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**Town of Shandaken Planning  
Board Minutes for Public Hearings  
April 9<sup>th</sup>, 2025**

The regular monthly meeting was called to order with the pledge of allegiance at 7:00 pm.

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

|                      |         |
|----------------------|---------|
| Cliff Rabuffo, Chair | Present |
| Joanne Kalb          | Present |
| John Horn            | Present |
| Allen Shiner         | Present |
| Sam Spata            | Present |
| Vivian Welton        | Present |
| Juan Rosales         | Present |

**Roll Call Summary:** 7 Present, 0 Absent

**Others Present:** Zoning Enforcement Officer Grace Grant, Scott Olson, Christopher Verrall, Patrick Casey, Andrew Wright, Ion Trifan, Karlyn Monroe, TJ Ruane, Dennis Doyle

**Verizon Wireless 25.15-2-7 Special Use Permit**

**Minutes:** Chair Rabuffo opens the public hearing at 6:47 for Verizon Wireless for a special use permit. Following the legal notice being read, Chair Rabuffo ask's Mr. Olson, representative for Verizon, to give a brief description of the project, for the benefit of the public, and for the Board. The applicant proposes a 160-foot-tall wireless telecommunications facility at 1466-1470 Wittenberg Rd. The proposed tower is in a R3 zoning district, meeting all setbacks. There was a ballon test conducted at 32 locations in the Town of Shandaken, and the tower was only visible from three of those locations. There were three letters regarding the project, all against the tower and with concerns. There are several people here to speak this evening about the project.

Scott Kent, of Lavender Lane expressed his concern for the tower, and is against it. He states that living in the Catskills, no one wants to see a tower, and with new technology, it may not be as necessary, as it once was. He states if someone is in an emergency situation, and does not have cell service, with the advancements in technology, there'd be a way to contact 911, without the tower.

Lisa Luborsky of 1466 Wittenberg Rd. is also a concerned resident against the tower. She states she is three properties away from the proposed tower. She mentions that this tower will disrupt the quality of life, and property values will drop, she also mentions a day care center very closely located to the proposed tower, which is a health concern. She also states the wildlife is a concern, and that the tower would be better if it was not in a residential area.

Dennis Doyle director of the Ulster County Planning Board is for the tower that is being proposed on State Route 28. There was some confusion which public hearing this tower was for, he is not against the one being proposed on Wittenberg Rd., but he is very much for the additional proposed tower on State Route 28, for emergency purposes.

Matt Devine resident of Wittenberg Rd is against the tower, he states the main reason being health concerns, and radiation. Mr. Devine states we are being subjected to radiation and negative health impacts.

Scott Olson representing Verizon takes this time to address the concerns of the public. Mr. Olson states that someone had mentioned in one of the letters, that construction was already happening, which it is not. He states approval is needed from the federal government before a tree can be removed. In terms of property values being impacted Mr. Olson states that market studies show that property values do not decrease from cell towers. Mr.

Olson also adds that they are in full compliance of FCC requirements, there are not any known health defects of the tower being put up.

Mr. Olson states residential zoning allows these facilities; it's already been discussed with the Town Board. Mr. Olson adds there is no need for an environmental study to be done, all studies that should have been done have been done, as shown in the application/booklet that was provided for all of the Planning Board members. In terms of noise, there will be a diesel generator only for back up purposes, and power outages. It is a 50-kilowatt generator and it will run every 1-2 weeks for thirty minutes. Mr. Olson states that noise studies have been done, and lawnmowers make more noise than the generator, the generator will turn on at 9 am, and the time can be changed if needed. The daycare that was mentioned, that is close to the proposed tower, will not be affected. They are in full compliance with the FCC, and no wildlife will be impacted either. Mr. Olson states the footprint from the tower will be small, smaller than a new build, towers do not require a building permit, as a courtesy they'll apply for one. It is not required by law to do so, Mr. Olson adds the tower is very much needed in our area, no one will see the base of the Tower, it is in a heavily wooded area. Board Member Welton asks about storm water run-



off and erosion, as well as easements will that be affected? The applicant does not need easements, erosion/sediment control and stormwater are written into plans. With no further questions from the Board or for the applicant, Board Member Spata makes a motion to close the public hearing, seconded by Board Member Kalb; all in favor.

