

“The Heart of the Park…Where the Eagle Soars”

[www.shandaken.us](http://www.shandaken.us) P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

Supervisor: (845) 688-7165

Police: (845) 688-9902

Town Clerk: (845) 688-5004

Justice Court: (845) 688-5005

**Assessor: (845) 688-5003**

**Assessor Fax: (845) 688-5708**

ZBA/ZEO/Planning: (845) 688–5008

Highway: (845) 688-9901

Fax: (845) 688-2041

**Town of Shandaken Zoning Board of Appeals**

**Minutes for Public Hearings**

**August 20th 2025**

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

Mark Loete, Chair Absent

Gary Guglielmetti Present

Allen Vella Present

Christian Lynch Present

Henry Williams Present

**Roll Call Summary:** 4 Present, 1 Absent

**Others Present:** Zoning Enforcement Officer Grace Grant, Jim Fish, Chris Fisher, Brian & Gail Scanlan, Joseph Farkas, Mike Moriello

**Brian & Gail Scanlan Area Variance 13.12-1-65**

The first order of business on the agenda is Brian & Gail Scanlan for an Area Variance. Jim Fish Architect is here this evening to represent the applicant. Following the legal notice being read, Acting Chair Williams ask’s the representative to give a brief description of the project for the Board, and for the public. It is an existing house on Garfield Rd. in Shandaken, the plan is to demo the house, and build a new one in a similar footprint. The Variance is needed due to the closeness to the road. Acting Chair Williams ask’s how big the new house will be? It will be 1 and a half stories. Board Member Lynch ask’s the height of the house? It will be under 35 ft, and 33 at the back of the house. Board Member Lynch states he did not see the dimensions on the plans, and in the future to please put them on there. With no further questions or comments, Board Member Vella makes a motion to close the public hearing, seconded by Board Member Gugliemetti, all in favor.

**John Pellinghelli Area Variance 24.15-1-4.110**

The second order of business on the agenda is John Pellinghelli for an Area Variance. Following the legal notice being read, Mr. Pellinghelli states there is currently no garage on his property, and he would like to add a detached garage within 100 ft of his house. The garage would be for storage, woodworking, etc. The land is sloped and the proposed location for the garage is one of the only flat spots. The extra height is needed for a loft area/office space. Acting Chair Williams ask’s if there is electricity and water? The answer is yes, it will be run from the main house. With no further questions, Board Member Vella makes a motion to close the public hearing, seconded by Board Member Gugliemetti, all in favor.

ZEO Grant lets the Board know that we are taking alternates for the ZBA and the PB, and that applications can be sent to the Supervisor.

**Town of Shandaken Zoning Board of Appeals**

**Minutes for Regular Monthly Meeting**

**August 20th 2025**

**Minutes:**

The regular monthly meeting was called to order at 7:00 pm with the pledge of allegiance. There was no approval of last month’s meeting minutes.

The first order of business on the agenda is Brian and Gail Scanlan. With no further comments or questions, Board Member Vella made a motion to approve the variance, seconded by Board Member Guglielmetti, roll call vote as follows:

Mark Loete- Chair Absent

Gary Gugliemetti Yes

Allen Vella Yes

Christian Lynch Yes

Henry Williams Yes

The next order of business on the agenda is John Pellinghelli. With no further questions or comments, Board Member Gugliemetti makes a motion to approve the variance, seconded by Board Member Lynch, roll call vote as follows:

Mark Loete- Chair Absent

Gary Gugliemetti Yes

Allen Vella Yes

Christian Lynch Yes

Henry Williams Yes

**Charles Papia Area Variance 4.-3-2**

The next order of business is Charles Papia. Mr. Papia is not here this evening, but submitted an application for a variance to build a new 2-family home on vacant land on St. Kathrin Dr in Big Indian. Acting Chair Williams states he did a site visit, since there has been great opposition from the neighbors for Mr. Papia to construct a new home. ZEO Grant states she’s spoken to the town’s attorney regarding the covenants in the deed that restrict the types of construction that can take place on the property. It isn’t something that the town enforces. Robert Carlsen neighbor on the West is here with other neighbors who are concerned about Mr. Papia’s intentions, and is against the variance. Mr. Carlsen states that the topography on the property is very steep, and it has been vacant for a very long time. Mr. Carlsen states that Mr. Papia bought the parcel and took several trees down, and made a mess of the land in the process. Mr. Carlsen adds that Mr. Papia states he’ll be living there, but he doesn’t think that is truthful. Mr. Carlsen adds him and the entire neighborhood are against the variance, he thinks the applicant will build it, flip it, and leave.

