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## Town of Shandaken Planning Board

### MINUTES FOR REGULAR MONTHLY MEETING & PUBLIC HEARING

October 14, 2015

#### **Public Hearing – Peter Colucci- Special Use Permit SBL# 5.18-2-1**

The Public Hearing was opened at 6:45; the Board invited Peter Colucci to address the Board with details pertaining to the proposed Special Use permit. The applicant expressed his concern about his age and not being able to work as much as he used to, and he would like to use the top floor of his work building as an apartment and rent it out to increase his income. Clarified, it's an accessory use structure that's going to be used as an apartment. The Board invited members of the gallery to comment regarding this application, no one chose to do. Building inspector Tutt reaffirmed that the building is and always was up to code. There being no further comments with regard to the Colucci application a motion was made by Board member Shiner to accept and approve the application as submitted.

#### **Public Hearing- Glass Mountain Inn – Special Use Permit SBL# 13.12-2-22**

The Public Hearing for the Glass Mountain Inn remained open from the previous meeting. Don Brewer recused himself from the Board because he did the survey for the property. Motion was made by Board member Kalb to continue the Public Hearing, seconded by Kathy Jordan. The Board invited members of the gallery to comment regarding this application. Jeff Bailey's attorney, Rod Futerfas stepped in on his behalf, and explained to the Board that his presence is to make sure that the application under review is the only topic of discussion. Then he explained the application: there are three (3) units, used for transient rentals just with more people coming through the property, there's plenty of space for the people staying, each unit is individually set up, it's not a B&B, and the zoning codes permit these uses. They're just hoping for a fair ruling from the Board. Board member Kalb then referred to Building inspector Tutt if the requirements from the previous meeting were met. He informed the Board that he's had several meetings with Mr. Bailey; the septic is up to code. There was a dye test performed where they introduce dye to the water system and then run the water for an extended period of time to see if there are any leaks through the line. The test was passed. Mr. Bailey also requested the water bills from the Town for the last six years for reference. The flow rate has reduced for the septic. There will be on-site parking with an enter and an exit without having to back out on to Rte. 214. Question came up about a border in the driveway to keep people from backing on to Karen Miller's property. This stipulation in particular is

not in the zoning codes but should be taken into consideration. Mr. Bailey has also since modified his website to not include his future endeavors which would have to be applied for and approved if necessary. The easement referred to in the first meeting, has not been confirmed. There needs to be an official document registered with the County and on record. Also, the deed to the house would also have it included. The Building dept. hasn't found any reference to an easement for this property. Mr. Futerfas interjected saying it's not a deeded right of way and even if there was one, it's abandoned and overgrown with grass. Also, there's nothing being done on the property that would affect the easement. The surveyed map from Don Brewer does not show any right of way either. The driveway ends and there's plenty of parking which wouldn't interfere with it if it existed.

Other members of the audience were then given a chance to speak. Helen Morelli of 25 School Lane, informed the Board of her concerns about it being a residential area and it's not zoned for commercial use. Kerryth Kildiur of 3 Station Rd. spoke on Jeff's behalf in support of the Glass Mountain Inn. There being no further comments from the gallery, a motion was made by Board member Rabuffo to close the Public Hearing for the Glass Mountain Inn, seconded by Board member Kalb.

Roll Call vote:

Don Brewer, Chair	Recused
Kathy Jordan, Vice Chair	Yes
Art Christie	Yes
John Horn	Yes
Joanne Kalb	Yes
Allen Shiner	Yes
Cliff Rabuffo	Yes

Summary: 6 Yes, 1 recused

The Public Hearing for the Glass Mountain Inn was closed at 7:13 PM.

The regular monthly meeting was called to order by chairman Brewer at 7:15 PM. Roll called by Planning Board secretary Anne Ricciardella, and attendance was recorded as follows:

Don Brewer, Chair	Present
Kathy Jordan, Vice Chair	Present
Art Christie	Present
John Horn	Present
Joanne Kalb	Present
Allen Shiner	Present

Cliff Rabuffo

Present

Roll Call Summary: 7 Present

Others Present: Bob Kalb, Jeff Bailey, Rod Futerfas, Peter Colucci, Karen Miller, Helen Morelli, Peter Stefancich

The Board then decided to vote on Peter Colucci's Special use permit. With nothing further to discuss, a motion was made by Board member Horn to accept and approve the application.

