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

Supervisor: (845) 688-7165  
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Town of Shandaken Zoning Board of Appeals

MINUTES FOR REGULAR MONTHLY MEETING

July 18, 2018

The regular monthly meeting was called to order by Chair Johnson at 7:30 PM with the pledge of allegiance.

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

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

Roll call summary: 5 present

**Others present:** Art & Jen Christie, Karl Zwoboda, Russ Walker, Carol Miserlian, Marilyn Nasstrom, Karen Lee

**Public Hearings:**

Karl Zwoboda – 630 Creekside Dr. – 20 ft. area variance for shed:

Mr. Zwoboda is proposing to put a 10x16 storage shed at the front of his property right along Creekside Dr. Shed requirement in the front is 40 ft., he wants it 20 ft. from the road, he’s requesting a 20 ft. front yard variance. No one present in regard to this project. No further questions from the Board.

Keith Tierney – 89 Schweitzer Rd. – Four (4) area variances for garage structure:

Mr. Art Christie present on behalf of Mr. Tierney. He’s erected a 3-story garage structure on his property for the purpose of storage and studio space. There had previously been a trailer on the property that was removed, the garage structure was to be put back in the same footprint, but it wasn’t. It was originally permitted to be an accessory structure, but since it’s the only structure on the property it’ll now be the primary, falling under the required setbacks for those. Permit was recently amended to include a deck on the back and a porch in the front that have not yet been added. Mr. Christie was instructed by the Building Dept. to apply for the appropriate variances. He’s now seeking a 67% maximum coverage variance, 48 ft. front yard, 40 ft. rear yard, and a 13 ft. side yard variance for this building.

There were a few neighbors present in regards to this application. Russ Walker and Carol Miserlian, live at 76 Schweitzer Rd. and have been concerned with the size of the building and why it was allowed at the time to be built without the variances being granted prior to construction. This project

happened to be an oversight from the Building Dept. with the transition from the previous building inspector to the current. They questioned the fact that Mr. Christie was previously the zoning officer for the Town, an experienced builder and still erected this structure without going through the proper channels, as did the Board. Mr. Christie pointed out that the lot, and most of the other lots on Schweitzer Rd. are all pre-existing non-conforming, meaning they were lots of record at the time the zoning codes were adopted in 1976. Although the lots are small, if the building had been put in the same footprint as the trailer, the variances might not have been necessary. Building inspector McGowan stated that from here on out all future projects will require a zoning application to be filled out and given to the Building Dept. so they can research the project and make sure it falls into the required setbacks, BEFORE a building permit is issued. The Board had most of the same questions initially. All members have been out to the site to see the building. With no further questions from the Board, motion was made to close the public hearing by Board Member Reiss, seconded by Board Member Guglielmetti. All in favor.

**Old Business:**

**Karl Zwoboda – 630 Creekside Dr. – 20 ft. area variance for shed:**

With no further questions from the Board, a motion was made by Board Member Reiss to accept the application as submitted, and determine it as a Type II action under the SEQR review requiring no further environmental review, seconded by Board Member Michaels.

Roll call vote:

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

Roll call summary: 5 yes

**Keith Tierney – 89 Schweitzer Rd. – Four (4) area variances for garage structure:**

Board Member Loete asked the inquiring residents if any of them wished to see the structure torn down, response was no because they didn't want to see the money go to waste. With no further questions from the Board, a motion was made by Board Reiss to determine the application as a Type II under the SEQR review, requiring no additional environmental review and accept the application as submitted, seconded by Chair Johnson.

