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

Town of Shandaken Zoning Board of Appeals

MINUTES FOR REGULAR MONTHLY MEETING

November 16, 2016

The regular monthly meeting was opened by Chairman Johnson at 7:33 PM with the pledge of allegiance.

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

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

Roll call summary: 4 present, 1 Absent

Others present: Warren Tutt, Don Brewer, Bob & Joanne Kalb, Kathy Nolan, Claudia Braymer, Terresa Bakner, Howard Widensky, Gary Gales, Tina Rice, Timmy Malloy, Mike & Eileen O'Connor

Public Hearings:

Howard Widensky – Area Variances – Landscaping – Route 28, Mt. Tremper

Public hearing still open from last month for a landscaping business he'd like to open on Route 28 in Mt. Tremper, right across from the Emerson Resort. There was some confusion last meeting about a water line being present underneath the property in question. Mr. and Mrs. Umhey were present to inform the Board the Emerson has an easement on that property and were to provide documentation saying so. As of yet, we haven't received anything and no one was present on behalf of the Emerson. Mr. Widensky informed the Board of other easements he has documentation for that belongs to Bell Atlantic and other electric companies, nothing for the Emerson. Don Brewer, Mr. Widensky's surveyor did meet with Mr. Umhey and was shown where the water line was and that it is in fact there. There should be something in writing that shows this, and should be indicated on a map, etc. This water line is currently supplying the Emerson with water and needs to be accessible to them in case of an emergency, so the major concern is putting a structure above it. Mr. Widensky plans on putting a gravel parking area above it, with only Item 4 going down. They've scaled back the building from the road, as well as the size. After more review from the Board Members, it was brought up that he owns both undersized lots, and according to our Town Code, Section §116:12, two substandard lots owned by the same person must be combined to make one lot. Mr. Widensky will now need to combine the lots and then re-approach the Board for the variance (s) needed. Motion was made by Board Member Reiss to leave the public hearing open, seconded by Board Member Johnson. All in favor.

New Business:

Mike & Eileen O'Connor- 776 Plank Rd. – Side Yard Variance

Mr. and Mrs. O'Connor are presenting their application for an 18 ft. side yard variance for a garage they'd like to put on their property located at 776 Plank Rd. Mt. Tremper. Garage will be 20 x 24 on a concrete slab, requesting an 18 ft. side yard variance to put it next to his house. Their home is a double wide, mobile home, which was built in 07', above the floodplain zone so they're actually not in the zone. Property is located North West of the Zen Mountain Monastery on the creek side. Application will need to be referred to the County. After some review from the Board Members, a motion was made by Board Member Reiss to send the application to public hearing, seconded by Board Member Guglielmet. All in favor. Public hearing will be next month's meeting on Wednesday, December 21, 2016.

Planning Board request for interpretation of "lodge development"

The Shandaken Planning Board at the request of Judge Mott, who is overseeing the case involving the Belleayre Resort, would like the ZBA to interpret the definition of "lodge development." He felt as though it should come from the ZBA and not the Planning Board. Chairman Brewer, of the Shandaken Planning Board, present before the Board to request for an interpretation of "lodge development." The Zoning Board is responsible for interpreting definitions and that's exactly what they're doing since there isn't a definition. Attorney Richard Olson, for the Planning Board, along with Chair Brewer, issued a letter requesting the ZBA to read through and interpret the definition to either agree or disagree with the Planning Board. Mr. Wolinsky who is usually the ZBA's attorney, has a conflict of interest in this case and Mr. Olson will now represent both Boards. He is familiar with this case, the Boards, and the Town Codes. ZBA is only accepting the request; they are not taking public comment on this matter. Motion was made by Board Member Johnson, to accept the request for an interpretation, seconded by Board Member Guglielmetti. All in favor. Motion was made by Board Member Reiss, to send the request to public hearing next month, seconded by Board Member Johnson. All in favor. Public hearing scheduled for Wednesday, December 21, 2016 at 7:30PM.

Minutes:

Board reviewed previous meeting minutes, and a motion was made to accept minutes as written by Board Member Reiss, seconded by Board Member Johnson. All in favor.

Communications:

-None

Adjournment:

There being nothing further before the Board, a motion was made by Board Member Reiss to adjourn, seconded by Board Member Loete. All in favor. The Zoning Board of Appeals meeting adjourned at approximately 8:20PM.