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**Town of Shandaken Zoning Board of Appeals  
 Minutes for Regular Meeting  
 January 20, 2021**

The regular monthly meeting was called to order by Board Chair Loete at 7:03pm with the pledge of allegiance.

Roll called by Joyce Grant, and attendance was recorded as follows:

Mark Loete, Chair	Present
Gary Guglielmetti	Present
Joe Michaels	Present
Elizabeth Kneissl	Present
Henry Williams	Present

**Roll Call Summary:** 5 Present, 0 Absent

**Others Present:** Karen Thomas-Malloy and her husband, and Martin Schmidt (Branches)

**Minutes:**

The Board reviewed the minutes from the previous months meeting, motion by Board Member Michaels to approve the minutes, seconded by Board Member Guglielmetti. All in favor.

**New Business:**

Karen Thomas-Malloy – Area Variance – 5207 State Route 28 – 25.3-1-8 – R1.5 Zone

The Board is in receipt of an application dated December 12, 2020 for Area Variance from Karen Thomas-Malloy. The applicant would like to build a 6’ stockade privacy fence along the front of the property to block the view of construction items from Route 28. The fence will be approximately 60’ long and 6’ in height, which is in excess of the 4’ minimum allowable within the Zoning Code (§116-26 paragraph A.) The Board discussed the possible infringement of the States right of way that the fence might present, and after discussion decided that the fence would not infringe on that right of way. Applicant stated that the

Building Inspector had suggested that the fence would mitigate any future complaints from neighbors and other community members regarding the construction debris in the yard. Type of fencing materials were discussed, with the applicant stating it would likely be stockade fencing, and when asked by Board Member Williams, stated that the “good side” of the fence would be facing the road. Phone lines were open to the public for any comments, no calls were received. With no further questions or concerns from the Board, a motion was made by Board Member Kneissl to send the application to public hearing for the February 17, 2021, seconded by Board Member Michaels.

Roll Call Vote:

Mark Loete	Yes
Gary Gulielmetti	Yes
Joe Michaels	Yes
Elizabeth Kneissl	Yes
Henry Williams	Yes

Roll Call Summary: 5 Yes, 0 No

Copperhood Properties LLC/Branches – Area Variance – 7039 Route 28 – R1.5/R3 Zone

Martin Schmidt presented to the Board the following; in July of 2020 the Zoning Board voted to move the application for Area Variance to Public Hearing for the August 2020 meeting. During the Public Hearing for Branches at the August meeting the Board issued a “Neg Dec” for the project, specific to the parking issue. After the Public Hearing closed, the Zoning Board voted to approve the Area Variance. During the January 13, 2021 Planning Board meeting, a letter was presented to the Planning Board from Hillary Smith, stating that legal notice regarding the August Public Hearing could not be found. The Planning Board did vote to approve the Special Use Permit at the January 13<sup>th</sup> meeting with conditions, one of those conditions being that the Zoning Board clear up the legality of the Area Variance that was granted in August of 2020. Mr. Schmidt would like to also add to that Variance, stating that since the existing parking lot is within 50’ of a State road they didn’t originally think they needed a Variance for the existing lot, but they would like to modify the original approval to include a Variance for that issue. Mr. Schmidt presented the most current Site Plan to the Board. Since the last time Branches presented plans to the Board, they have added an additional 3 parking spaces for a total of 58 parking spaces.

After conversation amongst the Board, a motion was made by Board Member Williams to send the application to Public Hearing for the February 17, 2021 meeting, seconded by Board Member Kneissl.

Roll Call Vote:

Mark Loete	Yes
Gary Guglielmetti	Yes
Joe Michaels	Yes
Elizabeth Kneissl	Yes
Henry Williams	Yes

Roll Call Summary: 5 Yes, 0 No

Mr. Schmidt asked the Board if the projects lawyer could draft the resolution for the Area Variance as that is the way most larger projects handle the resolution. The Board asked if a draft of that resolution could be submitted prior to the meeting in February for review. He agreed.

**Adjournment:**

There being no further business before the Board, a motion was made to adjourn the meeting by Board Member Guglielmetti and seconded by Board Member Kneissl. All in favor. Meeting adjourned at 7:46pm.