Roll Call Vote:

Don Brewer, Chair	Yes
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Kathy Jordan, Vice Chair	Yes
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Art Christie	Yes
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John Horn	Yes
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Joanne Kalb	Yes
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Allen Shiner	Yes
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Cliff Rabuffo	Yes
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Summary: 7 Yes

### **Old Business:**

The Planning Board then decided to revisit the Glass Mountain Inn and has their discussion about how to proceed. Don Brewer recused himself again. Kathy Jordan took over the meeting. Maps were disbursed to Board members for better visual understanding. The zoning district was clarified as HR-Hamlet residential. It is not a B&B; it's only advertised on the Air B&B website. The board went over density measurements. Members of the audience were told they could no longer participate after the Public Hearing closes. After much deliberation, it was discovered that according to the Shandaken Town Code §116:40 Section E Sub-section 5, the Glass Mountain Inn doesn't fit the requirements for a Hamlet Residential area. The Code states that no building associated with such development shall be located nearer than 100 feet to any lot line, and any such building shall be effectively screened from adjacent properties. Conferred with Chair Brewer in the audience who conducted the land survey that the existing cottage and apartments are less than 100 ft from the property line and now needs ZBA approval. The building is closer to the property line than a special permit would allow. A motion was made by Cliff Rabuffo to send the application to the Zoning Board of Appeals for further review, seconded by Art Christie. The nature of occupancy has changed because they're no longer renting for long periods of time, it's now transient rentals which nullifies the pre-existing non-conforming status.

Roll Call Vote:

Don Brewer, Chair	Recused
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Kathy Jordan, Vice Chair	Yes
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Art Christie	Yes
John Horn	Yes
Joanne Kalb	Yes
Allen Shiner	Yes
Cliff Rabuffo	Yes

Summary: 6 Yes, 1 Recused

### **New Business:**

There were a couple people present in the audience with concerns about Air B&B in the area in general. Amanda Gulla of 298 State Rte. 214 addressed the Board about their next door neighbors buying the house and never being there. Rent it out every weekend on Air B&B and they don't know what kind of people are going to be renting it. Chair Brewer informed them the Board will be discussing this issue further at the next workshop meeting and with the Town Board. Board member Christie informed the Board of people leasing out acres of their property for camping for short periods of time and then moving it to somewhere else. Not sure what to classify any of this as and how to enforce the permits on people or let them know they're needed in that short amount of time they're in the Town. Don't want to discourage new business.

The payment fee schedule has been revised to now include the Certificates of occupancy or compliance issued at the end of the project. Trying to save paperwork and it'll be easier to close out the file. There's also been a \$250.00 fine added for working without a permit, one-time fee to try to reduce the amount of projects being conducted without one. Manufactured homes fee has gone up, inspected by a 3<sup>rd</sup> party. Board discussed adding another fee for multiple inspections of the same property. Some towns give one failed inspection and anything further is charged at each inspection. It was noted that builders in the area are becoming more aware of the rules & regulations for the Town of Shandaken since they've been able to talk to the Building Dept.

### **County Liaison Report:**

None

### **Other Business:**

Some of the Planning Board's members are running in the election or have terms that are ending. Stated advertisement needs to go out in October, interviews are in November and the Town Board votes in January. Ad for additional members in case both Board members running are elected and need to be replaced on the Planning Board. A motion was made to advertise for additional Planning Board members, seconded by Art Christie. Resumes are to be sent to the Building Dept.

### **Adjournment:**

There being no further business before the board, a motion was made for adjournment by Board member Rabuffo, and seconded by Art Christie. All in favor. The Town of Shandaken Planning Board meeting adjourned at approximately 8:20 PM.

