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**Town of Shandaken Zoning Board of Appeals  
Minutes for Regular Monthly Meeting  
March 17, 2021**

The regular monthly meeting was called to order by Board Chair Loete at 7:04pm with the pledge of allegiance.

Roll Call by Secretary Sarah Pellizzari, with attendance recorded as follows:

Mark Loete, Chair	Present
Gary Guglielmetti	Present
Elizabeth Kneissl	Present via teleconference
Henry Williams	Present

**Roll Call Summary:** 4 Present, 0 Absent

**Others Present:** Howie McGowan-Code Enforcement Officer, Pat McGann applicant, Josh Pulver applicant's architect

**Minutes:**

The Board reviewed the minutes from the previous months meeting, having no corrections a motion was made by Chair Loete to approve the minutes as written, seconded by Board Member Gary Guglielmetti. All in favor.

**Communications:**

The board is in receipt of free training opportunities from Brent Gotsch. Chair Loete explains all board members are required to take 4 hours of training. He proceeds to say these classes are more effective in his opinion in person, and would like to revisit the class offerings in the Spring and Summer when they can be in person. CEO McGowan states he is required to take them all the time, and has then done all last year and this year via zoom, and says they are very efficient. Board member Guglielmetti and board member Williams agree in person is best.

**Old Business:**

Chair Loete states that the Zoning Board of Appeals had been tasked to give a definition of restaurant since there isn't one in the code book. He continues to explain that this came to a head with an applicant for a special use permit for a coffee shop in a residential district in Phoenicia who has since removed their application. He continues to explain that since there is no definition that the board can fall back on it is important for future applicants to have this in the town code book. Board member Guglielmetti states to prepare and sell food to the public would define a restaurant. Board member Kneissal has also submitted a definition via email. Chair Loete states by board member Guglielmetti's definition local churches and the VFW would fall under the definition of a restaurant. Board member Guglielmetti points out those properties are non for profit, and usually done for fundraising purposes. Chair Loete suggests adding prepared and consumed on premises for profit defines the establishment as a restaurant. All board agree that board member Kneissl's definition is even more thorough, and they want to continue to bounce around ideas of how to define restaurant.

**New Business:**

Patrick McGann has submitted an application for area variances to construct a dwelling on 75 Muddy Brook Rd. Phoenicia, Ny 12464. His architect Josh Pulver presents his hardship to the board. Mr. Pulver states that his client shows the existing site and topography via pictures. He continues to show the topographical issue of how steep the property is. Mr. Pulver continues to say that they looked at modifying the existing structure, however its conditions make that too difficult. They are purposing to build a modest structure, however anything they do will require them to be granted variances given the existing structure itself is also outside the buildable area. Their proposal requires variance to the front for their home, and a variance for their carport. With no other questions for the applicant a motion is made by Board Chair Loete for a public hearing to be scheduled April 21<sup>st</sup> at 7pm. Board member Guglielmetti second the motion.

Roll call vote as follows:

Mark Loete, Chair	yes
Gary Guglielmetti	yes
Elizabeth Kneissl	yes
Henry Williams	yes

Roll call summary 4 yes 0 no

At this time there is no further business before the board or on the agenda, however board member Williams choses this opportunity to bring up an enforcement issue he has with a former variance that was given to an applicant last year. Board member Williams states the

applicant at 55 Grandview Circle Rd. applied to erect a 6ft fence that he originally wanted it to be 120 ft. He states after the public hearing he reduced the fence to 80 ft. and was given relief for 20 ft center of the road to erect a 6 ft fence. He states the fence is a 120 ft fence and 17 ft from the center of the road. He also states he is in possession of 12 complaints from neighbors. It is his understanding that Eric Hoffmeister was supposed to get involved with the applicant, but he is unsure if he did. It seems to board member Williams that when they vote on an area variance, that area variance is what they should do, He states this applicant did not adhere to the area variance granted by the board, and built the fence how he originally intended. Board member Williams presents the board with photos. He states his concern is with public safety for the families who walk on that road and the traffic because of STR's (short term rentals). CEO Mcgowan states any complaint presented to his office has to be investigated, and he has not received any complaints besides board member Williams. The board and CEO Mcgowan continue to discuss this area variance given to the applicant last year and agree to go out and re measure the fence to see if it in fact adheres to what was granted by the town.

**Adjournment:**

There being no further business before the Board, a motion to adjourn the meeting was made by Chair Loete, seconded by Board Member Williams. All in favor. Meeting Adjourned at 7:56pm.