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**Town of Shandaken Zoning Board of Appeals  
 Minutes for Public Hearings  
 June 21<sup>st</sup> ,2023**

Public Hearing was opened at 6:48

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	Present
Henry Williams	Present

**Roll Call Summary:** 3 Present, 2 late arrivals

**Others Present:** Zoning Enforcement Officer Grace Grant, Joshua Pulver, PJ Urban, John Michelotti

Chair Loete opens the public hearing at 6:48 for Perpetual Space LLC

**Minutes:**

The Public hearing for Perpetual Space LLC was opened at 6:48. Chair Loete ask's if we received any comments regarding the applicant, none were received. Chair Loete states he does not have the application for Perpetual Space LLC. ZEO Grant states she does not know how to define what they are requesting. ZEO Grant states the sign that is currently there is pre-existing non-conforming sign, it has been there since before 1972. ZEO Grant states they would like to relocate it because it is inconvenient where it is. It is permission to move a pre-existing non-conforming sign, whether that would be an Area Variance or something

different. Board Member Lynch states it's not just moving the sign, it's a brand new sign, as well, the answer is yes it is a brand new sign, and the design has to be addressed as well. ZEO Grant states she's spoken to DOT as well, for it to be 64 ft off the road and it is 65 ft. ZEO Grant states, if they had come with an application to install a freestanding sign in that location, it would have required at least two area variances, but the relocation of a pre-existing non-conforming sign is different. ZEO Grant states it's essentially two area variances because it's got to be at least ten feet off the property line, & it's a freestanding sign which isn't allowed in that district, which is a residential 1.5. Chair Loete asks to see the plans for the new sign design. P.J. Urban presents the design to the Board Members, stating the new sign is much smaller, and will be in line with the existing vegetation, and closer to the building, not closer to the road. With no comments or questions for the applicant, Chair Loete makes a motion to close the public hearing, seconded by Board Member Lynch, all in favor.

**Town of Shandaken Zoning Board of Appeals**  
**Minutes for Regular Monthly Meeting**  
**June 21<sup>st</sup>, 2023**

The regular monthly meeting was called to order at 6:58 pm with attendance, & the pledge of allegiance. Chair Loete asks the Board Members if they have looked over the previous month's meeting, and if there are any corrections, or questions, with no questions or corrections Chair Loete makes a motion to accept the minutes as written, seconded by Board Member Guglielmetti, all in favor.

Chair Loete states per the comprehensive plan, the Zoning Board has been tasked with the issue of flagging anything in the Zoning Code that is outdated, and needs to be revised, or added in conjunction with the comprehensive plan. Chair Loete states a document was sent from the State of New York that lays down a legal basis for our zoning codes which states that the zoning codes are driven by the priorities for the community within the Comprehensive Town plan. Chair Loete states the Comprehensive plan Committee meets monthly, and it will take some time to adapt a new standard for a new Comprehensive Town Plan.

This is all mandated by the State of New York, so we are in the process of formulating a new Comprehensive plan, alongside that a sister project will be revisiting the code book, Chair Loete advises the Board Members, if there are specifics in the Code book that need to be altered such as chicken coops, gardens on less than 3 acres, etc., going forward we will see what needs to be revised or flagged. The Zoning code was adapted in 1976, the current Town plan was adopted in 2005, so we are quite a ways down the road at this point.

Chair Loete states this will be an important development community shaping process for the community. ZEO Grant states we're looking for not just what needs to be updated in the zoning code, which is extensive, but outside of that sort of bigger picture stuff, what do

people come here for , what do you see a lot of, and are asked by the community for. ZEO Grant states as Board Members but also members of the community, what sort of things come before this Board more often, than others., do they seem appropriate, is that something that we should be looking at, Chair Loete interjects stating in a nutshell, community character.

Board Member Williams states, that the code book, was adopted from a town in Putnam, essentially taking the town code in Westchester , and it was brought to the Town of Shandaken in our sleepy little community , and a lot of the stuff that's in the code book can be removed or revised. Board Member Williams states there is a lot in the code book that we don't even deal with on a daily basis. Chair Loete states the issue of boarding houses, the issue of horse stables as well.

The next order of business, is the Big Indian-Olivera Firehouse. John Michelotti president of the Big Indian Olivera Firehouse is here this evening to represent them. The Firehouse is requesting two Area Variance's, to build a new Firehouse next to the existing one. Mr. Michelotti states the trucks barely fit in the current Firehouse; they received a grant from the State 4 years ago for 250,00, which is not enough for the new building, between that and savings, etc. they have enough funds for the new firehouse.

The new garage will be having four doors in the front, and be 14 -15 ft high, 16 ft at Eres, and 26 ft for the firehouse. The building will be a 60 by 60 steel building , in the same location as the current building. The current firehouse will stay where it is, the new firehouse will be 8 ft from the old building. Chair Loete ask's how they are doing with members, and if they are having a difficult time with having new volunteers, and if they are understaffed. Mr. Michelotti states they have a few new members, but the average age is well over 60, and the interior firefighters are mostly over 70. According to the code, two variances will be needed, they would eventually like to put a breezeway in.

On the north side Don & Heidi Clark have a fence and have their Christmas tree business, and they are trying to stay as far away from them as possible. The variance being requested is 8 ft, and the adjacent structure the height allowed is 15 ft, and they will need much more than that for the firehouse. They are currently 16 ft at the eaves and 26 ft for the firehouse. Board Member Williams ask's how many pieces of fire equipment do they currently have, they have four trucks in total. Chair Loete makes a motion to hold a public hearing for the Big Indian Olivera Firehouse, next month July 19<sup>th</sup> at 6:45.

The next order of business is Perpetual Space LLC. They are here this evening for a variance for their new sign for the Leeway, Aka Kate's Lazy Meadow. Chair Loete states they need a one 1ft variance to project the sign closer to the DOT right away, and in line with the vegetation the question is if 2 variances are needed. ZEO Grant states 2 variances would be required if you were treating this like a new sign, it would be the simple existence of a freestanding sign in that zoning district isn't allowed , which would be the second variance.

The current sign at the establishment is grandfathered in, this would be a new sign, made of stone with downlighting, and is much smaller than the old sign and closer to the building. Chair Loete makes a motion to grant the variance from 65 ft to 64 ft, Board Member Lynch seconded, roll call vote as follows:

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

The next order of business on the agenda is Gloria Duque for a variance for a fence. The applicant was unable to attend tonight's meeting, ZEO Grant will walk the Board through what she is asking for. The applicant is asking for a variance, needed between the distance of the road, which is 17 ft. ZEO Grant thinks this application should be referred to the Ulster County Planning Board, since it lies on the County road. The location along the front line is too close according to code, its supposed to be 25 ft off the center, it is 17 ft, the height is not an issue . Chair Loete states the code says 25 ft, and they are asking for 17 ft off the center line of Olivera rd. Chair Loete makes a motion to set a public hearing for the applicant at next month's meeting, July 19<sup>th</sup> at 6:30, motion seconded by Board Member Williams.

**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 Lynch, all in favor. Meeting adjourned at 7:45 pm These minutes were prepared by the Zoning Board of Appeals Secretary Olivia Amantia