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

January 7, 2026

### Zoning Review

**Parcel Address:** 338-344 Oliverrea Rd

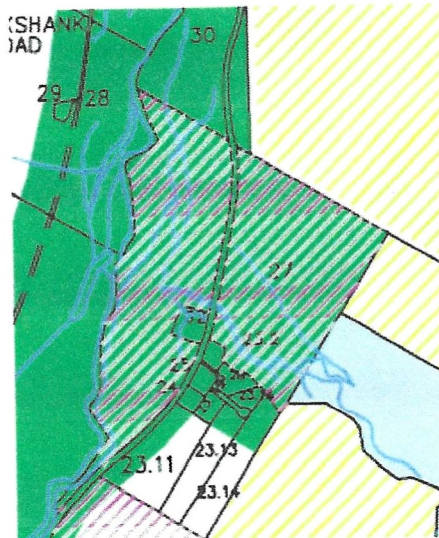
**Parcel SBL:** 12.-1-27

**Parcel Acreage:** 101.82a

**Zoning District:** R 1.5

**Current Use/Structures:** Single Family Residence, Accessory Dwelling Unit, Accessory Structures including a two-story garage and a pool

**Proposed Use:** Owner proposes converting an existing two-story garage to a second Accessory Dwelling Unit, for a total of 3 habitable structures on the lot.



## **Code requirements for ADU's: (§116-40.P)**

An accessory dwelling located within a separate structure from the principal residence, whether new or existing, in the R-5, R-3, R-1.5 or HR District, provided that:

[Added 4-14-1999 by L.L. No. 1-1999]

- (1)** The accessory dwelling is self-contained with separate cooking, sleeping and sanitary facilities for use by the occupants.
- (2)** Any new building housing an accessory dwelling complies with the minimum setbacks of the district.
- (3)** At least two parking spaces shall be available for the accessory dwelling in addition to that parking required for the principal dwelling.
- (4)** There shall be no more than one accessory dwelling, including accessory apartments as provided in § **116-40Q** below, on any lot.
- (5)** The lot on which the accessory dwelling is located shall conform to the minimum lot area requirements of the district in which it is located.

Code does not allow for a third habitable structure to be created; a Use Variance will need to be obtained from the Zoning Board Appeals before a Special Use Permit can be granted.

Should a Use Variance be approved, the owner will then have to apply for a Special Use Permit with the Planning Board for an Accessory Dwelling Unit.

Should the Special Use Permit be approved, the owner can then apply for the necessary Building Permits to convert the existing structure. A complete application for this must include proof that the existing septic can handle the load created by the ADU.

Should you have any questions, feel free to contact my office at (845) 688-5003.

Thank you,

Grace Grant  
Zoning Enforcement Officer