review the plans, Ms. Finch declines stating she has seen them and is satisfied with the response.

Board Member Reiss invites any further comments, no further responses.

Board Member Reiss makes a motion to close the Public Hearing for Bucher/Potter Area Variance Application at 7:45PM, seconded by Board Member Johnson. Board Member Reiss asks the Board Members if they have any questions, or concerns, Members deny opportunity to comment.

Board Member Reiss stated that from his perspective the application requests meet the criteria for granting of the variance. A motion was made by Board Member Reiss to accept the application as submitted, and that it is found to be a type II action under the SEQR review and does not require any additional environmental reviews, seconded by Board Member Johnson.

Roll Call Vote

Board Member Michaels-Yes

Board Member Johnson-Yes

Board Member Reiss-Yes

Roll Call Vote Summary 3 Yes/0 No

Communications: Board Secretary Longhi advises the Board of upcoming training sponsored by CWC, Case Law Update and Sign Regulation to be held Friday, October 3, 2014, at American Legion Post #216, 903 Main Street, Margaretville NY, 12455. Registration begins at 9:30AM, class to be held 10AM-2:30PM.

Old Business: None

New Business:

Application for Area Variance referred to ZBA by CEO Al Frisenda, application/file number 44511010020140917ZBA. Applicant Ulla Warchol/Heid Kyle, for parcel dwelling situate at 215 Station Road, Pinehill, SBL#4.45-1-10.100. Applicant Ulla Warchol invited to address the board and discuss details of the requested variance. Ms. Warchol explained the variance application is to construct a carport at her parents' home, as they are elderly fulltime residents and the carport cannot be attached to the house due to the location of the home being on a slope, and set downhill from the road. They are seeking a variance to build the structure near the road where there is an existing level area currently used to park one vehicle, and is the only realistic site on the sloped property. Ms. Warchol explained that this will benefit her parents greatly in times of inclement weather. Board Member Reiss determined applicant is seeking Area Variance for an Accessory Structure. Whereas the code states an accessory structure may not be closer to the road than the house, or 50' whichever is less. After discussing further details regarding the application Board Member Reiss advises applicants that the ZBA members will eventually make a site visit.

Board Member Reiss determined the application meets the criteria for a type II SEQR action. Board Member Reiss made a motion to accept the application as submitted, and set public hearing for the October 15, 2014 ZBA meeting, seconded by Board Member Johnson.

Roll Call Vote

Board Member Michaels-Yes

Board Member Johnson-Yes

Board Member Reiss-Yes

Roll Call Vote Summary 3 Yes/0 No

Board Member Reiss to discuss application with Highway Superintendent Eric Hoffmeister regarding the town right of way.

The Public Hearing was closed at 7:52PM.

Other Business:

Secretary discussed recording resolutions with the board moving forward for all actions taken by the board.

Upon determining no further business/items on the agenda and in preparing to adjourn Board Member Reiss was interrupted by Mr. Alfred Higley of Hanover Farms. Board Member Reiss advised Mr. Higley that he was not on the agenda. Mr. Higley stated that there is a 7 month public hearing in the Town of Shandaken on the farm stand. Board Member Reiss explained to Mr. Higley that the public hearing has remained open pending receipt of documentation required from the DOT. Mr. Higley states that information was received 6 weeks ago, Board Member Reiss denies receipt. Mr. Higley states that the ZBA received the information 6 weeks ago and “Hickey” said that’s not what you were looking for. Mr. Higley continues that the information being requested is not a ZBA matter that it is a Planning Board matter. Board Member Reiss advises Mr. Higley that Attorney Futerfas was advised of the authorization/information being requested from the DOT, and that the ZBA to date has not received anything regarding the originally requested documentation, and that upon receipt of that information the Farm stand would be put back on the agenda. Mr. Higley insists that information had been received. Board Member Reiss clarifies that the information received was not was requested but a letter from an engineer stating that it was okay with them if Mr. Higley applied for variances, and reiterates it is not what the ZBA requested. Mr. Higley refutes Board Member Reiss’s response and stated that he will ask the Secretary. Mr. Higley questioned ZBA Secretary Tracy Longhi if the DOT has sent a package. Secretary Longhi advised Mr. Higley that the only thing received by the ZBA was the letter from David Corrigan that Board Member Reiss was referring to. Secretary Longhi retrieved a copy of the letter from David Corrigan and provided to Mr. Higley and each of the attending Board Members for review. It was clarified the letter in question was from DOT Engineer David Corrigan and was a response to Don Brewer’s original correspondence that was not related to the documentation being requested by the ZBA. Board Member Johnson clarifies that the letter states they will agree with the ZBA’s decision but that the setback issue will first need to be addressed. Mr. Higley states that this is a Planning Board matter not a ZBA matter. Board Member Johnson states that the Hanover Farms will be put on the agenda for the October 15, 2014 meeting and

a decision will be made. Mr. Higley stated that he wanted to end the public hearing and put it to a vote. Mr. Higley/Hanover Farms to be added to the October 15, 2014 agenda.

Adjournment

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

The September 17, 2014 ZBA meeting adjourned at 8:38PM