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Town of Shandaken Zoning Board of Appeals

MINUTES FOR REGULAR MONTHLY MEETING

January 20, 2016

The regular monthly meeting was opened by Vice-chair Reiss at 7:30 PM with the pledge of allegiance.

Roll called by ZBA secretary Anne Ricciardella, and attendance was recorded as follows.

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

Roll call summary: 4 present, 1 absent

Others present: Helen Morelli

- Jack Morelli
- Karen Miller
- Don Brewer
- Tina Rice
- Tim Malloy
- Jeffrey Bailey
- Harry Jameson

Board Member Reiss opened the meeting with the Public Hearing that remained opened from the previous meeting pertaining to the Glass Mountain Inn on Route 214, Phoenicia. The hearing remained open pending comment from the Ulster County Planning Board. Their recommendation to the Board if the variance be granted, the applicant will need to indicate their facility is effectively screened from the adjacent properties.

Comments were heard from the gallery about their issued with the proposed variance. Some were unclear on exactly why the application was sent to the ZBA for review. The meeting was only to approve an area variance from the required 100 ft. setback of all lot lines. It is classified as a cabin/cottage development, which is available to transients in zoning districts R5, R3, R1.5 and HR, all residential districts. What Mr. Bailey is applying for is set up to be in those districts with approval from the Planning Board by issuing a Special Permit. In order for it to be approved, it must meet all five requirements in the Town Code. The first four they've already met, and the fifth is that you can't have structures closer than 100 feet to the lot line, which is what sent it from Planning to Zoning. He is only allowed to have two such dwelling units per acre, which he has, the main building and the cottage so he has the maximum

density as far as structure. Some people thought there was a Stop Work order issued for the Glass Mountain Inn when in fact one has not been issued. The Planning Board had requested they take down the advertisements from the website and for them to stop renting while their application was being processed. They cannot force them to stop, the issuance of a Stop Work order can only be done by the CEO.

After all comments were made, Board member Reiss made a motion to close the Public Hearing, seconded by Board member Michaels.

Roll call vote:

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

Roll call summary: 4 yes, 1 absent

The Zoning Board made it clear to the galley that they're only ruling on the interpretation of the law. The variance applied for is to operate his business within 500 feet of a State road, not to operate a business. Board Member Reiss made a motion to accept the application as submitted, seconded by Board Member Loete.

Roll call vote:

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

The lead agency for this project is the Planning Board so they will be doing the SEQR findings. The recommendation from the County was taken into consideration, but after realizing that the driveway on Mr. Bailey's property is also the property line, the Board felt the screening would also be up to the affected neighbors.

New Business:

The Catskill Mountain Railroad presented an application to the ZBA. Joe Michaels, also being an engineer for the Catskill Mountain Railroad, recused himself from any discussion on the matter. They're applying for two Area Variances, front and rear setbacks, and one Use Variance because it's a prohibited use. It is zoned Hamlet Residential, it's 11 ft. for the front and 5 ft. for the back. For the density variance 95,832 ft., maximum structure coverage is 10 percent, 9, 583. Proposed building is 8,000, once he does his lot line revision and moves the two lot lines together therefore making it so he does not need a density variance. The Use Variance is light industrial for doing warehousing of the train equipment, processing and repairs which is a prohibited use in this zoning district. Harry Jameson, as President on the Board for the C.M.R. was there to present the application. The C.M.R. is located on Station Rd. in Phoenicia. It's boarded by the Empire State Railway Museum on three sides. They've currently been renting space in Kingston from the Ulster/Delaware right of way for the last 25 years. The lease expires on May 31st and

they're going to need somewhere else to work on their rail equipment. There being no further questions from the Board, Board member Reiss made a motion to move the application to a Public Hearing for next month's meeting on February 17th, seconded by Board member Guglielmetti.

Roll call vote:

Keith Johnson, Chair	Yes
Rolf Reiss, Vice Chair	Yes
Joseph Michaels	Yes
Mark Loete	Yes
Gary Guglielmetti	Yes

Roll call summary: 4 Yes, 1 absent

Minutes from previous meeting:

The minutes were reviewed from the previous month's meeting. Motion was made to accept minutes as written by Board Member Reiss, seconded by Board member Michaels. All in favor.

Adjournment:

There being no further business before the board, a motion was made by Board member Reiss, seconded by Board member Guglielmetti. The Zoning Board of Appeals meeting adjourned at approximately 8:30 PM.