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**Town of Shandaken Zoning Board of Appeals  
Minutes for Regular Monthly Meeting  
January 24<sup>th</sup>, 2024**

The regular monthly meeting was called to order with the pledge of allegiance at 7:02 pm.

Roll called by Secretary to the Zoning Board of Appeals Olivia Amantia, and attendance was recorded as follows:

Mark Loete Chair	Present
Gary Guglielmetti	Absent
Allen Vella	Present
Christian Lynch	Present
Henry Williams	Present

**Roll Call Summary:** 4 Present, 1 Absent

**Others Present:** Zoning Enforcement Officer Grace Grant, Christina Davis

**Minutes**

Board Member makes a motion to accept the November meeting minutes with no corrections, seconded by Board Member Williams; all in favor.

**New Business**

Woodland Playhouse LLC – 25.1-1-2.100 – Area Variance

Christina Davis of Woodland Playhouse presents the application to the Board, she is seeking 3 Area Variances in relief of the required setbacks of play yards (§ 116-40.M.) The Variances requested are 29.8', 6.1', and 13.8' in relief of the required 100' setback. The applicant

currently operates Woodland Playhouse in the Phoenicia Plaza, and recently purchased 5605 Route 28, to build a new Preschool/Daycare center. They have been in business since 2017 , they partner with Onteora School District, and there is currently a waitlist due to not enough space. The new space will have three classrooms, with each classroom having their own individual play yard. The property is in the watershed which has limited their usage to build. They are less than 100 ft from the property line which borders state land, and the DEC. There is no other space on the property to do this, the DEC has no issue with this. Chair Loete asks the applicant if she has seen an increase in business? The applicant states yes there has been a big increase between 2020 and 2022. The applicant adds, 6 families have moved to the area this year, and their children attend her program. The applicant currently employs 8 individuals. The applicant adds there isn't much toddler care in Phoenicia, she also runs a summer camp, as well as before and after school programs. The Board states they think it will be a great addition to the Town, and that it is an essential need. Board Member Williams makes a motion to set a public hearing for the applicant at the next ZBA meeting, seconded by Chair Loete, all in favor. The public hearing will be February 21, 2024 at 6.45 pm.

### **Old Business**

#### APFU LLC – 13.-2-1.112

ZEO Grant states the Public Hearing for APFU LLC, which was cancelled, needs to be rescheduled for next month's meeting. Board Member Williams makes a motion to reschedule the public hearing for the February 21, 2024 meeting at 6:30. The motion was seconded by Chair Loete, all in favor.

There is a discussion amongst the Board regarding 116.40A1 in the code book. The Board discusses what type of variance would be needed for the applicant APFU LLC attending next month's meeting. The applicant has applied for multiple variances in order to construct a 7 unit townhouse. Board Member Vella states the applicant applied for an area variance, but it may be a use variance. Board Member Vella who is also a member of the comprehensive plan committee states they are possibly changing zoning so that multi family homes are allowed in the code. Board Member Vella states doing what's best for our Town should remain a priority. Board Member Vella adds the applicant is secondary to what the interest of the Town is.

There is a discussion amongst the Board pertaining to what the County had to say regarding this project, they say it appears a use variance may be in order. Board Member Lynch states he feels this could both be an area and a use variance. The Board adds it could be a density issue as well. ZEO Grant states when you take density into consideration regarding cluster development, it's the same idea.

Chair Loete states as a Board they have a lot more to think about and discuss. It is three area variances that the applicant is applying for. Board Member Lynch reads from the code book,

the multi family dwelling shall occur only through conversion of a one- or two-family residence or other structure in existence at the time of the adoption of this structure. Board Member Lynch adds, there's no structure currently there. Board Member Lynch continues from the code book, he states the number of dwelling units located on a lot shall not exceed the density otherwise applicable to two family dwellings within the applicable zoning district. Board Member Lynch reads one more section of the code book; stating no individual multi family structures shall contain more than four residential units. Chair Loete states the applicant bought property and should be able to build on it, but is concerned about density and the proximity of the building being close to the state highway. Board Member Lynch adds there is no parking for the proposed site, and not that much detail other than 7 units that all look the same, some more information would be needed.

### **Other Business**

There is a discussion amongst the Board and ZEO Grant regarding training. Chair Loete states all Zoning Board Members need four hours of training over the course of a year. ZEO Grant states it is up to the Town Board to decide what does and what does not qualify towards training. ZEO Grant adds the Town Board is putting together something for the February meeting in regards to the training. ZEO Grant states on the state's website on the training page, there are 68 available classes to take, and out of those classes there are only 7 that would offer certificates following completion as proof of training.

### **Adjournment:**

There being no further business Board Member Vella made a motion to adjourn the meeting, Chair Loete seconded the motion, all in favor. Meeting adjourned at 8:12 pm.

These minutes were prepared by the Zoning Board Secretary Olivia Amantia.