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**Town of Shandaken Zoning Board of Appeals
 Minutes for Regular Monthly Meeting
 August 21st, 2024**

The regular monthly meeting was called to order at 7:00 with the pledge of allegiance.

Roll called, 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

Minutes:

Chair Loete began the meeting with going over the previous meeting minutes from April, the most recent meeting for the ZBA. With one correction, from Board Member Williams. Board Member Williams would like to amend the minutes from the April 2024 meeting; pertaining to an ongoing project if it was in his neighborhood he would be against it, but since the project location is off State Route 28, he is not against it.

New Business:

Arrow Mueller – 14.5-1-22 – Area Variance

The first order of business this evening is Arrow Mueller resident of 42 Fichtner Rd, in Chichester. Mr. Mueller is here requesting an area variance in relief of the 15 foot height restriction in order to construct a garage that would be 18 feet in height. Mr. Mueller states a

tree fell on the existing garage this past winter, so he is looking to rebuild it and it will be slightly further from the property line than the existing garage. ZEO Grant states that according to the code, the applicant can replace the garage in the same footprint if it does not meet the side and rear setbacks, but code does not say that one can replace in the same height, so a variance is needed.

Board Member Williams states he's concerned from the distance of the house to the garage. The applicant states the distance between the house and garage is about 20 ft. He'd like the building to be parallel with the house, rather than closer to the road. The new building would be closer to the existing house. The applicant also has two letters of support from his neighbors. Chair Loete states pertaining to height variances the main concern is impeding the neighbors viewshed, but that doesn't seem to be an issue with this project. Board Member Williams states his only concern is the distance between the garage and the main house. The issue of concern would be for emergency vehicles getting in and out of the property. The applicant states 14 ft is the width of the existing driveway and that is wide enough for emergency vehicles. The applicant states he has limited options in terms of where to put the building, which is a reason for the height, to have extra room on a smaller footprint.

With no further discussion Board Member Williams makes a motion to set a public hearing for Mr. Mueller on September 18th at 6:45, Board Member Vella seconded the motion. Board Member Lynch adds he'd like the applicant to update his plans showing that the proposed garage and the house are aligned with each other.

Harry Josh – 25.19-2-8.200 – Area Variance

The next order of business is Harry Josh resident of 1345 Wittenberg Rd. Mr. Josh is here this evening for an area variance. The applicant is seeking an Area Variance in relief of the height restrictions for a fence along the front, side, and rear lot lines in order to construct an 8-foot-tall fence. Board Member Williams ask's the applicant if there is already existing fencing? The applicant states no there is no fencing at the moment, he has already removed several dead trees, and his hope is to put in a fruit orchard. Board Member Williams ask's what type of fencing it is? The applicant states it is aluminum and most of it gets attached to trees, so you won't see it. Board Member William's ask's the applicant if he had any other options other than the fencing to deter the deer. The applicant states after discussing what he'd like to do with other individuals who own farms the fencing seems to be the best for the trees, fruit trees, and vegetable gardens he'd like to plant. Board Member Williams states that he doesn't have a farm. The applicant states he is planning to grow a lot of food on the property, he wishes there was a more affordable way to do this, but this seems to be the option. The Board ask's how his neighbors feel about this and if he has many, he states they are informed and fine with what he plans to do. The applicant got a surveyor as well to be sure where the property lines are, and to make sure he does it right. Chair Loete states the only issue would be the viewshed, and it doesn't seem to be affected by this fence. Board Member Williams ask's why the fence cannot go further from the front of the property. The

applicant states it could but they'd like to maximize the land, and they plan on planting shrubs as well. Therefore, the property will look similar to what it did prior to when they took it over. The shrubs will be in front of the fence, they had to remove the shrubs to get the dead trees off of the property, and new shrubs will be planted. ZEO Grant states the applicant lives on a county road so the application will be sent to the County Planning Board for review as well. ZEO Grant states the applicant needs a four-foot variance on the front and a 2-foot variance on the side and rear. Board Member Lynch ask's if the fence will be painted or stay aluminum? The applicant states the fence will be black; Board Member Williams ask's how large are the squares of the fence? The applicant states 4 inches.

With no further questions or discussion, Board Member Vella makes a motion to have a public hearing for Mr. Josh, seconded by Board Member Lynch at 6:30 on September 18th.

