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Town of Shandaken Zoning Board of Appeals

MINUTES FOR REGULAR MONTHLY MEETING

April 20, 2016

The regular monthly meeting was opened by Vice-chair Reiss 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	Present
Joseph Michaels	Absent
Gary Guglielmetti	Present
Mark Loete	Present

Roll call summary: 4 present, 1 absent

Others present: Warren Tutt, Tina Rice, Anique Taylor, Kathy Nolan, Claudia Braymer (Caffrey & Flower), Alan Fliegel, Donald Casale, Meg Carey, Harry Jameson, Dakin Moorehouse, Bruce Bell, Shawna Zaslów, Dave & Dara Heinlein

Public Hearing:

CMRR –

The public hearing for the Catskill Mountain Railroad continued, Mr. Jameson presented the board with a little more information about his requested area and use variance. He stated that Railroad law supercedes the town law, and a lot of the information presented at the last meeting by Mr. Futerfas wasn't accurate. For example, Mr. Futerfas asked the board not to grant the variance on grounds that the Phase 1 and 2 Environmental Surveys were conducted and found contamination at the Cornell Street Railyard. Mr. Jameson stated that the initial walk through was done twelve (12) days after and the findings as of the meeting date, were not yet given to the CMRR. The neighbors of High street were once again present in opposition of the variances. Mostly worried it'll become a graveyard for train cars and become an eyesore to them, the noise of the work they'll be conducting, if more train cars will be brought to Phoenicia, environmental impact of the trains and chemicals being used on them, and how the change in use will affect their property values. A letter from the Town lawyer Mr. Wolinsky read by Secretary Anne Ricciardella. States that he disagrees with the railroad laws 8 and 17 superseding town law, and there's not enough information provided for the dollars and cents part, and the self-created hardship which if found, bars the board from granting the variance. If at the time the property was purchased the property owner knew or should have that the requested use was prohibited then a self-created hardship exists. There was also a letter submitted by Kathy Nolan to the board at the meeting in opposition of the

variances which they read on their own. After the board discussed, once again found that there's still not enough information being presented for the CMRR and asked if Mr. Jameson would like more time to get the proper information collected in which his response was a yes. Motion was made by Board member Reiss to keep the Public Hearing open until next month's meeting on May 18th. Seconded by board member Loete.

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

The Public Hearing for Mr. Bell's requested 10 ft. variance continued. Mr. Bell owns the old Wesleyan Church at 667 Route 214 Chichester. He'd like to build an addition and bring it out 10 ft closer to Ms. Zaslow's property. The Bell's clarified rumors brought up at the previous meeting. There will not be a yoga studio going in there; they'd just like to live quietly there. Mrs. Bell's business is mostly offsite. They feel the spot chosen for the addition is their best option considering where the graves are in their yard. Ms. Zaslow, neighbors the property right in front of the addition and is concerned that looking out her window will be looking right into their house. They plan on putting four windows, two on each story directly in front of her kitchen. Also concerned with the debris that was left from previous construction and states that there's a toilet, bathtub, and refrigerator currently on the property and mosquitoes have been known to inhabit. She states that a two story addition for a mudroom is a little extreme, enlarging to make the bedrooms bigger to live in. The Heinleins are worried for their well, when the Bell's moved in to the Church there was only one bathroom, now there's two and a half. After some discussion from the board, a motion was made to close the Public Hearing, seconded by board member Guglielmetti.

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

Discussion with the board brought up some kind of privacy for Ms. Zaslow. She's also concerned about the cars being parked on her property, but they're not allowed to park there without her permission. Board suggested planting shrubs to know where her property line starts and they won't cross over it with their vehicles. Motion was made to accept variance as requested, on the conditions that 1) A 6ft. fence is put up for privacy, and 2) they dig their own well. Seconded by board member Guglielmetti. Board member Reiss stated that the variance won't go into effect until the fence is up and the well is dug.

Roll Call Vote:

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

Roll Call Summary: 4 yes, 1 absent

New Business:

Derek/ Mary Lou Stapleton – Area Variances at 8222 Route 28, Big Indian

Ms. Stapleton present on behalf of Derek. Mr. Stapleton has requested two area variances, for the removal of a 20 X 60 manufactured mobile home and put another one in that will be 24 X 48, using the same footprint. The lot is .22 acres, the maximum structure coverage allowed would be 958 sq. ft. Current building occupied is 1,048 sq. ft. and the new building is 1,152, asking for a 20% increase. Proposed setbacks are front 10, rear 110, side 4, and side 35. Required in an R 1.5 zoning district, are front 50, side 25, side 25, and rear 50. Requested variances are 40 ft. in front, and one side 21 ft. They would like to remove the current mobile home and replace it with a new one. Will be putting it in the same exact spot, and using the same septic and well. Application will need to be sent to County for review. After some discussion, board decided they had no oppositions to the request. Motion was made by board member Reiss to send the application to public hearing for next month, seconded by board member Guglielmetti.

Minutes:

Went over minutes from previous meeting, and a motion was made to accept minutes as written by board member Johnson, seconded by board member Reiss. All in favor.

Adjournment:

There being nothing further before the board, a motion was made by board member Johnson to adjourn, seconded by board member Loete. All in favor. The Zoning Board of Appeals meeting adjourned at approximately 9:20 PM.