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## Town of Shandaken Planning Board

### MINUTES FOR REGULAR MONTHLY MEETING & PUBLIC HEARING

September 9, 2015

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

The public hearing was opened at 6:45 PM, Don Brewer being the land surveyor for the Glass Mountain Inn recused himself. Joanne Kalb stepped in to run the meeting and started with the Pledge of Allegiance. Planning board secretary Anne Ricciardella reads aloud the public notice that was in the Daily Freeman. Don Brewer then asks Board member Kalb to read the definition of a cabin/cottage development for the people in the audience so they understand what it's being classified as. As described in the Shandaken Town Code §116-4 – Any parcel of land on which are located two or more cottages, cabins or other accommodations of a design or character suitable for seasonal or other temporary living purposes, including summer colony and resort, but not including a mobile home park, a camping or travel trailer park, boardinghouse, hotel or motel. Afterwards, members of the audience who wished to speak and air concerns about the Glass Mountain Inn were asked to address the board. The abutting neighbors all mostly had the same concerns. The neighbors speaking were Helen Morelli of 25 School Lane, Peter Stefancich and Diane Gehrer of 116 Rte. 214, Karen & Virginia Miller of 28 School Lane, and John Olsen of 119 Rte 214. All focused on how the Glass Mountain Inn is already up and running and they're having the first meeting about it already but they're still operating without permits. It's in a residential area and many feel regardless of the zoning it's going to be commercial. What kinds of repercussions will be implemented for people operating without a building permit? The parking on Rte. 214 is very dangerous, although it's in a sense stopped there's always a possibility somebody who doesn't realize how dangerous the road can be will park there. Who enforces the no parking, is it the Shandaken Police or the State Police? Informed if it happens to call the police and let them know what's happening. They're currently advertising on their website a lot of events that haven't been approved. Website states that the Glass Mountain Inn can hold up to fourteen (14) people, which most neighbors thought was too many because there's not enough parking spots. Some wouldn't think the septic that's currently being used would be adequate enough for that many people. Does the DEP even know about the septic and do they think it's accurate? Some were able to look at the website for over an hour due to many events and future endeavors that were posted but not discussed with the Town. They've added more lights to the house

making it difficult for the neighbors to see the stars at night. The website lists a menu and promises pop-up dinners and guest chefs to come and cook for the patrons. The guests sometimes have dogs and they wander around the property and end up on Karen Miller's lawn in the front and she doesn't want them on her lawn. Shandaken does have a leash law that needs to be implemented for future guests. The driveway isn't big enough so when the guests have to turn around in the driveway they also end up driving onto Ms. Miller's property. Also, many think it's going to change the complexion of the residential area and individual properties having so many people coming and going. There are three units to be rented now, will they be putting more in and would it potentially affect any neighboring properties? Will there eventually be fencing to separate the properties? Some were concerned that by approving this permit it would allow for the Glass Mountain Inn to open up the barn for venues and weddings but that's not what this meeting was for. It's only to permit them to rent out the three rooms they have. Pursuant to Town Code §116:40 Section E, subsection 5- No building or recreational facility associated with such development shall be located nearer than 100 feet to any lot line, and any such building or recreational facility shall be effectively screened from adjacent properties. A lot of neighbors are concerned with mostly what's on their website. They've advertised that they've been doing it since 2014; it shows a menu, promises meals, hosting weddings, community events, family reunions, and retreats. That kind of information gives the impression to locals that there's going to be large groups of people there at a time when there's no parking, septic facilities wouldn't be sufficient enough for that many people, and neighbors that are very close by that would be disturbed by the noise.