Roll call vote:

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

Roll call summary: 5 yes

**New Business:**

Keith Marlin & Jess McNear – 85 Bonnie view Ave. – Wellness Center & retreat:

Keith & Jess are in the process of purchasing the property located at 85 Bonnie view Ave. in Pine hill that used to be the “White House Lodge,” and “Crystal Springs.” Property has been abandoned for over 30 years. They’d like to open a wellness center and retreat, “The Springs,” offering amenities such as a hot whirlpool, dry sauna, steam room, and cold plunge as well as treatment rooms for individual holistic services from body-work (Thai yoga massage, Breathwork) to energy healing (sound bath therapy) astrology and more. Also offering four (4) rooms for people wishing to come for a retreat with a B&B atmosphere, and community space for yoga, meditation, and other group based activities. The spring is still located on the property, which will be used, with the aid of an eco-friendly filtering system to supply the water-based activities without the use of chemicals, reducing the impact of waste on the environment and property. The classes being offered would take place weekly or monthly, and vary from writing workshops, painting, photography and floral arrangement classes. Group classes would be either a set monthly or seasonal schedule focusing on yoga, pilates, and tai chi type aerobic classes. Individual services will be conducted by contracted practitioners, the owners would facilitate the booking of clients for Breathwork, Astrology, Thai yoga massage, Reiki, and various other forms of energy and healing therapy modalities. Use variances are very difficult to obtain, the Board has a lot of information to go over for this project so they’ve asked the applicants to come back next month so the Board has time to visit the site and review their application more thoroughly. They’ve also requested a plot plan, whether hand drawn or professionally done, indicating what they’ll be adding to the property. There was some discussion about what the exact classification of a “wellness center & retreat” would be. The closest category in the code book is a “health club or other profit-making recreational club” which is prohibited in an R1.5 zone, in which case the ZBA could grant them the use variance. Building inspector Mcgowan suggested that they apply for a special use permit for either a hotel, motel, lodge development, inn, or vacation resort. This will require them to go to the planning board, which they presented their application to at the May workshop meeting and were instructed to bring it to the ZBA for a variance for a health club. More research needs to be done to figure out what exactly to classify this under in the Town Code book so they can be directed to the right Board.

**Minutes:**

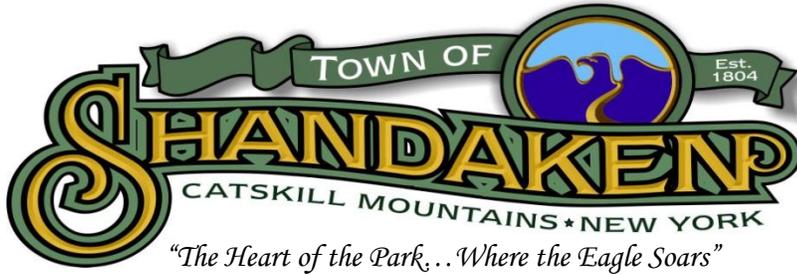
Motion was made by Chair Johnson to accept the minutes as written, seconded by Board Member Reiss. All in favor.

**Other Business:**

None

**Adjournment:**

There being nothing further before the Board, a motion was made by Board Member Loete to adjourn, seconded by Board Member Guglielmetti. All in favor. The Zoning Board of Appeals meeting adjourned at approximately 8:45 PM.



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

Date: ZBA Meeting, July 18, 2018  
 Time: 7:30p.m.  
 Place: Main Hall, Town Hall Building  
 Public Hearing: Karl Zwoboda-630 Creekside Dr., Keith Tierney - 89 Schweitzer Rd.

## AGENDA

Meeting Called to Order

Pledge of Allegiance

Roll Call

Rolf Reiss	_____present	_____absent
Joseph Michaels	_____present	_____absent
Keith Johnson	_____present	_____absent
Gary Gugliemetti	_____present	_____absent
Mark Loete	_____present	_____absent

Others present: \_\_\_\_\_

### Public Hearings:

-Karl Zwoboda – 630 Creekside Dr. – 20 ft. front yard variance for storage shed

- Keith Tierny – 89 Schweitzer Rd. – 48 ft. front yard, 40 ft. rear, 13 ft. (right) side variances for 3-story garage structure

### Minutes from Previous Meeting

### Correspondence

-None

### Old Business:

-Karl Zwoboda – 630 Creekside Dr. – Shed variance

-Keith Tierney – 89 Schweitzer Rd. – 3-story garage variances

### New Business:

-Keith Marlin & Jessica McNear – 85 Bonnieview Ave. – Health Club

### Other Business:

### Adjournment