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**Town of Shandaken Zoning Board of Appeals  
Minutes for Public Hearings  
September 18, 2024**

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

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

**Roll Call Summary:** 4 Present, 1 Absent

**Others Present:** ZEO Grace Grant, Jan Jaffe, Harry Josh, Arrow Mueller, Nian Fish

**Wellington Blueberry LLC Use & Area Variance 4.46-1-32.110 6:15**

Chair Loete made a motion to open the public hearing, seconded by Board Member Guglielmetti, all in favor. Public Hearing opened at 6:20pm. The applicant is here this evening for a Use & Area Variance. The legal notice is read by ZBA secretary Amantia. No one was in attendance regarding this public hearing, and one correspondence was received regarding this public hearing. President of the Wellington Blueberry LLC, Jan Jaffe states she has received ten letters of support regarding the project. Board Member Williams ask's the applicant if they currently have an application to the Town or the Planning Board for a special use permit? The applicant states at this time they haven't, they've just obtained a land use lawyer, and plan on attending the next Planning Board workshop, but they still have some work to do, and need to sit down with the lawyer before they make a formal application. Chair Loete states after discussing the project with the town attorney, this project normally would have gone to the Planning Board before it was before the ZBA. But when Chair Loete spoke with the town attorney, he advised him there has to be the submission of either a site plan or a special use permit application, neither of which have

been submitted yet. Chair Loete states in leu of that the public hearing will remain open for thirty days. Board Member Williams states they're for the project and excited about the project. Board Member Williams states there are three ways to be in front of the ZBA, those include a referral from the Planning Board/ Building Dept, a direct appeal, or attending a meeting following a referral from the Planning Board. Parking is another issue the Board discusses and mentions it will need to be further looked into for the site as time goes on. Board Member Williams states this project will be great for the community and for Pine Hill, and all the members are on board. Board Member Williams made a motion to leave the public hearing open for Wellington Blueberry LLC, seconded by Chair Loete; all in favor. With no further questions Board Member Williams makes a motion to close the public hearing, seconded by Chair Loete, all in favor.

### **Harry Josh Area Variance 25.19-2-8.200 6:30**

Chair Loete makes a motion to open the public hearing for Harry Josh, seconded by Board Member Lynch, all in favor. Mr. Josh is here this evening for an Area Variance, to construct an 8 ft deer fence around his property. ZEO Grant states the Ulster County Planning Board did not have a proper quorum so they were unable to comment on the project. There are two letters regarding the project, not in favor of it.

Harry Josh is here this evening to represent himself. Mr. Josh states one of the opposed letters states he is not 25 ft back from the road, which he is. Another letter mentions the proposed fence should not be 8 ft; 7 ft would be better. Board Member Williams ask's the applicant why does he need so much fencing on his property? The applicant states what he's trying to do is create and build and grow a "fruit forest". The fence is intended to be 3.8 acres of his property, to keep out animals and try and prevent them from eating and destroying the gardens.

Board Member Williams and Chair Loete mention to the applicant his neighbors may not enjoy the fencing, and the viewshed is something to be concerned about. The applicant states he is making the property more beautiful and the fence will not be visible once the greenery and foliage covers it. Board Member Lynch states he drove to the property to check out what the area where the fence will be will look like. Board Member Lynch states the fence will be very visible. Chair Loete ask's will a 7 ft fence deter deer? The applicant states the fence company he hired to do the work, claims they've done other fence's the same height in the area, and he's invested money and time looking into the matter. Board Member Williams states we do live in the Catskill Mtn Park, and it's forever wild, and no matter the argument the animals will be affected. Board Member Williams ask's the applicant if there were any other options other than the fence? The applicant states after much time and research the fence seemed to be the best option. The applicant states the majority of his property will remain wild, it's only the gardens and fruit he's planting that will be fenced in. Board Member Williams mentions that if he had a farm or was a farmer

planning on doing this it would be different, considering it's a big difference a 4 ft fence to an 8 ft fence. One person is here this evening to speak in support of the applicant. Nian Fish lives directly across the street from the applicant. She is in support of the fence, she states the applicant is a man of integrity, and will make the area beautiful. She states she has a 7 ft fence herself for her dogs, and she states as a neighbor she'd prefer not to see a house. She states her fence does deter the deer and coyotes. She states the fencing she has is what the applicant is proposing, and that the greenery grows up and around it, not making it visible. Chair Loete closes the public hearing, seconded by Board Member Lynch, all in favor.

