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P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

**Town of Shandaken Zoning Board of Appeals
Minutes for Public Hearings
April 16th 2025**

Public Hearing was opened at 6:30

Roll called by Secretary to the Zoning Board of Appeals Olivia Amantia, and attendance was recorded as follows:

Mark Loete, Chair	Present
Gary Guglielmetti	Present
Allen Vella	Present
Christian Lynch	Present
Henry Williams	Present

Roll Call Summary: 5 Present, 0 Absent

Others Present: Zoning Enforcement Officer Grace Grant, Robert Jones, Donnie Roberti, Mike Moriello, Alan Dumas, Jan Jaffee, Patrick Casey

APFU LLC Interpretation/appeal violation 13.-2-1.111

The first public hearing this evening is for APFU LLC. Donnie Roberti is here this evening to represent the applicant. The violation that was issued by ZEO Grant is the reason the applicant is here this evening, the owner of APFU LLC feels the violation that was issued, in error. Since the violation has been issued, the individual renting from the owner of APFU LLC, has obtained a class 11 home occupation therefore the violation will no longer stand. The violation was the storage of commercial equipment in a residential area, 116-9a in the code book. The Board is aware of the violation and it was not issued in error. There is a discussion amongst the Board pertaining to the violation ZEO Grant issued, and the Board is in agreement it was in fact not an error, and the violation made sense. The Board as a whole agrees that ZEO Grant's interpretation of the code was correct. There is a discussion amongst the Board that the fee for an interpretation/appeal should be lower than the current

fee of \$100.00. ZEO Grant points out that the fee was set by the Town Board, and they'll have to discuss the fee with them. With no further questions or comments Chair Loete makes a motion to close the public hearing seconded by Board Member Williams, all in favor.

Christopher Colasanti Area Variance 35.1-12

The next public hearing this evening is for Christopher Colasanti. Chair Loete makes a motion to open the public hearing for Mr. Colasanti, seconded by Board Member Lynch, all in favor. Patrick Casey the applicant's architect is here to represent the applicant. Following the legal notice being read, there are no questions or comments from the Board or the public. Chair Loete makes a motion to close the public hearing, seconded by Board Member Lynch, all in favor.

Robert Jones Area Variance 5.13-2-52

The next public hearing this evening is for Robert Jones. Chair Loete makes a motion to open the public hearing, seconded by Board Member Vella. Following the legal notice being read, the Board ask's if anyone has any questions or comments for the applicant, with no questions from the Board, Chair Loete makes a motion to close the public hearing, seconded by Board Member Guglielmetti, all in favor.

Town of Shandaken Zoning Board of Appeals Minutes for Regular Monthly Meeting April 16th ,2025

Minutes:

The regular monthly meeting was called to order at 7:00 pm with the pledge of allegiance. Chair Loete ask's the Board Members if they have looked over the previous month's meeting, and if there are any corrections, or questions. With no corrections, Chair Loete makes a motion to approve the minutes, seconded by Board Member Lynch, all in favor.

APFU LLC Interpretation/appeal violation 13.-2-1.111

The first order of business is APFU LLC for an interpretation/appeal of a violation. The violation specifically is 116-9A in the code book. Board Member Williams states that ZEO Grant was correct by issuing the violation. Chair Loete agrees as well, there was not an error

in the violation that was issued. With no further questions or comments about the matter, Chair Loete states the ZBA moves to interpret 116-9a to be correct the way that ZEO Grant interpreted it by issuing said violation, motion seconded by Board Member Vella, all in favor.

Christopher Colasanti Area Variance 35.1-12

The next order of business on the agenda is Christopher Colasanti for an Area Variance. Mr. Colasanti's architect Patrick Casey is here this evening to represent the applicant. The applicant currently has a building permit for a house renovation, and the variance is needed for the proposed garage. The applicant doesn't have any neighbors that would be affected by this. Chair Loete states there would be no issues with seeing the garage from the road, and Ems/Fire are able to access the property, as well. With no further questions, or comments, Chair Loete makes a motion to approve the variance, seconded by Board Member Lynch, roll call vote as follows:

Mark Loete Chair	Yes
Gary Guglielmetti	Yes
Hank Williams	Yes
Christian Lynch	Yes
Allen Vella	Yes

Robert Jones 5.14-2-44 Area Variance

The next order of business on the agenda is Robert Jones for an Area Variance. Mr. Jones, resident of Rudy Frank Rd. would like to add an addition onto his existing house. He would like to remove a covered porch, and add a new one, with a den, and a walk-in closet. There was a trailer on the lot, but has since built a new house on the lot. He would also like to convert his living room into a laundry area. Board Member Lynch ask's why the addition cannot be in the back of the building? Mr. Jones states due to the septic it cannot be in the back. With no further questions, or comments, Chair Loete makes a motion to grant the variance, seconded by Board Member Guglielmetti, roll call vote as follows:

