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

**Town of Shandaken Zoning Board of Appeals  
Minutes for Public Hearings  
February 17, 2021**

**PUBLIC HEARINGS:**

Karen Thomas-Malloy – Area Variance for 6' Fence

SBL# 25.3-1-8/5207-5209 Route 28/Residential 1.5 acre Zoning District

Public Hearing was opened at 7:03pm. Due to COVID-19 restrictions, this meeting was only open to the applicant(s) and/or their representative(s,) and notified abutters and/or their representatives. Karen Thomas-Malloy was present, no abutters were present. Legal Notice regarding the application was read:

'Notice is hereby given that the Town of Shandaken Zoning Board of Appeals will hold a public hearing, pursuant to section 267-b and Article XI of the Town of Shandaken Zoning Law and as prescribed in the District Area and Bulk Regulations of the Shandaken Town Code for the purpose of hearing comments relating to the following application:

Regarding an application for Area Variance submitted by Karen Thomas-Malloy, for a parcel located at 5207 Route 28 Mt Tremper NY, further identified as SBL# 25.3-1-8 located in a Residential 1.5 acre Zoning District. The applicant would like an Area Variance in order to build a 6' high privacy fence along the front of the property, which is in excess of the 4' minimum allowable withing the Zoning Code.

The public hearing is scheduled for February 17, 2021 at 7:00pm at the Shandaken Town Hall 7209 Route 28 Shandaken, NY. All persons wishing to be heard shall be heard at the date and time of the public hearing.

Dated January 26, 2021'

John Gifford of 5219 Route 28 was contacted via teleconference so he could ask how long the fence would be, what type of fence it would be, and if the fence would be painted. The fence will be approximately 60 feet in length, it will a stockade pine

board style with a scallop on top, and it will be stained in the same style as the fencing that is already on the property.

The phone line was opened to the public for any comments, no calls were received. There being no further comment from the public, or questions from the Board a motion to close the public hearing was made by Board Member Kneissl and seconded by Board Member Williams. All in favor. Public Hearing closed at 7:10pm.

Branches/Copperhood Properties LLC – Area Variance for Parking  
SBL# 5.4-2-9.110 & 5.4-2-21/7039 Route 28/Residential 1.5 Acre Zoning District

Motion made by Board Member Kneissl to open the public hearing for Branches, seconded by Board Member Williams. All in favor. Public Hearing was opened at 7:12pm. Due to COVID-19 restrictions, this meeting was only open to the applicant(s) and/or their representative(s,) and notified abutters and/or their representatives. Stephen Sanchez (applicant,) and Martin Schmidt of Kaaterskill Associates (representative,) were both present. No notified abutters were present. Legal Notice was read:

‘NOTICE IS HEREBY GIVEN that the Town of Shandaken Zoning Board of Appeals will hold a PUBLIC HEARING, pursuant to section 267-b and Article XI of the Town of Shandaken Zoning Law and as prescribed in the District Area and Bulk Regulations of the Shandaken Town Code for the purpose of hearing comments relating to the following application:

Regarding an application for Area Variance of the required parking for the Copperhood Properties LLC/Branches redevelopment project for parcels located at 7039 Route 28 Shandaken, NY 12480. Said parcels being further identified as SBL #'s 5.4-2-21 and 5.4-2-9.110, and located in a Residential 1.5 acre Zoning District.

The proposed Area Variance is for a reduction of the required number of 149 parking spaces to a total of 58 standard parking spaces, 2 handicapped accessible spaces, and 1 bus parking space, with associated parking to be located within 50 feet of NYS Route 28.

A SEQRA Negative Declaration of Environmental Significance was granted for the Area Variance on August 19, 2020 by the Town of Shandaken Zoning Board of Appeals.

The public hearing is scheduled for February 17, 2021 at 7:00pm at the Shandaken Town Hall 7209 Route 28 Shandaken, NY. All persons wishing to be heard shall be heard at the date and time of the public hearing.

Dated January 26, 2021'

Board Member Williams asked how close to the right of way the parking lot would be. Martin Schmidt explained that they would not be moving the existing parking lot, but that they would be creating a new entrance location for better traffic flow. He also stated that all appropriate applications have been submitted to the Department of Transportation and Ulster County.

The phone line was opened to the public for comment. No calls were received.

There being no further comment from the public or questions from the Board a motion to close the public hearing was made by Board Member Kneissl, and seconded by Board Member Williams. All in favor. Public Hearing was closed at 7:19pm.



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

The regular monthly meeting was called to order by Board Chair Loete at 7:20pm with the pledge of allegiance.

Roll Call by Acting Secretary Grace Grant, with attendance recorded as follows:

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

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

**Others Present:** Howie McGowan-Code Enforcement Officer, Karen Thomas-Malloy (applicant,) Stephen Sanchez and Martin Schmidt (Branches)

**Minutes:**

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

**Old Business:**

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

Following the Public Hearing earlier in the evening, the Board had no further questions or comments regarding the application for Area Variance to build a fence 6' in height along the front of the property. A motion to approve the Area Variance with the condition that the finished side of the fence be facing neighboring properties was made by Board Member Williams, seconded by Board Member Kneissl with a roll call vote as follows:

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

Roll Call Summary: 3 Yes, 2 Absent

Branches/Copperhood Properties LLC – Area Variance - SBL# 5.4-2-9.110 & 5.4-2-21  
7039 Route 28/Residential 1.5 Acre Zoning District

The Board is in receipt of a Resolution regarding an Area Variance for parking for the project prepared by Michael Moriello. They found that a few minor corrections to the document need to be made, but otherwise the resolution as drafted is fine and will be used. Having no further questions for the applicant a motion to approve the Area Variance regarding parking was made by Board Member Kneissl, seconded by Board Member Williams with a roll call vote as follows:

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

Roll Call Summary: 3 Yes, 2 Absent

Sparkwood

The Board had been made aware that an application before the Planning Board for a Special Use Permit had been forwarded to the Zoning Board of Appeals during Regular Monthly Meeting of the Planning Board for further definition of the proposed business. The application stated that the business would be a “Coffee Shop/Specialty Market.” Since the Planning Boards meeting the applicants for Sparkwood have pulled the application for Special Use Permit, and will not be going forward with the project for now.

Although the Zoning Board no longer has said application before them to consider for definition, they feel that going forward it would likely be a good idea to properly define “restaurant” for future use in the Code Book for the Town of Shandaken. They will address this matter further when they have the whole Board in attendance.

**Adjournment:**

There being no further business before the Board, a motion to adjourn the meeting was made by Board Member Williams, seconded by Board Member Kneissl. All in favor.  
Meeting Adjourned at 7:29.