

Town of Shandaken
Zoning Board of Appeals

MINUTES FOR REGULAR MONTHLY MEETING 04/16/2014

The Regular Meeting was opened by Chair Tom Hickey at 7:42pm with the Pledge of Allegiance. The Secretary was absent, therefore, the roll call was called by Chair Hickey. Also, a moment of silence was observed with respect to the passing of Member Gugliemetti's daughter. Information was also provided to the public with regards to wake/funeral arrangements. A quorum was present and meeting commenced.

Roll call:

Gary Gugliemetti	absent
Tom Hickey	present
Keith Johnson	present
Joseph Michaels	present
Rolf Reiss	present

Roll Call Summary: 4 present 2 absent

New Business:

2014-06 Hanover Farms - Area Variance(s) for property located at: 5200 Rte. 28, Mt. Tremper, SBL#25.15-1-71.200 presented by Don Brewer of Brewer Land Surveying and Rod Futerfas, Esq.

Don Brewer explained that Hanover Farms went before the Planning Board and was referred to ZBA in order to obtain area variance(s). These variances are needed in order to move forward with the Planning Board so they may do a proper Site Plan Review. All structures and parking spaces are reflected on the map in accordance with the new Farm Stand law. Mr. Brewer indicated that he did speak directly to the Building Department and the Town Supervisor, Rob Stanley as he wrote the new law.

The new map includes the retail space, display areas and parking with calculations. Open space area was mentioned in an email rec'd on this date from Larry Wolinsky, Esq. and calculations were provided. Map shows retail area, setbacks, parking setbacks and display areas. Contours are reflected as well to show depth. He mentioned that the Planning Board had mentioned traffic flow as to enter and exit and once variances are possibly granted, he would reach out to NYDOT to see their requirements and would reflect same on map. Member Johnson inquired as to the presence and usage of storage sheds. Mr. Brewer advised that there are currently sheds present, they are being used and are reflected on the plat.

Attorney Futerfas mentioned that he spoke with Don Brewer about the driveways and Mr. Brewer indicated that under the provisions of the statute, the driveways are not part of the bulk calculations. Mr. Futerfas also mentioned that it is fairly "critical" considering the length of the season, it needs to be determined what variances are required and that this process needs to be gotten through as quickly as possible and inquired as to what would be a possible Public Hearing date. Member Reiss advised that the Board meets once a month and the next meeting would be the third Wednesday of May (May 21st).

Discussion was held regarding parking spaces and the fact that one (1) in on top of the leach field. Also, the number of spaces required was discussed. In total, eleven (11) spaces are required; nine (9) for the stand and two (2) for the residence. Mr. Brewer acknowledged he did not take the spaces for the residence into consideration and Atty. Wolinsky asked if a variance would be needed for that as well. Mr. Brewer indicated that he could put three (3) more spaces on the southside by the well. It appeared then, that no variance for parking would be needed. Discussion was held regarding the power line. It was determined that it did not appear to be an issue.

Discussion was held regarding front setback and it was determined that this would indeed be 20' setback as dictated under the new farm stand law. The side setback (towards residence) was also discussed and what variances would be required.

Discussion was held regarding accessory structures and the fact that there is no more than three (3) allowed. The definition of a structure was defined.

Discussion was held regarding total number of variances needed and exactly which variances are required.

The possibility of holding a special meeting on Thursday, May 08, 2014 was discussed. It was deemed that as long as a revised application and map were submitted to ZBA office by Friday, April 18, 2014 (NOTE: Members were unaware that Town Hall would be closed in observance of Good Friday, therefore, deadline is/was Monday, April 21, 2014); Town Hall was available on the 8th of May and a response from the Planning Board was received prior to the 8th, that the special meeting would be set.

Old Business: None

Other Business: None

Motion was made by member Rolf Reiss to adjourn meeting; seconded by Member Michaels; all members present in favor.

Prepared by:

Gina M. Komuves-Barta,
Paralegal/ZBA Secretary