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**Town of Shandaken Zoning Board of Appeals
 Minutes for Public Hearings
 July 19 ,2023**

Public Hearing was opened at 6:30

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

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

Roll Call Summary: 3 Present, 2 Absent

Others Present: Zoning Enforcement Officer Grace Grant, Building Inspector Donna LaMoine, John Michelotti, Don Clark, Gloria Duque, Joseph Vescio

Chair Loete opens the public hearing at 6:34 for Gloria Duque. Being no questions from the Board, or the Public, Chair Loete makes a motion to close the Public Hearing, seconded by Board Member Vella, all in favor.

Chair Loete opens the second public hearing at 6:45 for the Big Indian Oliverrea Fire House. Chair Loete ask's if there were any comments or questions from the public regarding this application, and there are. Don Clark of 16 firehouse road, the Firehouse's neighbor, is here this evening. Mr. Clark states he has no issue with the new building the Firehouse has always been a good neighbor. He is concerned about the severe drainage issue, pertaining to his property and the property below him. Mr. Clark states rain creates ponds and the water must go somewhere, and it needs to be addressed. He states he is aware the drainage issue is not a Zoning issue. He states he does not want to delay the project. Mr. Clark states with

the new structure being put up, even with gutters the water will have to go somewhere. Mr. Clark states he has been in contact with John Michelotti, and they have a handshake agreement that they will both work together to come up with a plan, he states he feels coming up with a plan may delay the project, which he does not want to happen. He states a plan needs to be in place for drainage. Mr. Clark states him and his wife both understand the need for the new firehouse, but he is concerned about the flooding which is an issue. Mr. Clark states this will not only affect him, but the neighbors below him, he states this is the only time he has been given an opportunity to speak on the issue, due to the new firehouse being built.

Mr. Michelotti states from someone who has had houses that have flooded, he appreciates Don and Heidi's issues. He states that he assured Don that they would put gutters, or whatever it takes on the firehouse, and either go to a dry well or to the drainage ditch which is on State land on the back to alleviate any issues with rain coming off the building. He states there will be no extra black top because the existing blacktop for parking is going to be the apron of the building. He states there will be no additional blacktop, only what comes off the building, and half of that goes towards the existing firehouse, and half will go toward Don and Heidi's property. Mr. Michelotti states if they put gutters and snow fences on the roof, and either switch to a dry well, or the drainage ditch on the state which that is what it's there for. Board Member Vella asks if the drainage ditch is on route 28, the answer is yes just below route 28.

Mr. Michelotti states part of the issue is the State never cleans out the ditch. He states if they clean the ditch on their property, but it doesn't get cleaned out further down, he cannot be held responsible. He states Mr. Clark admitted that even now the properties get flooded with no building. He states he assumes when they build the new building our remedial issues will at least somewhat alleviate the issues that we're having now, in addition to whatever we bring off the building. Mr. Michelotti states we have been working on this project for almost five years, he states they are finally at a point where they can afford what they think they can build. He states if they must go and hire engineers and delay the project, which they have a state grant, and he does not know how long the state's going to keep up with them, it could potentially kill the project. He states he told Don he gave him his word that any water coming off of the building, is not going to go into their basement, he states he can't do anymore than that.

Chair Loete states as a property owner in the area, he certainly appreciates the concerns but the issue before the Board is the area height and lot variances. He states they have no authority nor purview as how to control drainage. He states this is an issue to be resolved between the fire department and local property owners. Mr. Clark states they want to work with the fire department to resolve any issues. Chair Loete states they need a solution but I do not think the solution lies with the Zoning Board. Chair Loete states this is a community wide problem. ZEO Grant states going forward should these variances be granted any issues with the build or construction would be forwarded to Donna, the Building Inspector.

Chair Loete makes a motion to close the public hearing, seconded by Board Member Vella, all in favor.

**Town of Shandaken Zoning Board of Appeals
Minutes for Regular Monthly Meeting
July 19th ,2023**

Minutes:

The regular monthly meeting was called to order at 7:00pm, following the pledge of allegiance. Roll call was taken by ZBA secretary Amantia, 3 Members present, 2 absent. Chair Loete ask's the Board Members if they have looked over the previous month's meeting, minutes, and if there are any corrections, or questions. With no questions or corrections, Chair Loete makes a motion to accept the previous month's minutes, seconded by Board Member Gugliemetti.

Chair Loete further discusses the first applicant, the Big Indian Oliverea Fire house. Chair Loete states it is an area variance, one building is a bit closer to the other than the variance allows. This variance is for the distance of the two structures. Chair Loete states the issue there is accessibility for the Emergency Services and, since the Fire Department is emergency services, there is no issue. Chair Loete states there is a definite demonstrable need for the additional facility. Chair Loete ask' if there are any objections, with no further comment or objections, Chair Loete makes a motion to grant the variance of two feet as requested, seconded by Board Member Vella.

Roll call vote as follows:

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

ZEO Grant points out the second variance for height needs to be ruled on as well. Chair Loete ask's if there are any objections to that variance request, with no objections Chair Loete makes a motion to grant the variance ,seconded by Board member Vella.

Roll call vote as follows:

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

The next order of business on the agenda is Gloria Duque. The applicant is here for a variance for a 4 ft tall fence 17 ft off the center line of Oliverrea rd. The variance is 8 feet, in relief of the 25 foot setback. Chair Loete ask's if anyone has any questions or comments for the applicant. Chair Loete states there is no impediment to the county, with no questions or comments, Chair Loete makes a motion to approve the variance requested, seconded by Board Member Vella.

Roll call vote as follows.

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

The next order of business on the agenda is Cameron Moulton. Joseph Vescio is here this evening to represent the applicant. The applicant is requesting a variance, he is encroaching seven feet into the fifty-foot side setback. Mr. Vescio states the applicant has a letter from their neighbor, stating that its fine for them to proceed with the work. Mr. Vescio states they do not mind going seven feet into the fifty-foot setback. He states the applicant upon going through the process for a variance, is worried that with construction costs they will be working through the winter and doing construction. The applicant is requesting a letter stating they can proceed with some of the work upon installing techno tubes. Mr. Vescio states it is the only area where they are able to build. Chair Loete makes a motion to hold a public hearing for Cameron Moulton at 1811 Todd Mountain Road, on August 16th, at 6:45 seconded by Board Member Vella, all in favor.

ZEO Grant states there is nothing that the Board can do in terms of a letter before the variance is granted. Chair Loete states technically you should not start construction before receiving the proper permits, variances, etc. Some people do , but you're not supposed to. Mr. Vescio states they have not started'' but cleared the area, including a deck which was removed. Mr. Vescio states they wanted to see if they would be able to start before the permits were in place. Chair Loete states if people start construction before they receive approvals they are at risk.

Communications:

Old Business:

Other Business:

Adjournment:

There being no further business before the Board, a motion was made to adjourn the meeting by Chair Loete, seconded by Board Member Gugliemetti, all in favor. Meeting adjourned at 7:30 pm These minutes were prepared by the Zoning Board of Appeals Secretary Olivia Amantia