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**Town of Shandaken Zoning Board of Appeals
 Minutes for Public Hearings
 May 17, 2023**

Public Hearing was opened at 6:35

Roll called by Secretary to the Zoning Board of Appeals Olivia Amantia, 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: Josh Pulver, PJ Urban, Brandon Wine, Jeanne Maloney

Chair Loete opens the public hearing at 6:35 for Perpetual Space LLC. They are here this evening for a Variance for their existing fence. The legal notice is read by ZBA secretary Amantia. There is one individual from the public this evening, to speak about the project, for the public hearing. Jeanne Maloney, lives next door to the Leeway, formerly known as Kate's Lazy Meadow since 1986. She is here for two reasons this evening, to introduce herself to the new owners, and to address the work that has been occurring at the hotel, and the inconvenience it has caused her. Mrs. Maloney states since the work has begun at the site, several pieces of the top of the fence which is being cut, has been going into her yard. She states she spoke to the individuals doing the work, and that they agreed to clean up the mess as a result of them starting work, and the mess ending up in her yard. She states some of the mess was cleaned up, but not all of it, and she would need to hire and pay someone to take care of it, if they do not. She states she has no issue whatsoever with the current fence,

being taller, she states she is in favor of it, for the privacy it will bring. Chair Loete thanks her for coming in this evening, and states the issue with the debris from the fence, going into her yard, is not a 'zoning issue, but a "good neighbor issue. Josh Pulver architect, and project manager, explained to Ms. Maloney he will give her his information, so that this will not occur again, and they will resolve it. Board Member Williams ask's Ms. Maloney if she has opposition to the fence being taller, she said she prefers a taller fence for additional privacy. She states years ago there used to be no fence at all, and individuals staying in the hotel could see in her windows, and vice versa, so she is very happy to have a higher fence.

Town of Shandaken Zoning Board of Appeals
Minutes for Regular Monthly Meeting
May 17, 2023

Minutes:

The regular monthly meeting was called to order at 7:00 pm, followed by the pledge to the flag. Chair Loete ask's the Board Members if they've looked over the previous month's meeting, and if there are any corrections, or questions. With no corrections, Chair Loete makes a motion to approve the minutes, seconded by Board Member Vella, all in favor.

The applicant on the agenda this evening is, Perpetual Space LLC. Representing them is PJ Urban, part of the architecture team. There is a discussion amongst the Board about the fence variance they are here for this evening.

Mr. Urban states he has new information to present to the Board this evening, stating he has been in contact with the DOT, and they were given the ok for their setbacks, regarding the distance for the front of the fence. Mr. Urban approaches the Board about the new sign they would like to put up as well. The applicant was informed they would need approval from the DOT for the new sign. He states the sign would be 65 feet from the road, and the DOT requires 64 feet. The new proposed sign will be made of stone possibly a rounded boulder, and have down lighting but they are still figuring out the logistics, where the stone will come from and how big the sign will be. The applicant states the existing sign is not legible now and is hidden behind bushes, which is not ideal.

A public hearing will be held on June 21st for Perpetual Space LLC, for the new proposed sign.

There is a discussion amongst the Board about the existing fence, regarding the drawings the Board Members have, are not showing what the applicant is saying they'd like to do. The applicant states the drawing's the Board Members have are outdated, and inaccurate. The applicant explains that the plan is to cut the top of the pickets off, and to have horizontal boards going across, making it a 8ft tall fence.

Board Member Vella states the Board needs and updated drawing that reflects what the applicant is stating. Board Member Lynch agrees, a new drawing is necessary which shows the existing fence, which is being altered, as well as a drawing of the new fence that is being proposed for the front of the property.

Board Member Lynch ask's what is the reason for extending the fence? The applicant states for privacy, and a sound barrier from the traffic on Route 28. Chair Loete states there is no objection to the two ft variance, on the side fences, he sees no problem with granting the variance. Board Member Lynch agrees but feels its important we have an updated drawing of the current and proposed fence.

ZBA Secretary Amantia suggests granting the variance on the condition that the updated maps and drawings show exactly what will be done to next month's meeting. Chair Loete states the zoning law was created in the first place, to preserve the view shed, it is the scenic byway, and a state highway. A four-foot fence is allowed, but Chair Loete does not seem the need for an eight-foot fence.

There is a discussion amongst the Board whether an eight-foot fence would solve the issue of having a sound barrier. Chair Loete states his concern with the variance is people ask for them often, and they as a Board are likely to grant a variance, where it helps the property owner, and the community, they do not want to rule on something that abrogates the character of the community, and nothing that abrogates the economic activity of the community.

Chair Loete states he cannot see a compelling reason for either one of those issues to grant the variance on the front, the Board Members agree. Chair Loete makes a motion to grant the variance as requested from six feet to eight feet for the side fences, conditional upon receiving an architectural drawing indicating exactly the height of the existing and new fence. Chair Loete upon approving the side fence variance, is denying the request for eight feet in front. Chair Loete states he cannot see any compelling reason to grant the eight feet.

Roll call vote as follows:

Mark Loete- Chair	Yes
Gary Guglielmetti	Absent
Allen Vella	Yes

Christian Lynch	Yes
Henry Williams	Yes

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 Vella, all in favor. Meeting adjourned at 7:22 pm. These minutes were prepared by the Zoning Board of Appeals Secretary Olivia Amantia