



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
ZBA/ZEO/Planning: (845) 688-5008
Highway: (845) 688-9901
Fax: (845) 688-9863

Town of Shandaken Zoning Board of Appeals

MINUTES FOR PUBLIC HEARING & REGULAR MONTHLY MEETING

March 16, 2016

The regular monthly meeting was opened by Chair Johnson at 7:30 PM with the pledge of allegiance.

Roll called by ZBA secretary Anne Ricciardella, and attendance was recorded as follows:

Keith Johnson, Chair	Present
Rolf Reiss, V. Chair	Present
Joseph Michaels	Absent
Gary Guglielmetti	Present
Mark Loete	Present

Roll Summary: 4 present, 1 absent

Others present: Alan Fliegal, Anique Taylor, Harry Jameson, Dakin Moorehouse, Tina Rice, Rod Futerfas, Bruce Bell, Robert Novak, Dave & Dara Heinlein, Shawna Zaslow, Adrian Williams, Nathan Williams, Brian Williams, Kathy Williams

Public Hearing:

CMRR - The Public Hearing for the CMRR is still open, Mr. Jameson was told to bring in more information for the Use Variance, and did as such. He read for the Board a packet of information submitted by himself on behalf of the CMRR. The packet contained proof of hardship, railroad law #8 and finances from the Railroad. Railroad law #8 was brought to the Board's attention because it states that this law supersedes the Town law and therefore makes the CMRR exempt from the requirement of the variance in this case. Mr. Futerfas countered with Railroad Law #9, stating that #8 is based on limitations which are found in #9. Those limitations are that before Railroad Law #8 can become available, there must first be a Certificate of Incorporation, and then a Certificate of Convenience & Necessity must be issued by the Commissioner of Public Services Court of Appeals. He also thought that the dollars and cents information submitted was not sufficient enough evidence. Many comments from the gallery reflected the concerns brought up for the first hearing. Many are worried about the character of the neighborhood being compromised, having too many train cars in the lot and it becoming a "graveyard" so to speak, neighbors don't want to have the train cars in view from their house, chemicals being worked with so closely, etc. Variances go with the property, but for a Use Variance it must be used for the same exact use. So if the variance is granted, many people are concerned it will open a door for something similar to be permitted there. Mr. Jameson first informed the Board that the CMRR has 20 cars that have

been here all along, the Empire State Railway Museum currently has 6 and the CMRR 14. The ESRM is planning on bringing its steam locomotive here which will bring the total to 22. He reiterates again that all the equipment in Kingston will be staying in Kingston. He also stated that they're aware they're in a floodplain and have designed the building accordingly. After discussion from the Board, they decided they'd like to have legal counsel view the application and information submitted before they make their decision. Motion was made by Board Member Johnson to keep the Public Hearing open again until next month, seconded by Board Member Reiss. All in favor.

Novak – Area Variance

Mr. Novak and his wife are applying for an 11ft. variance to allow them easier access in and out of their home. As of right now, they do not have a front entrance and have to go around the back of the house. Mr. Novak stated with them getting older he'd like to make it easier for them to get inside. They will be building out towards Rte. 28. As there being no one present for this hearing, a motion was made to accept the application as requested, and found it to be a Type II Action under the SEQR review, requiring no additional environmental review, seconded by Board Member Guglielmetti.

Roll Call Vote:

Keith Johnson, Chair	Yes
Rolf Reiss, V. Chair	Yes
Mark Loete	Yes
Joseph Michaels	Absent
Gary Guglielmetti	Yes

Roll Call Summary: 4 yes, 1 absent

Bruce Bell – Area Variance

Mr. Bell is applying for a 10 ft. variance to build a two-story addition. He currently owns the Old Wesleyan Church located at 667 Route 214. He's made renovations so far to the property but would like to add more bedrooms and make it a more livable space because it wasn't in good enough condition to live in. They've kept the integrity of the Church as they haven't put any bathrooms or a kitchen in the Church. He would like to build 10 ft. out from the back of the annex. It's zoned R 1.5, with a 25 ft. setback, which is why he's in need of a 10 ft. variance. Mr. Bell's property borders two neighbors, Dave & Dara Heinlein and Suzanna Zaslow. The driveway is owned by Suzanna Zaslow, with Mr. Bell and the Heinlein's each having an easement. Mrs. Zaslow is extremely concerned because the driveway is very steep and narrow, and it could be difficult for emergency vehicles to get in the driveway and the electrical lines may be in jeopardy of being disturbed. The property is being advertised online as a yoga retreat. Mr. Bell had no knowledge of the advertisement and stated his wife could've done it. The driveway being as it is, concern about parking and traffic is an issue. He currently does not have a septic system, when he bought it, it had a cesspool. They're concerned with where the new septic system will be placed and if it will disrupt the shallow graves on the property. There were three children buried there in 1863. According to the Heinlein's, whom they share a well with; the Bell's were given the opportunity to have their own well dug in '92 when they first bought the property and chose not to. The Heinlein's are worried that the additional bathrooms will compromise the water supply. The Church has been abandoned for 20 years and has accrued a large amount of black mold that's been impacting the neighbors, could be smelt from their front porch about a hundred feet away. As far as they can tell it hasn't been removed professionally and they're worried it will return &/or continue to affect them. The addition will be approximately 15 ft. from Mrs. Zaslow's property line, and right in view from her house. They're also concerned with an increase in stranger activity around their properties, noises, and more vehicles. She's been watching it deteriorate for 20 years and has previously asked Mr. Bell to remove garbage that's been on the property for years to no

avail. Mr. Bell stated that he's since remedied the problem by renovating and having the mold removed. He's redone the walls and insulation. Also states that he was told he couldn't use the well when he first bought the property but hired a lawyer to have it made a legally shared well. There was mention of a home business being currently operated out of the premises. Mr. Bell is a counselor and stated he's allowed to have seven people in his home. This would fall under the Planning Board's jurisdiction and should be handled as such. If the variance is granted, they request it be granted with conditions, such as lowering the addition, providing some kind of screening for privacy, and other requirements that would need further discussion. After some discussion, the Board decided to keep the Public Hearing open until next month, motion made by Board Member Loete, to continue reviewing the application and to allow time for a site view from the board members. Seconded by Board Member Reiss.

Roll Call Vote:

Keith Johnson, Chair	Yes
Rolf Reiss, V. Chair	Yes
Joseph Michaels	Absent
Gary Guglielmetti	Yes
Mark Loete	Yes

Roll Call Summary: 4 yes, 1 Absent

Old Business - Nathan Williams – Use Variance

Mr. Williams presented last month with an application to run an auto body repair shop at 11 Warfield Rd. and was told to come back with proof of unnecessary hardship, and dollars and cents values to prove the hardship isn't self-created. Mr. Williams' cousin owns the property and was present at the meeting to present some financial statements but was still found to be insufficient. The property is about 5.96 acres in an R 1.5 zone. It's also located in a floodway, so there needs to be a certificate of elevation done to determine what other precautions need to be taken. Also needs to find out what the SEQR requirements are going to be and the application will need to be sent to the County. Right now, there's not enough information to be sent out so Board Member Johnson made a motion to keep this application in the preliminary session in order to acquire more information. Seconded by Board Member Loete.

Minutes from previous meeting:

Board went over minutes from previous meeting, and a motion was made to accept minutes as written by Board Member Johnson, seconded by Board Member Guglielmetti.

Adjournment:

There being nothing further before the board, a motion was made by Board member Reiss to adjourn, seconded by Board Member Johnson. All in favor. The Zoning Board of Appeals meeting adjourned at approximately 8:45 PM.