#### **Arrow Mueller Area Variance 14.5-1-22**

Chair Loete makes a motion to open the Public Hearing for Mr. Mueller, seconded by Board Member Williams; all in favor. The applicant is here for an area variance, to construct a new garage on his property. There was one letter of support regarding the project sent in, and there were other letters in support of the project that the applicant has on his person as well. Board Member Lynch ask's if the new proposed structure matches the existing footprint? The applicant states it's not in the existing footprint, but the same area. The distance from the house and the garage is 14 ft from the residence, and will align with the house. The idea is for the structure to be as far away from the house as possible, but there's a hill in the way and an old stone retaining wall. Chair Loete states their concern is EMS vehicles and fire truck's being able to have enough room to access the property. The applicant states he's here for a 4 ft height variance, due to the fact that he's only allowed a one and half story building, and he'd like to construct a two-story building. ZEO Grant adds when the initial application was submitted, it had two letters of support attached to it, from the applicant's neighbors. With no further questions, Chair Loete makes a motion to close the public hearing, seconded by Board Member Gugliemetti.

**Town of Shandaken Zoning Board of Appeals**  
**Minutes for Regular Monthly Meeting**  
**September 18<sup>th</sup> ,2024**

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

**Minutes:**

Chair Loete ask's the Board Members if they have looked over the previous month's meeting minutes. With no corrections, Chair Loete makes a motion to approve the minutes, seconded by Board Member Vella; all in favor.

**Old Business:**

Arrow Mueller – Area Variance – 14.5-1-22

The first order of business on the agenda is a height variance, submitted by Arrow Mueller, of 42 Fichtner Rd Chichester, NY. With no further questions from the Board or for the applicant, Chair Loete makes a motion to approve the height variance, allowing Mr. Mueller to construct a 19 foot tall garage, seconded by Board Member Lynch, roll call vote as follows:

Mark Loete- Chair	Yes
Gary Guglielmetti	Yes
Allen Vella	Absent
Christian Lynch	Yes
Henry Williams	Yes

## Harry Josh – Area Variance – 25.19-2-8.200

The next order of business is Harry Josh, for a height variance to construct a fence at 1345-1347 Wittenberg Rd. Mr. Josh wanted to add that he plans on planting several trees that will be very tall and help with screening & with his neighbors' concerns about his fence. Mr. Josh states he takes great pride in maintaining his property and it will be gorgeous, it will not be an eyesore. He also adds one of the concerned emails from one of his neighbors, will be the least affected by his fence. Chair Loete ask's the applicant if there is a drainage ditch on the property? The answer is yes there is. There is a discussion amongst the Board and ZEO Grant regarding set backs and the height regulations for fencing. Chair Loete made a motion to allow the 7 ft fence on the entire perimeter, conditional upon that it is 25 ft from the edge of the road, seconded by Board Member Guglielmetti, roll call vote as follows:

Mark Loete- Chair	Yes
Gary Guglielmetti	Yes
Allen Vella	Absent
Christian Lynch	Yes
Henry Williams	Yes

### **Other Business:**

The last order of business is patters for progress. ZEO Grant states they would like to have a meeting at the Town Hall on the 24<sup>th</sup> of October. What they'd like to do, is meet with the ZBA to discuss questions, and concerns, what is and what isn't important, in terms of applications that come before the Board, etc. There is a discussion amongst the Board and ZEO Grant what time would work best for everyone to meet. The Board feels meeting before the next ZBA meeting may be best for everyone.

### **Adjournment:**

There being no further business before the Board, a motion was made to adjourn the meeting by Chair Loete, seconded by Board Member Lynch, all in favor. Meeting adjourned at 7:27 pm.

These minutes were prepared by the Zoning Board of Appeals Secretary Olivia Amantia