



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

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**Town of Shandaken Zoning Board of Appeals  
Minutes for Regular Monthly Meeting  
October 16<sup>th</sup>, 2024**

The regular monthly meeting was called to order with the pledge of allegiance at 7:02 pm.

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

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

**Roll Call Summary:** 3 Present, 2 Absent

**Others Present:** Zoning Enforcement Officer Grace Grant, Don Brewer

**Minutes:**

The Board reviewed the previous month's meeting minutes, Board Member Williams asks that one correction be made. Board Member Williams would like the minutes from September changed stating that Wellington Blueberry's Public Hearing is remaining open for 30 days to give them the opportunity to file an application with the Planning Board, so that the ZBA can move forward with the applicants request for variances.

Board Member Vella made a motion to accept the minutes with that correction, seconded by Board Member Williams, all in favor.

## **New Business:**

### Christopher Bick - Area Variance - 25.11-1-1

The first order of business is Christopher Bick. Mr. Bick is here this evening for an Area Variance. Mr. Bick lives at 49 Miller Rd. in Mt. Tremper, and is requesting the variance in order to construct an addition on the back of his hom. Mr. Bick states the existing house is a 2 bedroom 750 square foot single family residence. The applicant states he has a family member that stays with him full time, and that his house was initially a "Catskill cottage" not meant to be lived in full time. Chair Loete ask's the applicant what year the house was built? It was built in 1925. The applicant is asking for an addition of 229 square ft, Mr. Bick states his lot is an odd shape, similar to a trapezoid. Board Member Willams ask's what the forest is behind his house? The applicant states it is the Zen Mtn Monastery's land, with no further questions or comments, Chair Loete makes a motion to set a public hearing for Mr. Bick, seconded by Board Member Vella, all in favor. Public Hearing is scheduled for November 21, 2024 at 6:45pm.

### Alfred Heitkonig Area Variance 25.22-2-22.310

The next order of business on the agenda is Alfred Heitkonig for an Area Variance in relief of the minimum lot frontage requirement listed in Town Code § 116-19. Don Brewer is here this evening to represent the applicant. The applicant has already been before the Planning Board, who advised him that a variance would be required before they could approve his proposed subdivision. Board Member Williams states that this lot needs 50 ft of frontage. ZEO Grant states that any new lot being created must have 50 ft of frontage. The parcel is land for a house site, there is currently not a house at this time. There is a discussion amongst the Board regarding why the applicant was referred to the Zoning Board of Appeals, following going to the Planning Board. ZEO Grant reads §116-19:

"All lots proposed for building purposes in the Town of Shandaken shall have a minimum lot frontage of 50 feet or 50% of the minimum lot width established by the District Schedule of Area and Bulk Regulations<sup>11</sup> for the zoning district in which the lot is situated. Said lot frontage shall be measured along the right-of-way of any dedicated town, county or New York State highway or along a line 24.75 feet from the center line of any user highway. The width of any lot shall not be less than its frontage throughout its entire depth leading to the buildable portion of the lot, i.e., that portion of the lot with at least the minimum prescribed lot width."

After further discussion amongst the Board, ZEO Grant, and Mr. Brewer, Chair Loete makes a motion to set a public hearing for Mr. Heitkonig, seconded by Board Member Williams, all in favor. Public Hearing is scheduled for November 21, 2024 at 7:00pm.

**Old Business:**

There is a discussion amongst the Board regarding the Wellington Blueberry LLC. Chair Loete states, the last time they were before the Board they requested following their meeting to keep open their Public Hearing for thirty days. Board Member Williams states, we gave them the extension and kept the public hearing open to give them more time to submit an application. Board Member Williams states someone from the Wellington Blueberry should be here this evening to inform the Board on their progress. ZEO Grant states its up to the Board whether or not they'd like to extend the public hearing and keep it open for an additional thirty days. Or if they'd like to make a decision right now, with out the applicant present. Board Member Williams states he doesn't understand why they're here to begin with because no one has denied an application for them to come before the Zoning Board of Appeals. Normally an applicant submits an application to the Planning Board, or the Building/Zoning Dept. And if there is an issue with that application, then they are referred to the ZBA. Board Member Williams states if the application they have before them now is denied, it's not going to slow down their process, and they still have to go before the Planning Board. ZEO Grant states regardless of whether or not the applicant was referred to the ZBA, they submitted an application that the Board needs to review, regardless of the traditional way this is usually done. Board Member Williams feels that the applicant should have attended this meeting tonight to update the Board on their progress, however much or little they have made, it's important to keep the Board informed. The Board agrees they want what's best for the applicant and are for the project, but Board Member Williams states they have to be careful with how this proceeds, because they don't want to set a precedent. After further discussion amongst the Board, and ZEO Grant, Chair Loete made a motion to keep the public hearing open for an additional thirty days for the Wellington Blueberry LLC, seconded by Board Member Vella, all in favor.

**Adjournment:**

There being no further business Chair Loete makes a motion to adjourn the meeting, Board Member Vella seconded the motion, all in favor. Meeting adjourned at 7:30 pm.

These minutes were prepared by the Zoning Board Secretary Olivia Amantia.