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**Town of Shandaken Zoning Board of Appeals
Minutes for Regular Monthly Meeting
May 19, 2021**

PUBLIC HEARING:

12 Highview Rd Annie Engman:

Public Hearing was opened at 7:21pm. Hearing was open to the applicant and their representatives, notified abutters and/or their representatives along with the public. Present were Annie Engman, Donna Lamanna, Jennifer Montalbano, and Iris D'Agostino. Secretary Pellizzari read the Legal Notice that was sent out to all abutting neighbors. Jennifer Montalbano read a letter aloud to the Zoning board for consideration. See attached letter. Donna Lamanna states she never put up a string to define her property line, that it in fact was used for a guide for mowing. She continues to state that Highview Rd continues past Annies property to her mothers. She makes the point that because it continues in this way Annie does in fact have two front yards. Donna told Annie that she would need to contact the town to have a fence, and have a building permit. Donna clarifies she is not in favor of an 8ft fence. Donna also provides her own survey. Public Comment was opened via phone lines from Secretary Pellizzari; no one called for comment.

Public Hearing was closed at 7:25pm.

REGULAR MONTHLY MEETING:

The regular monthly meeting was called to order by Chair Loete at 7:08pm with the pledge of allegiance.

Roll Called by Secretary Pellizzari, and attendance was recorded as follows:

Mark Loete, Chair	Present
Allen Vella	Present
Gary Guglielmette	Absent
Elizabeth Kneissl	Absent
Hank Williams	Present

Roll Call Summary: 4 Present, 1 Absent

Others Present: Kevin VanBlarcum, Tina Rice, Grace Grant, and Howie McGowan.

Old Business:**12 Highview Rd**

The applicant provides a stamped survey to The Board showing the property line, in relation to the fence previously built. It shows that three posts are in fact over the property line, and on the neighbor's property. After reviewing the survey, The Board decides they cannot consider any variances until the fence is moved on to the property of 12 Highview Rd. The survey also brings in to question if 12 Highview does in fact have two front yards or only one. It is decided by The Board that outside council will have to give input to the question.

Other Business:

The Zoning Board of Appeals has been asked by The Town Board for comments in regard to the Short Term Rental Committees submission. Chair Loete who was on the Committee feels that the submission should be considered as stands. Board Member Williams feels The Town already has a vehicle to address Short Term Rentals and that is with a Special Use Permit application. Board Member Williams believes in property rights, and individuals living next to short term rentals having property rights as well. Board Member Williams states that preexisting, non-conforming neighborhoods like Woodland Valley get swallowed up by Short Term Rentals and become hotel like places everywhere. Board Member Williams doesn't think its fair Short Term Rentals don't have to adhere to the same guidelines as hotels and motels. Board Member Williams feels Short Term Rentals can ruin a town. Board Member Williams is concerned with Fire Departments not having enough volunteers, or schools not having enough students, because Short Term Rentals create a transient community. The Zoning Board of Appeals comments listed above will be passed to The Town Board for consideration.

Chuck Perez asks to speak to The Zoning Board of Appeals in regard to a violation he is in with the Town since 2015. He does not have an application for a variance nor is on the Agenda. Chuck Perez is simply looking for guidance in determining if his property can have a junkyard permit. The Board hears his situation and hardship although is unable to make any determination to help him at this time.

Adjournment:

There being no further business before the Board, a motion was made to adjourn the meeting by Board Member Kneissl and seconded by Board Member Vella. All in favor. Meeting adjourned at 9:02pm.

Dear Zoning Board Members,

I am a direct neighbor of 12 Highview Road. It was suggested to me that I watch last month's meeting on YouTube because my name was mentioned several times. I thought it important therefore, that I attend this meeting and express my thoughts.

I realize that this meeting's purpose is to provide a public hearing for the application of a fence variance on 12 Highview Road. I know that the Board knows that this fence has already been constructed. I also know that the Board was told that not applying for a fence variance before the construction was the naive mistake of a first-time homebuyer. I feel it important to note here that the owners of this property were told repeatedly by neighbors about the importance of getting permits and contacting the Town.

I think it is very important that as a town we are thoughtful about fairness and equity. Another full-time resident neighbor recently applied for a fence variance just down the road and went through an arduous process to have it approved. I think it sends a problematic message to the public if another homeowner gets a variance on an already constructed fence after repeatedly being told the rules and not following them. Aren't we then essentially encouraging people to not follow the rules and apologize later? I don't think this is a precedent that we should set as a community. I heard the Building Department tell the owners of this property in the last meeting that because there is no CO, the property can not be inhabited or rented. The house has been inhabited or rented nearly every day since. This is not the ignorance of a first-time homebuyer. And this conduct, I don't think, should be tolerated. The fence itself is not within the code and the actions of this homeowner are not in accordance with the standards set by our community.

I know it is not the purview of the Zoning Board to regulate short-term rentals. But I do think that if someone is going to operate a business in a residential community, which 12 Highview now unmistakably is, then the owners need to be held to the highest standards of the residential community, at the very least. And in that way, the Zoning Board plays a very important role.

We live in a beautiful place -- a place that lots of people want to visit and lots of people see as a potentially lucrative financial opportunity. But for the people that call this place home, the physical landscape pales in comparison to the beauty of our community. I believe that this is something that we need to respect especially now in this current opportunistic boon in the Catskills. We need to make sure that the local community is not negatively impacted by people with solely opportunistic intentions. We can do that by welcoming newcomers with the explicit expectation that they will be held to the highest residential community standards.

Thank you for your time and for the work that you do.

Best regards,



Jennifer Montalbano, 7 Highview Road, Phoenicia