



"The Heart of the Park... Where the Eagle Soars"

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**Town of Shandaken Zoning Board of Appeals
Minutes for Regular Monthly Meeting
March 20th, 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 Olivia Amantia, and attendance was recorded as follows:

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

Roll Call Summary: 3 Present, 2 Absent

Others Present: Zoning Enforcement Officer Grace Grant, Don Brewer

Minutes:

Motion was made by Board Member Vella to accept the previous month's meeting minutes with no corrections, seconded by Board Member Gugliemeti; all in favor.

Old Business:

APFU LLC – Variances

Don Brewer is here this evening to represent the applicant. The applicant is requesting a Use Variance, in relief of 116-40 a-1. Acting Chair Williams ask's Mr. Brewer if there is anything he would like to add since the last meeting. Mr. Widensky provided documents stating that some of his apartments will meet Rupco affordable housing standards. Mr. Widensky provided the Board with this paperwork; they are currently looking over.

Applicant is seeking the Use Variance, since Town Code only allows for a multi-family structure to be built through the conversion of an existing structure. The Area Variance being sought is to allow the applicant to construct a 7 unit structure, Town Code does not allow for more than four units.

Acting Chair Williams states if this Board approves the Use Variance, the applicant would go before the Planning Board. ZEO Grant states the Planning Board cannot defy code, and they can't regulate how many units the applicant is proposing. Acting Chair Williams states when they approve the Use Variance, it would be granted based on 116-40-a-1, then a-2 in the code book states you can only have four units in one structure. ZEO Grant states if this applicant goes back to the Planning Board with an approved Use Variance, then the Planning Board, can only approve four units, never more. ZEO Grant states the code defines multifamily housing as nothing exceeding 4 units. The only way that he'll be able to build anything with more than four units is with a Use Variance, and an Area Variance for the number of units inside the dwelling, with out both he cannot have 7 units.

Acting Chair Williams states if this Board is to grant both Variances, why does the applicant have to go before the Planning Board? ZEO Grant states because the project requires a special use permit, as well as site plan approval. ZEO Grant states if the Use Variance is approved, and the Area Variance is denied the applicant can go back to the Planning Board with the project with four units, no more. Acting Chair Williams states, that what is being asked from the Board is not in the code book, and prohibited. Acting Chair Williams states there are four requirements to be met. Board Member Vella reads aloud those four requirements. The first one reads, that the property is incapable of earning reasonable return on initial investment if used for any of the allowed uses in the district, actual dollars and cents proof must be submitted. The second requirement is that the property is affected by unique or at least highly uncommon circumstances. The third is, that the Variance if granted, will not alter the essential character of the neighborhood. And the fourth, is that the hardship is not self-created, if any one or more of the above factors is not proven, state law requires that the ZBA denies the Variance.

Acting Chair Williams is requesting that the Town Board makes a recommendation to their thoughts on this project. Acting Chair Williams states he would like an advisory recommendation from the Town Board based on the resolution that they passed at the Town Board meeting, pertaining to housing. Acting Chair Williams makes a motion to keep the public hearing open and to re -open it on April 17th's meeting at 6:45., seconded by Board Member Gugliemetti, all in favor.

A local resident and tenant of Mr. Widensky's is here this evening to speak about the project. He has written a letter to the Board regarding the housing issue in Shandaken. Letter is attached to these minutes.

New Business:**Adjournment**

There being no further business before the Board, Board Member Vella makes a motion to adjourn the meeting, seconded by Board Member Gugliemetti; all in favor.

Meeting adjourned at 7:26 pm. These minutes were prepared by the Planning Board Secretary Olivia Amantia.

Hey Everyone,

Thank you for the opportunity to speak with this board tonight.

I'm not in the business of wasting anyone's time, so I'll get right down to it.

My family and I have lived in Mount Tremper for the last 5 years. My wife has lived here her entire life, graduated High School from Onterora and is the operations manager of Fruition Chocolate. I've worked for local businesses in restaurants and textiles in this region for the last 10 years and before making a move to operate my financial planning practice here in this community.

Our family is expanding and wishes to continue to be a part of this community. Buying a home has been largely out of reach the last few years due to inflation and the economy. This combined with properties purchased very specifically to be turned into Air Bnb and VRBO rentals. Some of these properties have been purchased by outside money from people who've never visited here. I do not plan to harp on this point too much because I do not think these are secrets to anyone here, or issues that to some degree are being addressed already.

But currently, we rent a great apartment from two very responsible landlords who follow the codes and laws that have been established. They've gone above and beyond to make sure that local people have an affordable place to rent from landlords that aren't going to cut corners to make a quick buck. Our property houses local business owners from Woodstock Brewing and Esopus guitars, formerly of Spector Bass guitars. Residents also work in local places from the Catskill Rec Center to Scribners and Fruition Chocolate to Bread Alone.

Another issue that I have seen personally over the last ten years is the amount of "absentee landlords" who seem to only be in it for the cash grab. Sadly, these types of landlords have been plentiful. I do not think this is the fault of this board, but it's an issue that somehow needs to be addressed as far as the amount of housing available.

These "absentee landlords" are aware how the lack of housing draws rental pricing up and the lack of choices you'll have when these issues arise.

Just a few weeks ago, my family made an attempt to leave our one bedroom apartment in Mount Tremper for a two bedroom in the town of Olive. But due to safety issues arising in a "currently updated apartment", I was forced to move my family back into the one bedroom apartment in Mount Tremper. This is a much larger story that I do not have time to allow to address, but these "absentee landlords" are still very much in our community.

So I'm pleading with this town to start approving more housing units for the hard working people who actually live and work in this community to property owners that exist already here who want to continue to do the right thing. These plans wouldn't include helicopter pads or major sewers being dug in, just something that local people can thrive in and raise their families..

As clients of mine, I see generations of hard working families doing their best to live affordably with their extended families close by, my family included. In recent years, this has become very challenging.

If anyone has any information that they could express to me about why this has been so difficult, I'd accept that dialogue. Again, thank you for allowing me to speak tonight about this issue.

Thank you for your time,
Rob Sampogna
8458265212
Resident of Mount Tremper