Mark Loete Chair	Yes
Gary Guglielmetti	Yes
Hank Williams	Yes
Christian Lynch	Yes
Allen Vella	Yes

Wellington Blueberry LLC 4.46-1-32.110

The next order of business on the agenda is the Wellington Blueberry LLC for an area variance. Mike Moriello, Alan Dumas, and Jan Jaffee are here this evening to represent. Mike Moriello would like to do a coordinated review/SEQR and would like the Planning Board to be the lead agency. There is a large packet that Mike Moriello has handed to the ZBA members to look over regarding this, and they hope that this document can be adopted and issued. Mr. Moriello stated they are currently awaiting SEQR approval. There has been 640,000 raised by the community and 2 million will be raised from historic tax. Parking has been implemented on the new site plan.

There are 12 parking spots that have been added, one for each tenant, and for the staff. There will be an additional 13 spots added to the site plan off of the property. There will be 5 studio apartments, and 5 1-bedroom apartments, there will also be an accessible spot, and a compact spot. Mr. Dumas states that they are trying to stay as far away from the floodplain, a lot of the property is in the flood zone. The majority of the parking spots are 9 by 18. They are disturbing less than an acre, there will be lots of improvements on the lot, and they are working within 100 ft of the creek which the DEC requires a small SWIPP. There will be gravel parking, as well as pavement, and they will obtain a curb permit and there will be grass pavers. There will be no construction in the floodway. There will be a retaining wall, a landscaping plan, there will be planting all over the building and landscaping along the streambank. Code states that no more than 25% of the required open space can be in a flood zone, the applicant proposes 45% of open space will be in a flood zone. Aisle width- code requires 26-foot-wide parking spaces, applicant proposes 9 by 18 spaces. Side yard setback- code requires 20-foot setback, the existing building has a 5-foot set back. The Use variance needed; code requires 2.06 acres to use the property as proposed. The site consists of .90 acres.

There will be a lighting plan that includes using the original lighting, and it will all be dark sky compliant. Jan mentions there is an existing swimming pool on the site, and that will be filled in, there will also be a three-season porch. Jan states that the foundation of the building is also being replaced. There will be a retail/grocery store on the first floor, and she is currently speaking to four different grocers. Jan states she is more than happy to give the ZBA a tour of the current state of the building. The area variance that is needed is for the 10 apartments; the use variance is for the parking. There is a discussion amongst the Board and Mr. Moriello about the variances that are needed, and how many will be needed. The applicant is seeking approvals for the following variances: 1- Number of units, code (116-40) applicant is seeking approval for 10 units, code allows 4. 2- Number of parking spaces- code (116-24) requires 21 spaces, applicant will provide 12 spaces on the property. Chair Loete states the Board is very supportive of the project, and thanks everyone for a very nice detailed presentation.

Communications:

Old Business:**Other Business:**

The last order of business is a matter regarding chickens & roosters on a property. Mohammed of route 42 is here this evening to try and get some clarity and resolve an issue with his neighbor having multiple chickens and roosters. The chickens and roosters are very loud, and disruptive, and are a nuisance to the homeowner next door. Mohammed explains that he tries to work with his neighbor, but he calls the police, instead of trying to resolve the matter. Therefore, Mohammed is here tonight in front of the ZBA to try and find a solution. This matter has come up in the past, when there was a different Building Inspector than there is currently. Per code there are only 20 chickens allowed on one acre of land, the property was subdivided and now the neighbor has less than an acre.

The neighbor here this evening, just wants to be treated fair, and he has tried to figure out a solution with Mr. Heick the individual with the chickens, & roosters, with no resolution he is here tonight. Previously the owner of the chickens had approached the ZBA after being issued a notice of violation regarding the chickens. During that meeting, the ZBA passed a motion allowing the owner to keep the chickens. Mohammed explains that the roosters and chickens make noise from 5 am to 2 in the afternoon, Chair Loete points out this is not only a noise issue but a quality-of-life issue. There is a discussion amongst the Board and ZEO Grant pertaining to the solution for this matter, it is stated that the Town's attorney should be briefed on the matter, to find a resolution.

Adjournment:

There being no further business before the Board, a motion was made to adjourn the meeting by Board Member Vella, seconded by Board Member Lynch, all in favor. Meeting adjourned at 8:18 pm. These minutes were prepared by the Zoning Board of Appeals Secretary Olivia Amantia