



"The Heart of the Park... Where the Eagle Soars"

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P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

**Town of Shandaken Zoning Board of Appeals
Minutes for Regular Monthly Meeting
April 20, 2022**

The regular monthly meeting was called to order with the pledge of allegiance at 7:09 pm.

Roll called by acting Secretary to the Planning Board Olivia Amantia, and attendance was recorded as follows:

Mark Loete Chair	Absent
Gary Guglielmetti	Absent
Allen Vella	Present
Christian Lynch	Present
Henry Williams Acting Chair	Present

Roll Call Summary: 3 Present, 2 Absent

Others Present: Assessor Grace Grant Flood Plain Administrator Rob Stanley

Minutes:

The Board reviewed the minutes from the previous month's meeting, having no corrections, a motion was made by Board Member Vella to approve the minutes as written, Board Member Lynch seconded the motion, all in favor.

Old Business:

New Business: Carol Mcausland resident of 172 Mt Pleasant Rd in Mount Tremper approaches the board for an Area Variance, for a lap pool, she states she drew a sketch of the pool, and it was inaccurate of the actual pool size. She states the actual pool size is 15 ft by 50, not 60. She states the land is divided up into two different lots, one is commercial, and one is residential, totaling 1.13 acres. She states the lot is undersized, and in highway business since she is right between Mount Pleasant Rd, and Route 28. She states her biggest concern is her neighbor at 180 Mount Pleasant Rd, and the setback she states at the diagram she made is 32 ft, rather than 40 ft, but they happen to be her family, so it shouldn't be an issue. Acting Chair Williams, asks the applicant the dimensions of the pool, she replies 15 ft by 50, stating its basically a lap pool. Acting Chair, Williams asks about the distance from the shed to the pool, being 6 ft, and 6 ft to the kennel. She states the reason the pool cannot go right in her backyard, where she calls the kennel, is because she just had a brand-new septic system and leech field put in, where the kennel area is in her yard. She states she will put better fencing up once the pool is done, and that swim king who is doing the pool, has put up temporary fencing, but she plans on putting up a permanent fence at 6 ft high, stating once she has the correct permits, but she intends on keeping it private. Board Member Lynch asks how far the fencing will be from the pool, the applicant replies that has yet to be determined. She mentions the fencing will be PVC at 6 ft, and states where she lives, she has her family as her neighbor's but there is also a large apartment building that when she is in the pool, she can see the second floor, therefore she would like to keep it private for her personal use of the pool, and to not see people driving by on route 28. Acting Chair Williams asks the applicant if both lots are highway business lots, the applicant states she doesn't know if the residential is, but states the property has been in her family since 1984. She also states her father who was an account looked into making all of the lots residential for tax purposes, but ultimately decided not to. She states when she bought the property from her mom in 2013, that she looked into it as well, but it doesn't make sense to change it to residential. Acting Chair Williams states, he believes both of those lots are highway business. Board Member Vella asks what does that mean highway business? Acting Chair Williams states commercial lots are also known as highway business. Acting Chair Williams states his concern is the six feet on either side of the pool, stating you need 10 ft on either side of the accessory structure, the applicant replies, she did not know that. The applicant states she is getting new fencing, and the leech field which was just done ,was going towards the pool, and she told her engineer , about the plans for her pool, so she didn't want everything to be "legit, her engineer said it wouldn't be a problem to move her kennel area, she stated that it could be moved in, so she would comply with the 10 ft. Acting Chair Williams asks the applicant , about having two feet to the rear of the lot, she stated yes, she owns both lots. Acting Chair Williams asks if there is a problem with combining the two lots, the applicant replies for financial and tax reasons, she doesn't want to do so. Acting Chair Williams determines there needs to be a public hearing set, Board Member Vella makes a motion to set a public hearing for Mccausland/Gustafsen, Board Member Lynch seconded the motion, all in favor. Town Assessor Grace Grant states a time and date need to be set for the hearing, which is determined to be on May 18th at 6:45