The board then asks some questions of its own. Asked the building inspector Warren Tutt what separates the Glass Mountain Inn from Mrs. Miller's property and the answer's nothing. Mrs. Miller's property line goes right up against the blacktop of their driveway. Clarification of the number of parking spots in the driveway was questioned because need to know how many people can stay there. Building inspector Tutt informed the board that if a copy of the local town rules is submitted to the Department of Transportation, then they'd look in to posting "No Parking" signs by the Glass Mountain Inn. He also states that the barn is an entirely different entity that's not being reviewed at this time. The barn is drawn on the map, board member Shiner inquired as to how to make it clear that even though it's on the map it's not being approved for use at this time. Building inspector Tutt informed the board that by the issuance of a special permit that's worded in such a way that we're agreeing to the use of the apartments and guest cottage on a transient basis. The barn will be at a future date and it would have to be re-approached with more information and the parking drawn up separately to show where exactly it would go and how many people could it occupy. The owners of the Glass Mountain Inn Jeffrey Bailey and Brooke Baxter were given the chance to address all the questions from the audience. Brooke begins by explaining that they don't serve anyone food on the premises because she recognizes it's a Health Department issue. They've never done it, nor do they intend to. The master chefs referred to is a future endeavor that was planned for 5 or 6 years down the road but is aware that special permits are needed. Neighbors were under the impression it was planned for the summer of 2016 as mentioned on the website. She then deferred to her husband, Jeffrey Bailey who approached the board to address the questions further. He was asked to clarify what exactly they wish to do there. He answered saying that he's applying to have three (3) air B&B units on their property. He's done his best to make himself known around the neighborhood. When he initially saw the property through a real estate agency, it was advertised to possibly be a bed & breakfast. He mentions how that's his home where he lives with his family, he loves this community and would just like to make a little extra money with air B&B, which has a screening process so that you're

aware of who's coming into your home. They do not allow drop-ins. He stated he had an interview earlier in the year before he opened, with the Watershed Post in which he referred to many of the events talked about in a "wouldn't it be nice," kind of way. The parking he claims is not from his property but from the Phoenicia Flea that takes place at the Graham & Co. As far as that's concerned no one will ever park on 214 from his property. To his knowledge, none of his guests have ever left the property with their dog but will make it clearer to make sure they stay on his side of the property. He states the NYS leash law allows them to be on his property with his permission. He does plan on building a fence around the acreage of his lawn for his and his daughter's safety and also for neighbor's privacy. Once again they don't serve food. So far they've only done cosmetic renovations to the property and they're not looking to put a giant complex in. According to him, he'd never known there to be any clear laws that don't allow air B&B but he doesn't see the difference between having people come to stay for a couple days and having tenants there with a lease. Board member Christie then asks him to clarify how many people can actually stay there. There are 2 beds in the two bedroom apartment, 3 beds in the cottage, and in the one bedroom there's 1 bed and a foldout couch. Doesn't think there'll ever be fourteen individual cars in the driveway or any more than seven (7). Most people come up by bus or car pools, but fourteen (14) people is the amount of people that can comfortably fit in those apartments. According to the map, there are only 6 parking spaces available to guests. Map shows the per apartment parking areas, which includes 2 in front of the garage, 1 under the car port, and 2 in between the cottage and house. A cabin/cottage development is NOT a bed & breakfast.

Question of an easement came up, which is the use of your driveway that an adjacent neighbor can use that's written into your deed. As far as Mr. Bailey knows, he was not aware any such easement existed, and it was just brought to the building inspector's attention right before this hearing. Chair Brewer also stated he was also not aware of any easement and needs to defer to the deed to the house. According to Mr. Bailey there has been no additional lighting that's been added to the property other than 11 watt Christmas lights around the outside and claims that the pre-existing street light is the cause of brightness. He would eventually like to put a fence up around his house, but would like to know exactly where he can build otherwise it'll be encroaching on Ms. Miller's lawn. He'd be happy to make sure that cars don't turn around on her property. Ms. Miller has given them permission to be on her lawn but doesn't want people she doesn't know to be on it.

