

## APFU, LLC

576 Woodland Valley Road  
Phoenicia, NY 12464  
845-688-4501

Zoning Board of Appeals

02/28/2025

### **ISSUE WITH VIOLATION**

- Violation 116-9.A
  - We looked up the code up on e360.com Town of Shandaken and we are definitely not in violation of 116-9.A
    - The Notice of Violation for 116-9.A states
      - Application of district regulations *see attached*  
The storage of equipment related to a commercial business on residentially zoned property is violated of this section of code
    - The Code States
      - § 116-9. Application of district regulations.  
Except as hereinafter otherwise provided:
        - A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, reconstructed or enlarged except in conformance with the regulations herein specified for the district in which it is located.
  - The Notice of Violation does not match the actual code. See text above and images 1A and 1B on page 3 and 4 respectively
  - Furthermore we downloaded Chapter 116 Zoning as a PDF and searched the code. When we searched for the exact text used we could not find it in the code “*The storage of equipment related to a commercial business*”
    - There is no use of the term “commercial business” anywhere in chapter 116
- Violation 116-37
  - Since we do not violate 116-9.A then 116-37 is not applicable.

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## **ISSUES WITH Grace Grant**

- Grace Grant continues to make mistakes when it comes to APFU, LLC
- I have called her out for many mistakes.
- Furthermore I called her out for doing someone else's job when it came to dealing with me. She can't even get her own work correct.
- Constant sloppy & shoddy work.
  - Violation Mistake found 02/27/2025
    - See above.
  - Paperwork Mistake 01/30/2025
    - Grace requested paperwork for planning board.
    - The material was sent in on 01/06/2025
    - I sent an email to Grace on 01/13/2025 "I believe you have everything ..." her reply was yes.
  - Planning Board Meeting 02/11/2025
    - Received notification from Grace about change
    - My response to Grace
      - This should be coming from the planning board secretary.
      - You have two jobs, is that not enough?
    - My Note to Peter DiSclafani
      - Perhaps if Grace would concentrate on her own job she would stop making as many mistakes.
  - After ZBA approved building a 5 unit structure
    - Wetlands on subdivision
      - Grace told can't build due to wetlands.
      - I was Given maps of National Wetlands by Grace.
      - Town code calls for NYS DEC maps 116.21 & 116.28
      - DEC answered *i. "The wetlands on the parcel do not show up on the DEC freshwater wetland regulatory maps and are therefore not currently regulated by the New York State"*
      - **Premise of this claim was wrong**

## **ISSUES WITH Grace Grant Continued**

- Septic on subdivision
  - Grace sent email on Monday July 8, 2024 13:33
  - Septic on plans says two family/8 bedrooms not four family/8 bedrooms
  - “If you are unable to provide that proof by Wednesday this application will not be able to move forward”
  - i. This is very threatening.
  - ii. One and a half days to have an Engineer get an answer is generally not enough.
  - Engineer and UCHD got proof by that night.
  - i. *“Therefore whether the system is fed by 2 families or 4 families is irrelevant”*
  - Anybody that understands septic code know 8 bedrooms is 8 bedrooms.  $2 \times 4 = 4 \times 2$
  - **Her answer was wrong**
- Notes to DiSclafani
  - Overburdened [My Opinion]
  - As we spoke about last week, perhaps Grace is too over worked to get things correct.
  - If she did her research in the first place she wouldn’t have made these mistakes.
- Graces Response
  - *“As to the septic and wetland requests and/or questions: I was merely forwarding the Planning Boards questions, requests, and deadlines to you.”*
  - Grace’s answer *“I was merely forwarding”* information should be insulting to the planning board members. At the time 2 were builders and one is an architect, I am sure they would not have asked about septic as it is common knowledge and the code has been in place longer than 10 years. Once again it was not Grace’s job to forward any information to me in the first place, as there is a Planning Board Secretary. Olivia, the planning board secretary, should be allowed to do this. Olivia is a bright young lady; I am sure she would have picked up on these mistakes. Grace should try to do her job correctly.

**Notice of Violation**  
Certified Mail/Return Receipt

Dear APFU LLC,

My office is aware of a violation with the regards to the following parcel:

6280 Route 28  
SBL# 13.-2-1.111

1A

Violation is as follows:

- **§116-9.A Application of district regulations see attached**  
The storage of equipment related to a commercial business on residentially zoned property is violation of this section of code.
- **§116-37 Required Screening see attached**  
Any non-residential use located in a residential zoning district must be obscured from the view of any abutting residential district and public right of way.

In order to remedy the violation, you must remove all of the equipment associated with the commercial use.

Alternately, your tenant can apply for a Special Use Permit to operate a Class II Home Occupation on the property. Code as it pertains to Home Occupations is enclosed, and the application for a Special Use Permit can be located on the Towns website shandaken.us.

**Notice:** If you do not take the requested action or make other arrangements with this office by December 18, 2024 we will begin formal enforcement action.

Thank you,

Grace Grant  
Zoning Enforcement Officer

ecode360.com/11109650#11109673

Enter search term...

Town of Shandaken, NY > Part 9: General Legislation > Chapter 116: Zoning > Article III: Establishment of Zoning Districts > § 116-9: Application of district regulations

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§ 116-9 Application of district regulations.  
Except as hereinafter otherwise provided:

A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, reconstructed or enlarged except in conformance with the regulations herein specified for the district in which it is located.

B. No part of a yard or other open space required in connection with any building or use shall be included as part of a yard or other open space similarly required for another building.

C. No yard or lot existing at the time of the passage of this chapter shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet the minimum requirements established by this chapter, with such lots established in full conformance with the requirements of the town's Land Subdivision Regulations.<sup>61</sup>  
[1] Editor's Note: See Ch. 105, Subdivision of Land.

D. No off-street parking or loading space required for one building or use shall be included as meeting, in whole or in part, the off-street parking or loading space required for another building or use except as otherwise provided for in this chapter.

E. No off-street parking or loading space shall be so reduced in area that it does not meet the minimum requirements of this chapter.

F. Within each district, the regulations set forth by this chapter shall be considered minimum regulations and shall apply uniformly to each kind of building, structure or land.

G. Within any residential (R-5, R-3, R-15 or HR) district, except as otherwise specifically provided by this chapter in § 116-32 with respect to residential cluster development or in § 116-40W with respect to senior citizen or elderly housing, not more than