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Town of Shandaken Zoning Board of Appeals

MINUTES FOR PUBLIC HEARING & REGULAR MONTHLY MEETING

February 17, 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	Present
Rolf Reiss, V. Chair	Present
Joseph Michaels	Present
Gary Guglielmetti	Present
Mark Loete	Present

Roll Summary: 5 Present

Others present:

Minutes from previous meeting:

Board went over the minutes from previous meeting. Motion was made to accept minutes as written by Board member Loete, seconded by Board member Michaels. All in favor.

Motion made by Board member Johnson to open the Public Hearing for the Catskill Mountain Railroad, seconded by Board member Reiss. Harry Jameson, President on the Board for the CMRR present as agent authorization. Joe Michaels as the engineer for the CMRR has recused himself. The CMRR has presented the Board with an application for two area variances and one use variance. They're currently leasing property in Kingston to store and do maintenance on their train cars. The lease will be up soon and they'd like to use the railyard in Phoenicia to do the same. Many people showed up in opposition. Most of their concerns were bringing more cars to the yard and having it become an eyesore to the neighbors. There are currently four cars on the tracks in Phoenicia but they're actually from the Empire State Railway Museum and their scheduled for repair and to be put in the car barn that was built for them. Fuel will not be stored on premises, when needed the fuel is delivered by a truck. Many are concerned that the integrity and character of the Town will be diminished. Harry Jameson addressed Board on the neighbors' concerns, mainly that of all the rail cars in Kingston being moved to Phoenicia. Stated that that's not their intention at all, they just need a space to do maintenance work on them and storage. They would like to put up a building to store equipment and chemicals. They do not use lead

based paint, there will be crew briefings and trained personnel always on site to handle these situations. They've asked for 200 feet for the building, but are willing to compromise with aggrieved neighbors. It won't be any higher than the museum. They will be moving some of the museum's equipment, there's a full train set in Kingston and it will stay there, a steamboat owned since 1986 that's been stuck in Kingston will also be moved. The Polar Express will NOT be moved to Phoenicia. There will be no sand blasting, they only chip, scaled, contain and put down tarps. Disposal of materials is at a land fill for lead based/ chemical materials. The CMRR owns the two parcels and altogether is 2.2 acres. The Use variance was the biggest concern because it's zoned residential and they want to use it for industrial use. Mr. Fudderfas present representing Anique Taylor and some other neighbors, pointed out that the law on use variances is very clear and they need prove unnecessary hardship by demonstrating that for each and every permitted use in the district: (1) The applicant is substantially unable to make a reasonable return from the property, as shown by competent financial evidence; (2) The hardship is somewhat unique, or at least not shared by a majority of parcels in the same zoning district; (3) The hardship has not been self-created; and (4) The relief asked for – i.e, the requested variance – will not alter the essential character of the neighborhood. It is required for this be shown in “dollars and cents” fashion, which means the owners have to show actual dollar figures relating to the value of the property , advertised attempts to sell, offers received, actual income realized, etc. So far, the CMRR hasn't provided the Board with such information. A failure to meet the reasonable-return standard in dollars-and-cents terms will result in a denial. The CMRR will need to get more information together for the Board so motion was made to keep the Public Hearing open by Board member Johnson, seconded Board member Reiss.

Roll Call vote:

Keith Johnson, Chair	Yes
Rolf Reiss, V. Chair	Yes
Mark Loete	Yes
Joseph Michaels	Recused
Gary Guglielmetti	Yes

Roll Call Summary: 4 yes, 1 Recused

New Business:

Bruce Bell presented the Board with an area variance application for his property located at 667 Route 214, Chichester. It's the old Wesleyan Chichester Church. He and his wife currently live there full time. In the 1950s there was an annex built on to the Church for Sunday school. They'd like to keep the integrity of the church but wants to build an addition on to the annex which was just recently renovated. There's no back entrance and they'd like a mud room. After their review of the application, Board member Reiss made a motion to move it to Public Hearing next month, seconded by Board member Michaels.

Roll Call Vote:

Keith Johnson, Chair	Yes
Rolf Reiss, V. Chair	Yes
Mark Loete	Yes
Joseph Michaels	Yes
Gary Gulielmetti	Yes

Roll Call Summary: 5 yes

Robert Novak presented the Board with an area variance application for his property at 9296 Route 28, Highmount. There is currently no entrance to their house so they've been going around the back

of it to get inside. Would like to add an addition to the front of the house which would be their dining room and adjacent to it a foyer/mud room to allow them access through the front. After reviewing the application, Board member Reiss made a motion to move it to Public Hearing next month, seconded by Board member Guglielmetti.

Roll Call Vote:

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

Roll Call Summary: 5 Yes

Nathan Williams presented the Board with a Use variance application to run an auto body repair shop at 11 Warfield Rd., Shandaken. The property is currently own by his cousin. Having just gone over a use variance for the CMRR, Mr. Williams will need to provide the same information for proving unnecessary hardship and was asked to bring that information to the next meeting.

Adjournment:

There being nothing further before the board, a motion was made by Board member Reiss to asjourn, seconded by Board member Johnson. All in favor. The Zoning Board of Appeals meeting adjourned at approximately 9:15 PM.