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## Town of Shandaken Zoning Board of Appeals

### MINUTES FOR REGULAR MONTHLY MEETING

October 19, 2016

The regular monthly meeting was opened by Chairman Johnson at 7:33 PM with the pledge of allegiance.

Roll called by ZBA secretary Anne Ricciardella, and attendance was recorded as follows.

Keith Johnson, Chair	Present
Rolf Reiss	Present
Joseph Michaels	Present
Gary Guglielmetti	Present
Mark Loete	Present

Roll call summary: 5 present

Others present: Warren Tutt, Don Brewer, Joanne Kalb, Kenny & Naomi Umhey, Kathy Nolan, Karen Gustavsen, Marilyn Stewart, Grace Ann Louis, Christina Davis

#### **Minutes:**

Board reviewed previous meeting minutes, and a motion was made to accept minutes as written by Chairman Johnson, seconded by Board Member Reiss. All in favor.

#### **Public Hearings:**

##### Grace Ann Louis – Use Variance- Phoenicia Plaza

Motion was made by Chairman Johnson to open the Public Hearing, seconded by Board Member Reiss. All in favor. Mrs. Louis is applying for a Use Variance to operate a Day Nursery in the Phoenicia Plaza location which is zoned CLI. Board Member Reiss read the advertisement that was run in the Daily Freeman. Grace Ann Louis and her partner Christina Davis present to give an overview of their proposed project. They'd like to move to the plaza due to the influx of students and are in need of a bigger space to accommodate them. Currently have 18 students, 12 per day. They'll be taking the old Miss Kitty's which is a double wide space. They'd like to add a fenced in area out the back of the building, which will not interfere with the delivery truck routes. The area will be for a play area for the children, about 40 X 30', with a nature trail going into the back field to continue with their walks they take the kids on during the day. The plaza is a 10 acre property in which the nature trail will be included within in the property.

Board Member Reiss inquired if any of the other spaces in the Plaza have been rented out. Resort Ridge will be returning to its original location and the Planning Board currently has an application before

them for a bar/restaurant going in the old Russ' spot at the far left of the building. Mrs. Louis has already cleared this with the Dept. of Social Services. The damage from the fire has all been repaired and the building's been upgraded. Parking will be in the front of the building with all other traffic coming into the plaza area. It's a considerably larger parking area than what they currently have, mostly picking up and dropping off, there won't be many parked cars in the lot from this project. Chairman Johnson inquired as to whether the County had any feedback on this matter. The application was sent to the County last month, they didn't send a recommendation but they did send an agreement that was made between them and the Planning Board in the year 2010 that states, if you have a building that's already in existence and don't plan on expanding it or doing work and want to grant a variance, it's not a requirement to send it to the County. All Board Members think it's a great idea for the Town, good addition to the plaza and beneficial to community members. Two letters were submitted in support of this project, one from Judith Singer an abutting neighbor, and the other from the Phoenicia Library. Motion was then made by Board Member Reiss, to accept the application as submitted and make a SEQR determination that this is a Type II Action, requiring no further environmental review, seconded by Board Member Loete. Motion made to close the Public Hearing by Board Member Reiss, seconded by Board Member Guglielmetti. All in favor.

Roll Call Vote:

Keith Johnson, Chair	Yes
Rolf Reiss, V. Chair	Yes
Mark Loete	Yes
Joseph Michaels	Yes
Gary Guglielmetti	Yes

Roll Call Summary: 5 Yes

APCR LLC/Howard Widensky – Area Variances – Route 28

Motion was made by Chair Johnson to open the second Public Hearing, seconded by Board Member Reiss. Mr. Widensky now owns the two properties formerly owned by Mr. Filipelli located across from the Emerson on Route 28 in Mt. Tremper. Mr. Widensky's representative/ surveyor, Don Brewer present to go over the project and/or answer any questions the Board or audience may have. Mr. Widensky is requesting three (3) area variances for a landscaping business to build two structures for display/storage of equipment, and the other for office space. The first is 5% increase in maximum structure coverage, 52 ft. variance in the front, and 50 ft. in the rear. Front of the property faces toward Route 28. Board Member Reiss asked if he was planning on subdividing, he owns two separate properties and the business will be located on the parcel in the front, both are pre-existing/non-conforming. The 1 story shed will be used to store/display equipment, resembling something like a pole barn, and the smaller building will be used for the office space and conducting sales.

Both properties were previously owned by the Emerson, and used to store landscaping equipment. Kenny & Naomi Umhey were present to inform the Board that there's an easement & a water line that currently supplies the Emerson with water. It lines about 100 ft. of the Filipelli property in the back, runs parallel with Route 28 and then at some point turns at a 90 degree angle and runs underneath 28 to the Emerson. Mr. Brewer stated that there's no record of this line on the deed he was provided by Mr. Widensky and therefore not included on his survey map. Mr. Umhey back filled the pipe and knows where it is. They'll meet up to straighten it out and provide records that indicate both the water line & easement. Mrs. Stewart of 172 Mt. Pleasant Rd. and Ms. Gustavsen both present with concerns about where people will be parking, cars coming off of Route 28, noise, trash/littering, etc. Mostly don't want an increase in traffic on the road because they prefer the quietness the area provides. The access will be from Route 28, and parking is located across Mt. Pleasant Rd. in a parking area. These other things will be further discussed by the Board and Mr. Brewer will confer with the applicant to provide more

information for the next meeting. Motion was made by Chairman Johnson to leave the Public Hearing open for next month for involved parties to provide the proper paperwork and more detailed information. Seconded by Board Member Reiss. All in favor.

**New Business:**

-None

**Communications:**

-None

**Adjournment:**

There being nothing further before the Board, a motion was made by Board Member Reiss to adjourn, seconded by Board Member Michaels. All in favor. The Zoning Board of Appeals meeting adjourned at approximately 8:15 PM.