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

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

**Town of Shandaken Planning Board
Public Hearing – Philip Mones – Special Use Permit
Minutes May 8th 2024 6:45**

The public hearing was called to order with the pledge of allegiance at 6:45 pm.

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

Cliff Rabuffo, Chair	Present
Art Christie	Present
Joanne Kalb	Present
John Horn	Present
Allen Shiner	Present
Sam Spata	Present
Vivian Welton	Present

Roll Call Summary: 7 Present, 0 Absent

Others Present: Zoning Enforcement- Officer Grace Grant, Philip Mones, Don Brewer

Legal Notice regarding the application was read. Chair Rabuffo asked the applicant to give a brief overview of the project for the benefit of the Board and the public.

Mr. Mones would like to convert the existing barn to an Accessory Dwelling Unit with a kitchen, living room, bedroom, and bathroom. He will be putting a small 8x10 addition on the 1st floor for utilities. He intends to use the existing septic for the ADU. Alan Dumas verified at the last meeting the flow rates regarding the septic. Chair Rabuffo ask's the Board Members if they have any additional questions for the applicant? With no further questions from the Board, Board Member Welton made a motion to close the public hearing, seconded by Board Member Spata, all in favor. The public hearing was closed at 6:53.



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**Town of Shandaken Planning Board
Minutes for regular monthly meeting May 8th 2024**

The regular monthly meeting was called to at 7:00 pm.

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

Cliff Rabuffo, Chair	Present
Art Christie	Present
Joanne Kalb	Present
John Horn	Present
Allen Shiner	Present
Sam Spata	Present
Vivian Welton	Present

Roll Call Summary: 7 Present, 0 Absent

Others Present: Zoning Enforcement- Officer Grace Grant, Philip Mones, Don Brewer

Minutes

Chair Rabuffo ask's if there are any questions or corrections to the minutes from last month's meeting. Chair Rabuffo made a motion to approve last month's meeting minutes as written, seconded by Board Member Christie; all in favor.

Old Business

Philip Mones – 4.5-2-27 – Special Use Permit

Chair Rabuffo ask's the Board Members if they have any additional questions or comments for the applicant? With no further discussion Board Member Welton made a motion to approve the special use permit, seconded by Board Member Shiner; roll call vote as follows:

Cliff Rabuffo, Chair	Yes
Art Christie	Yes
Joanne Kalb	Yes
John Horn	Yes
Allen Shiner	Yes
Sam Spata	Yes
Vivian Welton	Yes

APFU LLC – 13.-2-1.112 – Special Use Permit/Site Plan Review

Don Brewer is here this evening to represent the applicant. The project received approval from the Zoning Board of Appeals for a 5-unit apartment building, with ten parking spots. ZEO Grant adds, the applicant received the use variance to construct, and the area variance in order to exceed the four units that are allowed. Board Member Christie ask's what the hardship was? ZEO Grant states no proof of hardship was submitted. There is a discussion amongst the Board pertaining to what the applicant stated his hardship was, in obtaining the variances from the Zoning Board of Appeals.

Board Member Kalb asked if the units were reduced? Mr. Brewer said yes, they were, and there is also a shared driveway that was approved. Board Member Shiner asked where is the entrance to each apartment? Mr. Brewer said in the front of the building. Chair Rabuffo asked if there is enough room for vehicles to park? Mr. Brewer said there is a wet land and power lines behind the building, so there may not be room other than in front of the building. Board Member Kalb ask's is there a reason why the building is so close to Route 28? Mr. Brewer states due to the utility line behind the buildings, and the setbacks from the highway, and building setbacks from the side. Board Member Shiner states you need space for a sidewalk in front of the building. Board Member Welton sates some trees would be nice as well for privacy. Chair Rabuffo agrees screening in front of the building would be necessary as well.

Board Member Shiner states in terms of parking for the building, it does not look like there's enough room for cars to pull into the spots and back out. Board Member Shiner states a sidewalk/walkway would be needed as well for the tenants of the building. Chair Rabuffo ask's Mr. Brewer if the reserve area could be moved? Mr. Brewer states he'll talk to the engineer. Board Member Christie asks about handicap access? Mr. Brewer states the building is one story. Board Member ask's if the parking can be in the back of the building? Mr. Brewer states it cannot, because of the utility easement and wetland status there is no room. Board Member Shiner states it will look a lot nicer if the parking can be behind the building. Chair Rabuffo states the parking area can't encroach on the 50 - ft right away. The Board agrees at the next meeting, they'll need to see screening, a different area for parking if possible, and sidewalk/walkway in front of the building. The Board is requesting to see

some landscaping, screening, walkway, and moving the reserve area for parking if possible. Board Member Spata ask's because this applicant was before the ZBA, does it now make it so the applicant can apply for a special use permit? Board Member Spata adds he feels the Board should not approve this application. ZEO Grant states Mr. Widensky was issued both a Use and Area Variance. The Use Variance in order to construct a multi-family dwelling, and an Area Variance to exceed the allowed number of dwelling units. Board Member Spata ask's does that constrain this board's ability to approve or not? Chair Rabuffo states now its treated as any other special use permit application. Board Member Spata states this is not about law, this is about being a good neighbor, and he would not like something like the applicant is proposing to be built next to him, even if it isn't directly next to him. Board Member Spata adds he can't think of anybody in Shandaken who wants this next to them. Board Member Spata adds, we did our job to allow one lot to be divided into two. Board Member Spata adds legally I believe you can do a two-unit dwelling, and legally you take the existing building and turn it into four units. Board Member Spata states he feels we've done our job to help housing here. Board Member Spata states this sets a precedent that he feels that elected officials need to deal with housing, he adds this is a really hot item, we set this precedent then forever and ever people can do this in Shandaken. Board Member Shiner adds they can only do it, if they receive approvals from the Zoning Board. Board Member Shiner states there have to be reasons for us not to approve this, because its five units its only determined that by the ZBA that five units are okay. Board Member Spata states it does not fit the character of this community, and that is his basis.

Mr. Brewer states there is only four percent vacant property available in the Town of Shandaken to build on. Mr. Brewer mentions the Town's comprehensive plan states housing opportunities for the full economic range of the town's population should be encouraged in a form that is compatible with a scale and pattern of increased needs. Board Member Spata states in terms of compatibility, scale, etc. this proposed project isn't what the Town needs. Mr. Brewer adds from the comp plan, in general development along the quarter of route 28 should not be extensively promoted and should be limited to small cottage type businesses cottage industries should be encouraged. Mr. Brewer adds, zoning laws limit the development of most mountain sides, ridge lines, and mountain tops within the town of Shandaken, which is one of the reasons why they say consider the quarter of route 28. Board Member Welton states, what the comp plain is saying that development should be compatible or consistent with the scale of the increased need, the increased need is determining the scale of development Chair Rabuffo states for the next meeting, the parking issues need to be addressed, along with pedestrian access, shading and for the wetland to be shown on the map.

Other Business

ZEO Grant states the comprehensive plan meets on Monday to review the revised document. They have asked the Planning Board members to review the document and to share their thoughts to the Town Board. This will be discussed at the next meeting.

Adjournment

With no further business before the board, Board Member Christie made a motion to adjourn the meeting, seconded by Board Member Spata, all in favor meeting was adjourned at 7 :33.

These minutes were prepared by the Planning Board Secretary Olivia Amantia