Mr. Comperatore another neighbor is here this evening to express his opposition of the variance. He states that the lot is not buildable and has not been bought for several years for a reason. He states that the site is a mess, the grade was changed, trees are dying, it can be a single-family residence but not a 2-family residence which is being proposed. Mr. Comperatore states Mr. Papia will not live in the house, he lives in Highmount, and will want to short term rental it.

There is a discussion amongst the Board regarding the concerned neighbors and the variance that the applicant has requested. With no further questions or comments, Acting Chair Williams makes a motion to grant the variance with restrictions that the home cannot be short term rented, or an Airbnb, motion seconded by Board Member Lynch. Upon hearing the approval, the neighbors in the audience express their disappointment and frustration. One of the neighbor’s ask’s the Board how they can allow a 2-family residence in a single-family zoning district. Mr. Carlsen adds that the neighbors will have to deal with the headache that Mr. Papia will create. The neighbors do not trust him, they feel he will build the home and sell it or short-term rent it. Acting Chair Williams states to the neighbors, this is why we have put restrictions on the approval, that Mr. Papia cannot short term rental the home. Roll call vote as follows to approve Mr. Papias variance;

Mark Loete- Chair Absent

Gary Gugliemetti Yes

Allen Vella Yes

Christian Lynch Yes

Henry Williams Yes

**Mizuyo Aburano area variance 13.16-3-28**

The next order of business on the agenda is Mizuyo Aburano for an area variance. Mr. Fisher is here this evening to represent the applicant. The applicant has a single-family residence and would like a 2-family residence. The applicant lives across from the Phoenician, in Phoenicia. She would like to turn the second floor into a separate dwelling, with its own entrance, kitchen, bathroom and 2 bedrooms. At this time the Board reviews the plans, and it is noted that the work has begun with out a building permit, the applicant was unaware that she needed one. With no further questions or comments, Acting Chair Williams makes a motion to set a public hearing at the September 17th meeting at 6:45, seconded by Board Member Vella, all in favor.

**Joseph Farkas area variance 25.10-3-2**

The next order of business on the agenda is Joseph Farkas. Mr. Farkas would like to build a home on the vacant lot he owns; he does not meet the set backs which is why the variance is needed. There was a home there originally but it was falling down and past repair, so it was demolished. He’d like to build a 1 family two-bedroom house with a smaller footprint. It is noted that the house will fall in line with the aesthetics of the neighborhood. It was demo’ d in 2018, and Covid held this project up. There is also an upgraded septic system. Mr. Farkas explains to the Board he was overseas during Covid since he is a medic, which is also why the project was held up. With no further questions or comments, Board Member Vella made a motion to hold a public hearing at the September 17th meeting at 6:30, seconded by Board Member Lynch, all in favor.

**Perpetual Space LLC 25.3-1-11**

The next order of business on the agenda is Perpetual Space LLC. Mike Moriello is here this evening to represent the applicant. There are no other team members from the Leeway (perpetual space LLC) this evening. Mr. Moriello is here from the Planning Board’srequest for an interpretation of code, as it pertains to a temporary event tent. Mr. Moriello feels that he does not need to be before the ZBA this evening, he doesn’t feel that the Planning Board has the authority to make the request for interpretation. Mr. Moriello feels the PB needs to do their job, and understands the concerns of the neighbors, and feels that they’ve addressed their concerns. Mr. Moriello feels that they need to be before the Planning Board to resolve this matter. Mr. Moriello states a lot of mitigation has been done, and feels that other local venues have not been doing the same, or getting the proper permits. Acting Chair Williams ask’s if they’re being asked to interpret code? Mr. Moriello states there has been no decision made, and that the ZBA does not have the jurisdiction, it is accessory use to a hotel. Mr. Moriello feels that he should not be before this Board, and that this Board should send the applicant back to the Planning Board. There is a discussion amongst the Board and Mr. Moriello regarding why the Planning Board sent the applicant to this Board, Mr. Moriello feels they should be in front of the Planning Board to resolve this matter. Board Member Lynch makes a motion to send the applicant back to the Planning Board, seconded by Board Member Gugliemetti, all in favor.

**Communications:**

**Old Business:**

**Other Business:**

**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 8:00 pm. These minutes were prepared by the Zoning Board of Appeals Secretary Olivia Amantia