



[www.shandaken.us](http://www.shandaken.us)

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  
ZBA/ZEO/Planning: (845) 688-5008  
Highway: (845) 688-9901  
Fax: (845) 688-9863

Town of Shandaken Zoning Board of Appeals  
MINUTES FOR REGULAR MONTHLY MEETING  
September 18, 2019

**Public Hearing**

Motion was made at 7:15PM by Board Member Rolf Reiss to open the public hearing, seconded by Board Member Joe Michaels. All in Favor.

**Jerry & Monica Sforza – 227 Beaver kill Rd. – Area Variance**

Mr. & Mrs. Sforza applied for an Area Variance for an (8') eight-foot-high deer fence made of twisted steel. They are in need of the protection from the deer population to prevent the deer from eating their cultivated vegetation they grow on their property. There weren't any questions or correspondence from the public nor any further questions from the board.

**John Setto – 59 Fox Hollow Rd. – Area Variance**

Mr. Setto applied for an (8') eight-foot-high privacy fence along the property line of one neighbor, as he describes as problematic, calls the police and dumps garbage. Mr. Setto's neighbors, Mr. Joseph Galvano and Mrs. Victoria Galvano are both opposed to any such fence. As they are part time residents and do not bother Mr. Setto, even though the Galvano's filed a civil suit against Mr. Setto for clear cutting trees on the Galvano's property, this civil suit was filed in Kings County, NY. The civil matter was settled by Mr. Setto's insurance company. There weren't any further questions, comments or correspondence from the public nor any further questions from the board.

**Vale Restaurant -Anna Hieronimus, LLC – 5696 Route 28 – Use Variance**

Brad Will, Representative has applied for a use variance. The use variance is for a restaurant use that is not permitted within the FW Overlay district. Use is permitted within the district, subject to a Special Use Permit and Site Plan. The Town of Shandaken Planning Board approved their Special Use permit contingent on the Zoning Board of Appeals decision of said Use Variance application. An email from Shandaken resident Hilary Smith was provided to all Board Members for review. The Board has decided to keep this Public Hearing open till next meeting for their further review. There weren't any further questions, comments or correspondence from the public nor any further questions from the board.

Board Member Rolf Reiss made a motion to close the public hearing seconded by Gary Guglielmetti. All in Favor.

The regular monthly meeting was called to order by Board Member Rolf Reiss at 8:00 PM with the pledge of allegiance.

Roll called by Secretary Sandra Pettersen, 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:** Howie McGowan, Joseph Galvano, Victoria Galvano, Tuan Loung, John Setto, Jerry & Monica Sforza, Brad Will, Anna Hieronimus, Elise Kornack, Sanjay Rawal, Jess Walker, Ronald Porby

### **Minutes:**

Motion was made by Board Member Joe Michaels to accept the minutes as written, seconded by Board Member Loete. All in Favor.

### **Old Business:**

#### **John Setto – 59 Fox Hollow Rd. – Area Variance**

A motion to deny this application was made by Board Member Mark Loete, seconded by Board Member Joseph Michaels. All in Favor.

Roll call vote:

Keith Johnson, Chair	Absent
Rolf Reiss	No
Joseph Michaels	No
Gary Guglielmetti	No
Mark Loete	No

Roll call summary: 0 yes, 4 no, 1 absent

#### **Jerry & Monica Sforza – 227 Beaver kill Rd – Area Variance**

A motion to accept this application as a Type II SEQRA with no additional environmental review needed was made by Board Member Rolf Reiss, seconded by Board Member Joe Michaels. All in Favor

Roll call vote:

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

Roll call summary: 4 yes, 1 absent

#### **Anna Hieronimus, LLC – 5696 Route 28 – Use Variance**

A motion was made to have the Public Hearing remain open until next months meeting on October 16, 2019 by Board Member Rolf Reiss, seconded by Board Member Mark Loete. All in Favor.

### **New Business:**

#### **Illumine Service Foundation, Sanjay Rawal – 822 Woodland Valley Rd. – ZBA Appeal**

Sanjay Rawal for the Illumine Service Foundation has put in a ZBA Appeal for the denial of the building permit denied by Shandaken ZEO Howie McGowan for a 35' bronze statue of Sri Chimnoy on his parcel located at 822 Woodland Valley Road. The building permit application was denied due to the R5 zoning district which is a low-density residential district, mostly ecologically sensitive land areas and the placement of such structure is totally out of character for this district.

Mr. Rawal has expressed this statue is for personal purpose and for the (3) members of the foundation. The Zoning Board Members would like to further review the file, application and documents submitted by applicant. A motion was made by Board Member Rolf Reiss for application to be put out for Public Hearing, seconded by Board Member Joseph Michaels. All in Favor.

**Patricia Carminati, Tuan Luong, representative – 19 Schweitzer Rd. – Area Variance**

Tuan Luong, Representative for the homeowner has put in an application for an area variance to build a 2500sf home on the parcel, to replace the 1,620sf trailer that a demolition permit was issued to demolish and remove from the property. He is requesting the variance as it is a small parcel and the new structure does not meet the setbacks. Board Member Rolf Reiss made a motion to move the application to a Public Hearing, seconded by Board Member Gary Guglielmetti. All in Favor.

**Other Business:**

**Adjournment:** There being nothing further before the Board, a motion was made by Board Member Mark Loete to adjourn, seconded by Board Member Joseph Michaels. All in favor. The Zoning Board of Appeals meeting adjourned at approximately 8:30 PM.