Wellington Blueberry LLC – 4.46-1-32.110 – Area and Use Variance

The next order of business is the Wellington Blueberry LLC. Jan Jaffe president of the Board of the Wellington Blueberry LLC, along with Shelly Smith who's a preservation architect and a professor of architecture at CUNY are present to represent. The Wellington Blueberry LLC is a community-based LLC made up of neighbors in Pine Hill or former Pine Hill residents, 20 in total. Jan Jaffe states they raised enough money to purchase the property and wanted to do something for the community. Since the hotel was purchased, they've had a structural and civil engineer as well as an architect to work on a design. They have partnered with RUPCO for affordable housing who are also experts in preservation, and adaptive reuse.

Their plan is to create 10 affordable/workforce housing units, as well as a retail/food store. They are here today for a variance in relief of code that does not allow more than four units, and a use variance in relief of density regulations. Board Member Williams ask's the applicants if they've done a site plan for this project? They have not done one as of yet. Board Member Williams states he feels they being in front of the ZBA this evening is premature, since they need to go before the Planning Board as well to address the other issues and hurdles. Parking is an issue for the site, for the proposed units. Jan Jaffe states she's aware the number of units and parking are two issues but she'd like to keep them separate. Jan Jaffe has had discussions with the County and the Town about the parking issue, they have attended a Planning Board workshop as well and there is the issue that there is not a lot of parking in Pine Hill.

The applicant feels that prior to putting a great deal more time and money into the development of a Site Plan, they would like to address the issue of density and number of units, since they cannot move forward with less than the 10 proposed units.

Board Member Williams states if there will be 10 units, you need 1.5 parking spaces for each unit, as well as the retail shop, will require parking as well. The applicants state the Town is looking for an additional site for parking. Board Member Williams states the Board is willing to entertain the idea of the 10. There is a discussion between the Board and the applicants

whether or not the property lies in a floodplain. Jan Jaffe states they have some parking on site, and there is 78 parking spots total in the town. She adds that the Town is in talks about acquiring a parcel in Pine Hill that would be used as a municipal parking lot.

Chair Loete ask's how large is the property that the hotel sits on? The property itself is .9 acres. Chair Loete states this Board is supportive of the project, and he is in awe of what they've been able to do, including the one point six million dollars grant they received. Jan Jaffe states they are partnering with Ulster County Economic Development and they applied for the grant on their behalf, and they got it from restore NY, from the Mid-Hudson regional economic development corporation. Board Member William's ask's if these proposed apartments are going to be affordable? Jan Jaffe said they'll meet RUPCO standards, but it's called workforce housing. Jan Jaffe states it's for people who live and work in the area who make no more than 80% of the area median income. The median household income for renters in Shandaken is \$56,500. Board Member Williams mentions that the local café in Phoenicia, formerly known as Sweet Sues, has two apartments above the café, and they are charging over 2,000 dollars for rent. There is a discussion amongst the Board about affordable housing, and how much it is needed in the area, and that the Board is very supportive of this affordable housing proposal.

There is a discussion amongst the Board and ZEO Grant, that the applicant still needs to go to the Planning Board first to discuss what they need to do in order for this project to have progress, including the parking for the proposed 10 units, and the density issue. ZEO Grant states in terms of density, the minimum lot area in the district considering that you have municipal water and sewer is .34 acres. For a two family you don't have to make that any bigger in that district but you do have to take into consideration that you now have two units on .34 acres. Code required .17 acres per proposed unit as well as the required lot area for a market/café. In total, according to code, the project requires 2.04 acres, and project site consists of approximately .95 acres. There is a discussion amongst the Board and ZEO Grant regarding what variances the applicant needs, and the density issue. Chair Loete ask's how large the proposed apartments will be? Jan Jaffe states they will be 600-700 square feet. They comply with the housing community renewal requirements. The ceilings are 11 ft high, but they are smaller apartments. Board Member Lynch asks if they have any drawings or floor plans for the potential units.

After further discussion between the Board, ZEO Grant, and the applicants Board Member Williams made a motion to set a public hearing, seconded by Board Member Lynch at 6:15 on September 18th.

Adjournment:

There being no further business Board Member Williams makes a motion to adjourn the meeting, Board Member Vella seconded the motion, all in favor. Meeting adjourned at 8:30pm. These minutes were prepared by the Zoning Board Secretary Olivia Amantia.