#### **Christopher Verrall 13.-2-1-111 Special Use Permit**

The next public hearing this evening is for Christopher Verrall for a special use permit. Mr. Verrall is here following a violation he was issued for storing commercial equipment on a residential zoned parcel. Mr. Verrall has a security business based out of NJ, and the security "units have become problematic since the truck and trailers they've been delivered on, have been going to the wrong locations. Since the violation was issued, Mr. Verrall has applied for a Class II home occupation, to remedy the violation/situation. Mr. Verrall states he has been working with the Shandaken Police Dept. to figure out a different location for the security units that get delivered to his residence, and for them to not be delivered to places they are not required to go, such as the Town Hall, and other neighborhood roads. Mr. Verrall states he has just bought a truck and trailer, and if there is an issue with the security units in the future, he'll be able to move them himself. Chair Rabuffo states screening was one of the conditions they spoke about at a previous meeting, to hide the security trailers. With no further questions or comments from the Board or the applicant, Board Member Spata makes a motion to close the public hearing, seconded by Board Member Welton; all in favor.

#### **Town of Shandaken Planning Board Minutes for Regular Monthly Meeting April 9<sup>th</sup> ,2025**

#### **Minutes:**

Chair Rabuffo calls the regular monthly meeting to order with the pledge of allegiance at 7:40 pm. The Board reviews the previous month's minutes, and asks if anyone has any comments. With no questions or comments, Board Member Welton makes a motion to approve the minutes, seconded by Board Member Kalb, all in favor.

#### **Verizon Wireless 14.13-3-32 Special Use Permit Phoenicia**

The first order of business on the agenda is Verizon Wireless.

Scott Olson is here to represent the applicant. This is the second application for Verizon Wireless that is being presented tonight, for a telecommunications tower. The proposed tower is on State Route 28; it will be 195 ft due to the topography. The tower will have lattice and look like a fire tower. Verizon is currently working with the Ulster County Planning Board, and the plan is to put 911 antennas on the tower and join their 911 EMS services. Cell

service is very much needed in our town, and this second proposed tower, would help fill the gaps where there is no reception. Chair Rabuffo and the Board Members review the new application, and Chair Rabuffo ask's that at the next meeting, a map just showing the proposed site for the tower, and nothing else. Board Member Spata states the proposed tower on Wittenberg Rd, won't help our town's lack of cell service. Board Member Spata states that particular location will provide the Town of Woodstock with service, more than the Town of Shandaken. Mr. Olson states the proposed tower is a permitted use, and that there is a need for this tower, due to the lack of cell service in our area. Mr. Olson adds that they have a right to build it, and that the network cannot be based on municipal boundaries.

Chair Rabuffo reads a section from the code book 116-62 part I reads; purpose & intent, the purpose of this article is to establish predictable and balance regulations for the sighting of telecommunications facilities in order to accommodate the growth of such facilities while protecting the public against any adverse impacts on aesthetic resources and the public safety and welfare. Chair Rabuffo continues to read from the code book; The town of Shandaken wants to accommodate the need for telecommunications facilities while regulating their location and number, minimizing adverse visual impacts through proper design, sighting, and screening, avoiding potential physical damage to adjacent properties, and encouraging joint use of tower structures. Chair Rabuffo continues to read from the code book, part B- The article also seeks to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers and the use of existing tall buildings and other high structures in order to further minimize adverse visual effects from telecommunications towers. Chair Rabuffo reads part c from the code book; This article is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations. Chair Rabuffo reads from the code book 116-62.2 special use permit required/ existing facilities part c; No special permit shall be issued with the exception of town owned sites until the applicant provides proof that space on the telecommunications tower has been leased or will be operated by at least two cellular communications providers licensed by the FCC to provide service to the public.

Scott Olson of Verizon states that the tower, should it be approved, will be designed and constructed so that it can accommodate the future loads of other carriers.

ZEO Grant states that this tower will require a variance from the ZBA for a height variance. It is determined this proposed tower is an unlisted action, there is no part 2 on the EAF, and SEQR is not determined. Board Member Spata makes a motion to the refer the application to the Zoning Board of Appeals, seconded by Board Member Welton, all in favor. Mr. Olson ask's if the Planning Board would do a coordinated SEQR review during the variance procedure that this tower needs. Chair Rabuffo states this will be a coordinated review and asks the applicant to circulate for a lead agency. Board Member Spata makes a motion for a



coordinated review/unlisted action, seconded by Board Member Welton, all in favor.