Acting Chair Williams states the second order of business, is APCR LLC , requesting an Area Variance for a sign. Sarah Pellizzari is here on their behalf. APCR LLC is located at 5371 Route 28, in a highway business zone, she states they had site plan approval in 2018 with the planning board. She states with Site Plan Approval, there is a 21-point check list, one has to go through, and number 15 is the signage, and at the time the sign was on the site plan where they are placing it, but the schematics of the sign hadn't been shown to the planning board at that time. She states the property is a three place commercial downstairs, with two residential upstairs. Mrs. Pellizzari states when she was the Town of Shandaken Code Enforcer, he had applied for a sign permit, which is off the building. She states 116.25 in the code book for signs, anything out of cluster development, highway business, residential one and a half, all of those signs have to remain on your building at 24 square ft. She states her client's proof that the site plan was approved with a sign off the building was shown, therefore it was the size of the sign that came into question. She states he has three businesses that are in that commercial space, and to represent them thoroughly, 24 square ft is quite small. She states the applicant would need a variance, and she states the applicant has enlisted her to represent him and show the hardship for these three commercial spaces. She states the site plan was a little vague, where it was going, but it's a state right away, the D.O.T., weighed in, she mentioned Jim Riley who does permits for the D.O.T., and that they took the mile marker where this is located, and its 55 ft off the center line, is the closest that the applicant is allowed to have the sign, to the road. She states at this stage the sign is off of the building, because the site plan showed that it was approved, and signed by the board when he submitted the original site plan review, the location of the sign for D.O.T. right away has been approved, she states he is now asking as a hardship if he could get more square footage to accommodate all three businesses and the fire number that needs to be posted. She states in total he is asking for 48 square ft, which would be in cluster development, but its in highway business, so it says it should be 24 ft. She states the height total is 16 ft, which originally she told the contractor, that there used to be a post of 16 ft. Board Member Lynch asks Mrs. Pellizzari , about the application saying the drawings say 13 ft, but the application states 16 ft. She replies she is under the impression that its 16 ft for the entire post from the ground to the top. She states the applicant is asking for, 16 ft, and that each individual sign is 4 by 11, which equals 44 sq ft. Board Member Vella states the paperwork shows each sign is one foot, by four and half by eight feet for each individual sign. She states the math she did is 47 sq feet and some change, and the applicant is asking for 48 sq feet. Mrs Pellizzari states the post is 16 ft in height, Acting Chair Williams states the paperwork submitted shows 13 ft. Acting Chair Williams asks if the D.O.T. had approved this, she replied yes and that he added two feet, and that it was technically 53 ft and he added two feet just to be safe for the D.O.T, she states when it was first submitted the planning board should have approved the sign, but she doesn't know , if the plans were not ready, but they approved the sign at that location, they just didn't approve it to be 48 sq ft at that time. Acting Chair Williams made a motion to set a public hearing next month. The board asks if the sign will be illuminated, she replies no, it is not allowed, they would have to ask for that as well, she states 116-25 doesn't allow for illumination. Board Member Lynch states looking at the dimensions, it looks like 56 sq ft of just solid signage. She states one of the sign's is 11 sq ft, the other sign is 11 sq ft, and the third is 11 sq ft, then his rentals, which

is also 11 sq ft, totaling 44 plus the three sq ft for the address, making it 47 and some change, then it's just 16 ft tall. Board Member Williams, states if you look at each side if they were 12 by 8, then that's 8 sq ft, Mrs. Pellizzari states they're not, each sign is 11 sq ft. Board Member Vella points out is 1.4 ft on the drawings, not 11 inches. She states it's not 11 inches its 11 sq ft. Mrs Pellizzari states all of the signs come to a total of 47.46 square footage, and they are asking for 48, and the posts are 16 ft tall, she also mentions in zoning there's nothing about posts, she states at the public hearing she will show the old post that it is a minimal of 16 ft. She states they had to take it down, when they redid the lot, and the septic, she states their contractor took down the original signed post. Board Member Vella made a motion to set a public hearing for APCR , Board Member Lynch seconded the motion, all in favor. The public hearing will be for 6:30 on May 18th.

Acting Chair Williams states the third order of business is Durga Bernhard of 203 Broad Street Hollow Rd, who is requesting a Area Variance for an apartment above her garage, for her daughter. Acting Chair Williams asks if she has drawings, she replies she does, as well as letters from all 3 of her neighbors supporting her plan. She states the property immediately to her north is state land. Acting Chair Williams asks the applicant if there is electricity, and water at the new proposed apartment above her garage as well as a sewer. The applicant stated yes there is electricity, there will be water, and the waste line from her own home is very close, next to the garage, she states the proposal for that will be having pipes going to the garage from her house, going through the plumbing, past the waste system of the house. Acting Chair Williams asks the applicant if there will be a kitchen, she stated no, maybe a kitchenette, or a microwave, but no kitchen, her daughter will have use of her kitchen in her house. Board Member Vella asks the applicant if it will be just a toilet and a shower, in the new apartment, she said yes, as well as perhaps a utility sink, stating if her daughter was to move out, she would use the space as a studio. Flood Plain Administrator Rob Stanley states he's seen the applicant present at a previous meeting, he states the proposed apartment, is an existing structure on the lot, and she's looking to get relief from the side lot, which is why a variance is needed, it is a guest cottage since there is no kitchen. Acting Chair Williams made a motion to set a public hearing for Ms. Bernhard, Board Member Vella made the motion to have a public hearing, Board Member Lynch seconded, all in favor. The public hearing will be at 6:15 on May 18th.

Adjournment:

There being no further business Acting Chair Williams made a motion to adjourn the meeting, Board Member Lynch seconded the motion, all in favor. Meeting adjourned at 7:36 pm. These minutes were prepared by the Planning Board Secretary Olivia Amantia.

