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Town of Shandaken Zoning Board of Appeals

MINUTES FOR REGULAR MONTHLY MEETING

May 18, 2016

The regular monthly meeting was opened by Vice-chair Reiss at 7:35 PM with the pledge of allegiance.

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

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|----------------------|---------|
| 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, Harry Jameson, Rod Futerfas, Sue Hasher, Derek Stapleton

Minutes:

Board reviewed previous meeting minutes, and a motion was made to accept minutes as written by Board Member Reiss, seconded by Board Member Guglielmetti. All in favor.

Public Hearing:

CMRR –

Public Hearing for the Catskill Mountain Railroad still ongoing. Neighbors attended again to voice their concerns about having this kind of a project in a residential area. CMRR has yet to prove the dollars and cents portion of the use variance requirement. The land was purchased after the adoption of the zoning codes, therefore making it a self-created hardship. Some are worried the chemicals will be too close to the Creek and may have an adverse effect on it. Requesting the Board make a timely decision as this has been going on for quite some time. At this time the Railroad has not submitted anything new. Mr. Futerfas brought the Ulster County Planning Board's modifications to the Board's attention, need a majority plus one of the entire Board. Presented them with two deeds for the Railroad, one from 1990 and the other from 2001, further proving the Railroad was in fact purchased after the adoption of the zoning codes in 1976. By law, the ZBA cannot grant the variance. Stated the application's been pending for quite some time and feels the Board can rule on the evidence before it.

Mr. Jameson mentioned that the County has recently settled litigation and the CMRR now has until July 30th to remove all of their equipment. They will be submitting a bid to get another lease. Would

like to get another extension until next month to see if the bid is accepted or not. Board wasn't sure if extending the deadline was really in the best interest. The Railroad isn't guaranteed to get the lease, but if they did then they wouldn't need any of the variances in the first place. Many neighbors oppose the extension, they feel they've had more than enough time to get the information together. Regardless of the time frame, the self-created hardship is still there and they cannot be granted a variance. Board was taking the extension into consideration when Mr. Jameson presented them with another letter. It states at this time they're rescinding the application for an area and use variance and may look to reapply at another time. With nothing further to discuss, a motion was made to close the public hearing by Board Member Reiss, 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

Derek Stapleton –

Derek is applying for an area variance to take out the current trailer and replace it with a modular home. He states the trailer's about 40 years old, costs more to heat it and would like to replace it. Almost the same footprint, 12 ft. shorter and about 4 ft. longer and a 2% increase than the trailer that's there now. Motion was made to open the public hearing by Board Member Reiss, 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

Sue Hasher, one of the abutting neighbors of Mr. Stapleton, was present to voice concerns that arose from herself and one of the other abutting neighbors, Harry and Carolyn Turner. The Turner's are currently out of state so she read a letter they wrote for the Board expressing their opposition to granting the variance. Ms. Hasher's concerns are with a shed that may be on her property. Mr. Stapleton thinks it's on the State land which is located to the side of the trailer. Shed is currently sitting in the right of way to the highway. It was only just brought to her attention tonight that he's planning on putting a modular home in the same place. She was under the impression that they were planning on putting a new double wide in, which is not the case. He will be putting a modular home in, in the same spot, with the same number of bedrooms so water function will remain the same. Had a question if the zoning required a stamped survey by a professional showing where the property lines are in order to issue a building permit. It's not required of the Board, but Building Inspector Tutt suggested due diligence should require it in order to ensure the variances were being honored. If you issue a variance 4 ft. from the property line, without a survey how will we know how far it actually is?

Looking over the application revealed three (3) variances that are being requested. Front 40 ft., side 21 ft., and density. Application needs to be resubmitted to the UCPB for a second review of all three (3) variances. Also not sure how far from the state right of way it is, have to contact DOT. Pending further

information and another response from the County, a motion was made by Board Member Reiss to keep the public hearing open until next month, seconded by Chair Johnson.

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

New Business:

-None

Adjournment:

There being nothing further before the Board, a motion was made by Board Member Reiss to adjourn, seconded by Board Member Guglielmetti. All in favor. The Zoning Board of Appeals meeting adjourned at approximately 8:25 PM.