### **Verizon Wireless 25.15-2-7 Special Use Permit Mt. Tremper**

Chair Rabuffo would like some more information on this particular application, and does not want to make any decisions tonight, and would like to hold off on SEQR as well. They would also like to see new maps showing the coverage this new tower will provide. Mr. Olson of Verizon has handed the Board Members part two and threw of the SEAF which they will review, and discuss at our next meeting.

### **Christopher Verall Special Use Permit 13.2-1-111**

The next order of business this evening is Christopher Verall for a special use permit. Board Member Spata states at the last meeting Mr. Verall attended, the Board had discussed approving this application with the following conditions: The first is that the staging where the big trucks come is not on this site, which the applicant is already doing, but for it to be in writing would be best. The second condition is to do planting/screening before the end of the spring, to hide the security trailers. The third condition is that this approval is for Mr. Verall, it doesn't "transfer to the next tenant, if he is to move. And the final condition would be a one-year trial, and to revisit this after one year to make sure everything is being done that was set in the conditions. Chair Rabuffo states it seems that the applicant has done everything that was asked for, and thanks him. There is a discussion amongst the Board & Mr. Verall about the security trailers no longer being delivered to his home address, he states his address is no longer listed anywhere to avoid that in the future. Mr. Verall also states that the Shandaken Police Dept has been very kind and helpful with this matter. Board Member Spata makes a motion to approve this application, seconded by Board Member Kalb, roll call vote as follows:

|                      |     |
|----------------------|-----|
| Cliff Rabuffo, Chair | Yes |
| Sam Spata            | Yes |
| Joanne Kalb          | Yes |
| John Horn            | Yes |
| Allen Shiner         | Yes |
| Vivian Welton        | Yes |
| Juan Rosales         | Yes |

### **Erin Grace Brown Site Plan Review 14.5-1-2**

The next order of business on the agenda is Erin Grace Brown for site plan review. Patrick Casey is here this evening to represent the applicant. He is here this evening because his client would like to put an addition on his small cottage, and they are less than 100 feet from the streambank. Some of the existing structure is in the 100-year floodplain, therefore the applicant needed to put in an application for site plan review. With no further questions or

comments Board Member Spata makes a motion to approve the application, seconded by Board Member Welton, roll call vote as follows:

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|----------------------|-----|
| Cliff Rabuffo, Chair | Yes |
| Sam Spata            | Yes |
| Joanne Kalb          | Yes |
| John Horn            | Yes |
| Allen Shiner         | Yes |
| Vivian Welton        | Yes |
| Juan Rosales         | Yes |

### **APCR LLC 25.10-1-27.100 Amendment to approved site plan**

The next order of business on the agenda is APCR LLC. Board Member Spata recused himself due to conflict of interest. Mr. Verall is representing the applicant this evening. The building is currently office space, and the owner would like to convert it into an ice cream store/coffee shop. There would be 8 seats outside, and 2 tables inside. The applicant had asked about a food truck/ice cream truck, the Planning Board cannot approve any sort of food truck. Mr. Verall is asked what the square footage is of the building, it is 6,494 sq ft. There is plenty of parking, the Board points out the trailer in the driveway will need to be removed to make space for additional parking. Chair Rabuffo states the building was approved for office space, and an updated site plan was requested. Chair Rabuffo states it is a very big space and doesn't see any issues, but the tractor trailer will need to be removed from the parking lot. With no further questions or comments, Board Member Shiner made a motion to approve the application, seconded by Board Member Welton, with the condition that the trailer be removed before the ice cream/coffee shop opens, roll call vote as follows:

|                      |     |
|----------------------|-----|
| Cliff Rabuffo, Chair | Yes |
| Sam Spata            | Yes |
| Joanne Kalb          | Yes |
| John Horn            | Yes |



|               |     |
|---------------|-----|
| Allen Shiner  | Yes |
| Vivian Welton | Yes |
| Juan Rosales  | Yes |

