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**Town of Shandaken Zoning Board of Appeals
 Minutes for Public Hearings
 November 19th 2025**

Public Hearing was opened at 6:45

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	Present
Christian Lynch	Present
Henry Williams	Present

Roll Call Summary: 5 Present 0 Absent

Others Present: ZEO Grace Grant, Charles Gotlieb, John C Cappello, Don Brewer, Jeanne Maloney, Wayne & Nola Gutman

Jeanne Maloney Appeal 25.3-1-10

Chair Loete made a motion to open the public hearing for the applicant, motion seconded by Board Member Lynch following the legal notice being read. There are four people who have signed up this evening to speak regarding the appeal.

The first person to speak is Charles Gotlieb, legal representation for the Leeway.

Mr. Gotlieb informs the Board that following the Planning Boards approval of the event use, with 15 conditions, there has been one event held at the Leeway. He states that the neighbors were unaware of this event, which speaks to the nature of events in the future, they will not be intrusive. This use is an accessory use to the lodge. Mr. Gotlieb states that this is a permitted use on the property, and feels like selective enforcement is occurring,

since Foxfire Mtn House, and the Urban Cowboy hold similar events in tents which are erected and taken down quickly. Mr. Gotlieb also states that there will be no construction in the floodway on the property, the floodway has been thoroughly evaluated by the Planning Board, and the County also reviewed the flood evacuation plan they have in place. There is a discussion amongst the Board regarding the motel being referred to as a lodge, Chair Loete states that the Board does not think a motel is a lodge. The zoning regulations remain the same if it is a hotel/motel/lodge.

Vivian Welton is the next person who's signed up to speak. Ms. Welton does not think that the Leeway should have a tent, there are many concerns about the property being in the floodway, and states that it is a safety issue, and there could potentially be a lot of people in harms way if a natural disaster/flood were to occur. Ms. Welton adds that these floods can happen with very little warning, and the proposed 13 events is not a small number. Ms. Welton adds that the ZBA was created for these types of issues, property owners have rights, not just business owners.

The next person to speak is Jeanne Maloney, who has filed this appeal. Mrs. Maloney lives directly next door to the Leeway, and she will deeply be affected by this in a negative way. Mrs. Maloney is completely against the event tent, and it will affect her quality of life in a very negative way. Mrs. Maloney has a letter from her lawyer that she's made copies for all of the ZBA members, she highlights a few bullet points from that letter. Mrs. Maloney states what was once a sleepy 9 room motel, was such a small impact on the community, and what they're now proposing will be a burden. Mrs. Maloney states that Foxfire and the Urban Cowboy are very different from her situation, as she lives 25 ft from the Leeway. Mrs. Maloney thanks the Board for their time, and for listening.

The last person signed up to speak is Molly Holm. Mrs. Holm lives on the same road as Foxfire Mtn house, and she states that it has been a dominating presence in the community, and has affected her and her quality of life in a very negative way. Mrs. Holm states that the Foxfire has been very problematic, and feels there has been selective enforcement. Mrs. Holm states that these venues are only benefiting business, and not the community or the homeowners. Mrs. Holm adds that the events will be loud, intrusive, there will be lights, lots of cars, etc.

Chair Loete states that he's aware that the zoning code is rife with contradictions and it is being rewritten because of how inadequate it is. Chair Loete asks Mrs. Maloney about the event that was just held at the Leeway and how it affected her? Mrs. Maloney states that there were cars everywhere, and they were very close to her fence line. Mrs. Maloney states that she also saw two tents, not just one tent.

Wayne Guttman states that he's been coming to the meetings for a year now, regarding this tent. Mr. Guttman states that there are several issues with this tent, there's noise concerns,

traffic, safety, etc. Mr. Guttman states that this is a common sense/community issue, and the property that adjoins the Leeway has lost property due to the flooding in our areas as well.

There were three letters sent in regarding the appeal. All of the letters are against the tent, and in favor of Mrs. Maloney's appeal.

John Cappello attorney for the Town of Shandaken is here this evening to assist, and offer guidance, and advice with the appeal process however he is able to. Following the individuals who signed up to speak and the letters being read, Mr. Cappello states the question is whether the wedding events are accessory to a motel/lodge use. There is a discussion amongst the Board and Mr. Cappello regarding the steps to making this decision, whether they should wait and review it further, or make a decision tonight. Board Member Williams states they should make a decision tonight; this is an application that has been before both Boards for several months. With no further questions or comments, Chair Loete makes a motion to close the public hearing, seconded by Board Member Lynch, all in favor.

**Town of Shandaken Zoning Board of Appeals
Minutes for Regular Monthly Meeting November 19th ,2025**

Minutes:

The regular monthly meeting was called to order at 7:30 pm with the pledge of allegiance. Chair Loete ask's the Board Members if they have looked over the previous month's meeting, and if there are any corrections, or questions. With no corrections, Chair Loete makes a motion to approve the minutes, seconded by Board Member Williams, all in favor.

