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"The Heart of the Park... Where the Eagle Soars"

www.shandaken.us

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

APPLICATION FOR AREA VARIANCE

Applicant Information (if applicant is not the owner of the property, a notarized Agent Authorization form must be submitted)

Plaza 28 Corp.

same as applicant

Name

Name of Owner if other than Applicant

Mailing Address

Mailing Address

City/State/Zip

City/State/Zip

Contact Number

Contact Number

Email Address

Email Address

Property Information

Section 25.1 Block 1 Lot 3.110 Zoning District CLI Size 9.99 acres

Physical address: 5575 Route 28 Phoenicia, NY 12464 Flood Zone: [] Yes [X] No

Parcel is located on a TOWN COUNTY X STATE PRIVATE road.

Is the parcel located within 500 feet of any County or State road or property? X yes no

Is the parcel located within 100 feet of any mapped water course? X yes no

Dimensions of Existing ~~Building~~ ^{SIGN}: 18' X 8' (including height) Square Footage: 120 SQ. FEET

Dimensions of Proposed ~~Building~~ ^{SIGN}: 24' X 8' (including height) Square Footage: 152 SQ. FEET

Dimensions of Proposed Addition: (including height) Square Footage:

Maximum Structure Coverage Allowed: % Variance Percentage Requested: %

Proposed Setbacks: Front 8.5 ft. Rear ft. Side ft. Side ft.

Required Setbacks: Front 20 ft. Rear ft. Side ft. Side ft.

Variance Requested: Front ft. Rear ft. Side ft. Side ft.

CRITERIA FOR THE ISSUANCE OF AN AREA VARIANCE

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood of community by such grant. In making such determination the board shall also consider:

Each of the five listed criteria must be answered by the applicant with a narrative.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance:

No undesirable change will occur as there is already an existing sign in the same location. One sign located closer to Route 28 will be removed and the businesses added to the new sign.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:

Due to the number of businesses located at the property, the distance the sign is located off Route 28 and the speed limit of the road, it is not feasible to propose a smaller sign for proper advertising

3. Whether the requested area variance is substantial:

The aggregate size is substantial as only 48 sq. feet is permitted, but that size contemplates only one business per site and there are seven businesses at this location with site development dating back to the early 1970's.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

The consolidation of two existing signs into one will reduce the physical footprint and move all signage further away from the edge of Route 28

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance:

The difficulty was not self created as the signage was in place when the applicants purchased the property. The new owners are seeking to improve the pre-existing non-conformity at the site.

Any supporting documents should be submitted as a part of the application to the Zoning Board of Appeals.

Attachment – Plot Plan

Section: 25.1 Block: 1 Lot: 3.110

Location of lot: 5567-5581 Route 28 in the Town of Shandaken

The applicants are seeking area variances from Section 116-25 C. (3) To allow a sign that exceeds 48 square feet, exceeds the 15 height restriction, and is closer than 20 feet to the front property line.

The site is unique because it is a plaza containing seven separate businesses which each require a sign. The building is set back over 150 feet from the edge of Route 28 so the freestanding road signage is important for visibility. There is an existing sign located 8.5 feet from the front property line, but 57 feet from the edge of Route 28 due to the expansive highway bounds. It is proposed that this sign remain in the same location and be expanded by six (6) feet in height with the width to remain the same. The expansion will allow for the removal of a second existing sign located within the highway bounds and consolidate all signage to one directory sign. The sign is proposed with 5 foot clearance from the bottom of the sign to ground level because Route 28 is located 5 feet higher in elevation than the grade at the sign.

SEE ATTACHED SITE PLAN

Note: The plot plan drawn above must show the configuration of the lot showing ALL structures on the parcel and giving the dimensions of each structure and, most importantly, the setbacks of each structure from the property lines (front, rear, and sides.) The sketch MUST BE DRAWN TO SCALE. Indicate the name and placement of the road(s) for purposes of identification.

If you are submitting a professionally drawn sketch plan or preliminary plat, please check ☒ here and submit a minimum of six (6) copies of the drawing.

At least 10 days prior the Zoning Board of Appeals meeting the following will be submitted to the Zoning Office:

1. Six (6) copies of the application and all supporting documents
2. Six (6) copies of the plot/site plan detailing the proposed project and giving a diagram of the property showing all the existing and proposed buildings/structures, indicating the setback dimensions from each property line, stream, road, right of way, and other buildings/structures on the property.
3. A PDF copy of application, supporting documents, and plot/site plan.
4. Application fee: **\$100, plus \$50 for any additional area variances within the same application.**

Once your complete application is submitted to the Zoning Department, it will be scheduled for a PRELIMINARY HEARING, during which time the applicant will present their case to the Board of Appeals. The Board will review the application and all supporting documents, and if all requirements have been met, the applicant will be scheduled for a PUBLIC HEARING, usually at the next regular monthly meeting of the Board of Appeals. During the intervening period, the Zoning Office will notify the applicants abutting and adjacent property owners of the pending application and public hearing date. The cost of notifying the abutting and adjacent property owners via certified mail will be the responsibility of the applicant regardless of the Boards decision.

STATEMENT

The undersigned as individual owner(s) or as a qualified officer of the corporate owner of the above-described property, hereby apply for approval of the proposed variance in accordance with the provisions of the Zoning Law of the Town of Shandaken and authorize entry upon the property for site inspections by Zoning Officials and their authorized representatives. Fees are due and payable to: Town of Shandaken upon submission of the application.

Signature(s) _____

Date September 01, 2026

OFFICE USE ONLY

Date Recd: _____ Recd By: _____ Application Fee: _____ [] paid

File Number: _____

Preliminary Hearing: _____ Public Hearing: _____

Application [] approved [] denied Date: _____