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

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

**Town of Shandaken Zoning Board of Appeals
Public Hearing – APFU LLC – Area and Use Variances
April 17th, 2024**

The Public Hearing was called to order with the pledge of allegiance at 6:50 pm.

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

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

Roll Call Summary: 5 Present, 0 Absent

Others Present: Zoning Enforcement Officer Grace Grant, Don Brewer

Chair Loete reopened the previously scheduled public hearing from last month's meeting. Don Brewer is here this evening representing APFU LLC. With no comments from the audience, and no comments received prior to the meeting Chair Loete made a motion to close the public hearing, seconded by Board Member Williams; all in favor.



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**Town of Shandaken Zoning Board of Appeals
Regular Monthly Meeting
April 17, 2024**

The regular monthly meeting for the Shandaken Zoning Board of Appeals was called to order at 7:02 with the Pledge of Allegiance, and attendance was recorded as follows:

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

Roll Call Summary: 5 Present

Others Present: Don Brewer, Grace Grant (ZEO)

Minutes:

Motion was made by Chair Loete to approve the previous months minutes with no corrections, seconded by Board Member Williams; all in favor.

Old Business:

APFU LLC – 13.-2-1.112 – Use Variance

Don Brewer is present representing the applicant. The applicant is seeking a Use Variance in relief of Town Code 116-40 A.1 which limits the construction of any multi-family structure to the conversion of an existing structure.

Board Member Williams ask's Mr. Brewer if there is anything he would like to add since the last meeting, and asks if the Area Variances will still be required if the Use Variance is approved. ZEO Grant states the Use Variance is going to allow the applicant to create a multi-family structure, as they are unable to do so now because there is no existing

structure. The Area Variance's remaining are in relief of the section of the code that allows only four units. Chair Loete ask's the Board Members if they have any additional questions or comments. With no further questions, Chair Loete made a motion to approve the Use Variance, in relief of 116-40 A.1 Board Member Williams seconded the motion, roll call vote as follows:

Mark Loete Chair	Yes
Gary Gugliemetti	Yes
Allen Vella	Yes
Christian Lynch	Yes
Henry Williams	Yes

APFU LLC – 13.-2-1.112 – Area Variance

The next order of business is the Area Variance the applicant is requesting. Chair Loete states the applicant is asking for seven dwelling units, he ask's Mr. Brewer if the drawings he has this evening are what the building will look like? Board Member Lynch points out the drawings Mr. Brewer has does not have the parking shown. They are one-bedroom apartments 560 sq ft, and they are going to be for long term renting, not short term. Board Member Williams ask's Mr. Brewer if the applicant is flexible of the design of the building? Mr. Brewer states there is not a lot of area to build, due to the setbacks, and the power lines. The applicant needs an Area Variance in relief of sections of 116-40. There is a discussion amongst the Board and the ZEO about cluster development, that is not what this applicant would like to do. Chair Loete ask's the other Board Members if they are opposed to a 7-unit building, and if they would be more comfortable with four units? The answer is yes. Board Member Williams states according to the code book, on a 1.5 residentially zoned property the applicant can build six attached houses. ZEO Grant states the applicant could theoretically build six attached houses if he could prove that he could legally subdivide the lot into six separate lots. This is conditioned on the promise that he would never subdivide and instead would cluster all that residential development into one area and leave the rest of the land open. ZEO Grant adds you must prove that you can subdivide the lot into six separate acres, and then all that density gets clustered into one building. Chair Loete states were left with 116-40-4, in the code states no individual multi-family structure shall contain more than four residential units. Chair Loete states he feels seven units is shoehorning the area in, he is also concerned about parking, access, and egress. Chair Loete asks the Board their thoughts on seven units, the Board feels seven is too many. Board Member Vella agrees with Chair Loete stating its shoehorning the area in, its too big for the site, parking is a concern as well, and it is very close to State Route 28. Board Member Vella states he agrees we need housing, and the applicant has every right to build what he can legally.

Board Member Williams asks Board Member Vella what he thinks the character of the neighborhood should look like on State Route 28, compared to what it looks like now? Board Member Vella states how the proposed building looks, and how close it is to the road, he does not think is appealing for our town and neighborhood. Chair Loete states it is a scenic

byway, Board Member Williams states if this was in a residential neighborhood, or his neighborhood he would be very opposed to it. Board Member Guglielmetti states he agrees with Board Member Vella, four or five units would be better than seven. Chair Loete asks ZEO Grant if they can grant a conditional variance. ZEO Grant states the applicant applied for a variance if the Board does not grant it, you can add the condition anything over four units would require the conditional variance. Board Member Lynch states his opposition to the seven units is the parking, he ask's Mr. Brewer if they considered putting the parking in the back of the building? Mr. Brewer states it's not possible due to the power lines. Board Member Lynch states a four or five-unit building would make a big difference especially with the parking. The Board Members agree they are more comfortable with five units. Board Member Lynch adds five units would be much more appealing in terms of parking and the massing along State Route 28. Board Member Guglielmetti adds with a seven unit building if one couple is living in one of the apartments and they each have a vehicle, that would be fourteen cars in the parking lot, as opposed to five units would have ten cars.

Chair Loete ask's if there are any more questions? With no further questions Board Member Williams made a motion to deny the area variance for seven units 116-40/a4, on the conditional variance to build five units but no more than five but we will give him relief to build. Board Member Vella asks ZEO Grant if this project now goes to the Planning Board? And if they have the final say on the matter, ZEO Grant says yes, they cannot supersede what this Board does, but the Planning Board does have the final authority over screening, etc. There is a discussion amongst the Board about the parking for the proposed building, and whether they can suggest to the Planning Board their thoughts on the parking. ZEO Grant states the ZBA can contact the Planning Board and express their concern regarding parking to them, so they can address it through their review process. There is a discussion amongst the Board about them making a recommendation to the Planning Board pertaining to the parking of the proposed apartment building. The Board ask's the ZBA Secretary to re-read the resolution, with the conditional parking added. Board Member Williams made a motion to deny the area variance 116-40a4 for seven units but to give the applicant relief to build five units, no more than five units, and no more than ten parking spaces can be added. The motion was seconded by Board Member Lynch, roll call vote as follows:

Mark Loete Chair	Yes
Gary Guglielmetti	Yes
Allen Vella	Yes
Christian Lynch	Yes
Henry Williams	Yes

There is a discussion amongst the Board about 116-40 A.2, the area variance for the density issue. The Board determined that the additional variance is not needed, since the project changed from 7 units to 5. Chair Loete states 116-4a becomes inapplicable because of the previous changes to the project. Therefore, the additional variance is not needed because

density is no longer an issue. The Board thanks Mr. Brewer for his patience, his input, and time this evening.

Other Business:

ZEO Grant states the new owners of the Wayside Inn in Big Indian are currently renovating, and they would like to replace the existing sign. The new proposed sign is bigger than the current sign. ZEO Grant would like to know whether the owner needs a variance for the new sign. The new sign will be in the exact same spot, it is a pre-existing non-conforming sign. ZEO Grant states its 1.03 sq ft bigger than the existing sign.

Adjournment:

There being no further business Board Member Guglielmetti makes a motion to adjourn the meeting, Chair Loete seconded the motion, all in favor. Meeting adjourned at 7:45 pm. These minutes were prepared by the Zoning Board Secretary Olivia Amantia.