Building Inspector Tutt made clear to the board and audience that air B&B is the rental of the entire property with the initial concept being that of a bed & breakfast. To rent the entire property is different than to rent a portion of the property. It's now operating as a business, whether you're renting directly or through air B&B, still renting part of the house, not the entire thing and according to the zoning laws you must have a permit to rent those rooms. They should NOT be renting portions of their property through air B&B according current town and zoning laws. If they'd like to rent a portion of their property, whether it's an apartment or temporary transient rental, then a special permit is required in this zoning district. If they intend on staying open, they shouldn't be renting until the Planning Board makes a decision or a permit has been issued.

There being no further questions from the audience a motion was made by board member Kalb to keep the public hearing open until the necessary paperwork can be reviewed. There's a problem with the easement brought to light that needs further research. Board member Christie seconded, states if they can

get all the proper information to the Inspector Tutt, then a special meeting would be called to order. As of now, the public hearing will remain open and vote to close at the next meeting.

Roll call vote:

|                        |         |
|------------------------|---------|
| Don Brewer, Chair      | Recused |
| Kathy Jordan, V. Chair | Yes     |
| Art Christie           | Yes     |
| John Horn              | Yes     |
| Joanne Kalb            | Yes     |
| Allen Shiner           | Yes     |
| Cliff Rabuffo          | Yes     |

Roll call summary: 6 yes, 1 recused

The regular monthly meeting was called to order by Chair Brewer at 7:45 P.M. Roll called by Planning Board Secretary Anne Ricciardella, and attendance was recorded as follows:

|                   |         |
|-------------------|---------|
| Don Brewer, Chair | Present |
| Kathy Jordan      | Present |
| Art Christie      | Present |
| John Horn         | Present |
| Joanne Kalb       | Present |
| Allen Shiner      | Present |
| Cliff Rabuffo     | Present |

Roll Call summary: All present (7)

Others present: Bob Kalb, Kathy Nolan

**Minutes of previous meeting:**

Minutes were read by Secretary Anne Ricciardella aloud for the board to hear. Motion was made to accept the previous month's minutes by Vice Chair Kathy Jordan, seconded by Board Member Christie.

### **Communications:**

There's a storm water training class at the Legion in Margaretville this Friday, September 11<sup>th</sup>. Also, a free seminar on how to properly conduct meetings will be held on October 13<sup>th</sup> in Highland Mills, N.Y.

### **Old Business:**

Belleayre Resort- Consultants haven't yet received any of the final findings. Chair Brewer just received two DVDs that contain a final environmental impact statement for Belleayre Mountain Ski Center unit plan and Modified Resort at Catskill Park. Has to be reviewed by the County and then come before the board.

Next workshop meeting will be held Wednesday September 30<sup>th</sup>, and from now on will be held the last Wednesday of the month.

Glass Mountain Inn- Board member Kalb's concerned because the owners have never come before the board at all and just started renting and doing whatever they wanted, also concerned with people turning around on Rte. 214 all the time. The DEP needs to be informed of the septic system because the capacity isn't known and they'll have to send an engineer out to figure it out. Biggest concern was them putting "the cart before the horse." Vice chair Jordan asks how we can educate new residents and potential buyers in the area of the laws and codes in the town. Board member Christie suggests sending them a letter like they used to do, informing them of what's needed. Mr. Bailey mentioned that he wasn't aware of all the permits and codes that needed to be addressed, when in fact he came into the Town Hall in May and asked what he needed for his endeavors and Inspector Tutt told him exactly what was mentioned today in the meeting, and then never heard from them again. Kathy Nolan suggests holding a workshop for the Board and leaving it open for the public and have someone from the County to come and explain exactly what needs to be done for air B&Bs especially because a lot of people are doing this and they're just making it up as they go.

### **County Liaison Report:**

County Liaison Keith Holmquist not present.

### **Adjournment:**

There being no further business to discuss a motion was made by Board Member Shiner to adjourn the meeting, and seconded by Board Member Rabuffo. All in favor- Yes. The Town of Shandaken Planning Board meeting adjourned at approximately 8:10 P.M.