Dark Sky Hospitality 4.-2-71 Area Variance

The first applicant on the agenda is Dark Sky Hospitality; Don Brewer is representing the applicant. The applicant just recently purchased the First Spanish Baptist Camp, and would like to put a new sign where the original one was, for the new business that will be there. The proposed sign is 35 ft, ZEO Grant states in the cli district one is allowed to erect a 48 sq ft sign. ZEO Grant states in the district they're located in the only signage that you're allowed by right, is 24 sq ft on a wall. Mr. Brewer states the Baptist camp has been a hotel since 1910, and the new owner will reopen it to the public. Board Member Lynch asks if the sign will be lighted? Mr. Brewer states yes it will be dark sky compliant with the lighting. With no further questions or comments, Chair Loete makes a motion to set a public hearing

for the applicant at next month's meeting, seconded by Board Member Lynch, at 6:45, all in favor.

Juan Marante & Dianelys Garcia 13.4-1-14 Area Variance

The next applicant on the agenda is Juan Matante and Dianelys Garcia. Their builder is here to represent the applicant. The variance is needed to construct a single-family home in a residential 5-acre zoning district, it requires a 75-foot rear yard setback, a 12 ft setback is proposed. A variance to construct a home with a 12-foot setback on this vacant lot was approved for a previous owner in 2006. Since that home was never built, the variance became null and void one year from its issuance. With no further questions or comments, a motion is made to set a public hearing for the applicant at next month's meeting at 6:30, all in favor.

Jeanne Malloney Appeal

The last item on the agenda is Jeanne Malloney for her appeal per the Leeway. Chair Loete asks ZEO Grant if she would read her determination letter that was written regarding the tent use at the Leeway. ZEO Grant reads her letter stating; there is no definition of event use in the Town of Shandaken zoning code, multiple hotel and or lodge developments in the Town of Shandaken, incorporate event use on their properties. For those properties that hold events throughout the year, building permits, tent permits, and operating permits authorizing the event use were issued by previous zoning enforcement officers. Given the above in my review of zoning code, it is my determination that event use accessory to a motel, hotel, and or lodge development is allowed in the Town of Shandaken, following site plan approval by the Planning Board. ZEO Grant adds that it is her determination that the event use is allowed given the history of how other ZEO's have handled this issue in the past, issuing both Building and Operating permits to other Hotel/Motel/Lodge Developments permitting the use.

Chair Loete states he wants to reiterate that it is a determination of the request for interpretation of the determination of the zoning officer. Board Member Vella states he'd like clarification regarding the use, what it is that it means, pertaining to hotel, motel, lodge. Mr. Cappello states per the town's code book, it states; hotel and motel all uses are integral to the hotel or motel development shall either be clearly accessory to the hotel, motel, or lodge development as defined in 116-4, or be permitted uses or special permit uses within the zoning district in which the hotel or motel development is proposed. It also says accessory integral accessory uses shall generally be limited to the following; meeting rooms, restaurants, and dining facilities, recreation facilities such as swimming pools and tennis courts, and small personal service retail shops, within a hotel, motel, or lodge facility, and selling newspapers, magazines, tobacco, small gifts, and similar items. Board Member Lynch states for it to be accessory, it would need to be subordinate and customarily

incidental. Board Member Lynch states the question here today is, is an event use subordinate or customary incidental, hotel, motel, or lodging development use, is for transient or temporary lodging. Board Member Lynch states, the question is, is an event use necessary for transient and temporary lodging. Board Member Lynch states that he does not see it that way, is it customarily incidental to transient temporary lodging? Board Member Lynch states that it has to be a natural or logical accompaniment to a transient or temporary lodging as occurring, as a minor feature or activity that is expected or necessary because of principal use, and I don't think that's the case. Board Member Williams states that it's larger than the primary use of a sleepy little motel with 9 rooms. Board Member Williams states that if this was a meeting room that was being proposed, or a coffee area, that would be very different. Board Member Williams states it should be looked at as a separate commercial use, with a special use permit, and this application should go back before the Planning Board, or the Town Board. Board Member Guglielmetti states that the proposed use is excessive of this motel, and he's never heard of anyone getting married at a motel.

With no further discussion, Chair Loete makes a motion to direct the town of Shandaken's council to write the resolution, approving the appeal, for this evening's decision that events are not accessory use to a motel, Board Member Williams seconded the motion, all in favor.

Communications:

Old Business:

Other Business:

Adjournment:

There being no further business before the Board, a motion was made to adjourn the meeting by Chair Loete, seconded by Board Member Vella, all in favor. Meeting adjourned at 8:37 pm. These minutes were prepared by the Zoning Board of Appeals Secretary Olivia Amantia