#### **54 Main St LLC 4.1-21 Special Use Permit/Site Plan Review**

The next order of business on the agenda is 54Main LLC for a special use permit/site plan review. Andrew Wright of Wright Architects and Ion Trifan are here to represent the applicant. The applicant has purchased Ricciardella's restaurant. The footprint of the building will not be altered, the restaurant will be open to the public, there will be 36 seats at the restaurant, and there will be a new sign, possibly on the building or in the window, it is noted the new sign must be on the site plan presented. The second floor will be renovated, with 9 hotel rooms there is plenty of parking. There are 28 spaces needed and there are currently over 40 parking spaces. There is a question from the Board regarding lighting, there will be lights on the entry door, and back door and it will be low level/ dark sky compliant lighting. It is noted that this application should be referred to the Ulster County Planning Board as well. There is a discussion amongst the Board and the applicant about the new sign, and that they will discuss more details at the next Planning Board workshop. With no questions or comments for the applicant and from the Board, Board Member Spata makes a motion to hold a public hearing, seconded by Board Member Welton, on the 14<sup>th</sup> of May at 6:45, all in favor. There is a discussion amongst the Board regarding the neg deg, it is determined there is no significant environmental impact, Board Member Spata made the motion, seconded by Board Member Welton, all in favor.

#### **Karlyn Monroe 14.13-3-35 Amendment to approved site plan**

The next order of business on the agenda is Karlyn Monroe, for an amendment to her approved site plan. Ms. Monroe has some changes she's made to the current site plan; she states the occupancy has not changed. The applicant states there is a service building that has moved to a new location. She states on the original site plan there was a building with two apartments in it, the location of that building is being moved, as well as the size of the building. The building was 20 by 50, now it will be 20 by 40, one of the Board members ask's if the building will be the same type of structure? The answer is yes. The Board Members look over the new map/plans the applicant has provided. The Board asks if the proposed tents/cabins have electricity? The answer is no they will not, there are also no bathrooms or kitchens. Ms. Monroe states she also plans to have one of the buildings as an ADU or possibly a gym, and she'd like to rent out one of the buildings in the future. With no further questions or comments from the Board or for the applicant, Board Member Vella makes a motion to approve the site plan amendment, seconded by Board Member Spata, roll call vote as follows:

|                      |     |
|----------------------|-----|
| Cliff Rabuffo, Chair | Yes |
| Sam Spata            | Yes |
| Joanne Kalb          | Yes |
| John Horn            | Yes |
| Allen Shiner         | Yes |
| Vivian Welton        | Yes |
| Juan Rosales         | Yes |

#### **Nancy's of Woodstock 14.13-3-35 Site Plan Review**

The next order of business on the agenda is Nancy's of Woodstock. Sam Spata is here to represent the applicant. The applicant would like to rent part of the old Phoenicia hardware store, they need a retail space to sell ice cream & a commercial kitchen in order to make ice cream on site, there will be no open flame, and they have 8 years of experience. The space that they would occupy is 182sq ft, there is no existing kitchen, so one will have to be built. There would be a sign on the wall, and there is plenty of parking. There will be ice cream available to be purchased in the store, by the pint and cone. There is approval for 2 retail uses in one building, ZEO Grant asks if this should be treated like office space with a commercial kitchen. This is a pre-existing non-conforming building. There will be a wall built to divide the store, since the entire space will not be used for the ice cream business. The Board would like to see something in writing as it pertains to the parking easement.

#### **Crossroads Ventures LLC 4.5-1-5 Special Use Permit Extension**

The last order of business on the agenda this evening is Crossroads Ventures for an extension on their special use permit. T.J. Ruane of Whiteman Osterman & Hanna is here this evening to represent the applicant. Mr. Ruane was before the Board at last month's meeting for this extension, due to the fact that there was not a majority ruling regarding the vote last month, the vote has to be redone at this meeting, with a full quorum. Board Member Vella makes a motion to extend the special use permit for an additional year, seconded by Board Member Spata, roll call vote as follows: Board Member Welton voted no due to her concern about public health, safety and the future growth of our town.

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|---------------------|-----|
| Cliff Rabuffo Chair | Yes |
| Sam Spata           | Yes |
| Joanne Kalb         | Yes |
| John Horn           | Yes |
| Allen Shiner        | Yes |
| Vivian Welton       | No  |
| Juan Rosales        | Yes |



**Communications:**

**Old Business:**

**Other Business:**

**Adjournment:**

There being no further business before the Board, Board Member Spata makes a motion to adjourn, seconded by Board Member Kalb, all in favor. The Board adjourned at 9:45 these minutes were prepared by the Planning Board Secretary Olivia Amantia