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Justice Court: (845) 688-5005
Assessor: (845) 688-5003
Assessor Fax: (845) 688-5708
ZBA/ZEO/Planning: (845) 688–5008
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Town of Shandaken Planning Board
Minutes for Public Hearing
September 10th ,2025

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
Joanne Kalb	Present
Allen Shiner	Absent
Sam Spata	Present
Vivian Welton	Present
Juan Rosales	Present
Chandra Valianti	Absent

Roll Call Summary: 5 Present, 2 Absent

Others Present: Zoning Enforcement Officer Grace Grant, Scott Olson, Don Brewer, Paul Hilton, Dennis Doyle, Everett Erikson, Alan Dumas

Paul Hilton Special Use Permit 5.4-1-45.200

Following the legal notice being read, Chair Rabuffo ask's Mr. Hilton to give a brief description of the project for the benefit of the public and the Board. Mr. Hilton would like to convert an existing garage to an accessory dwelling unit. Chair Rabuffo ask's if the footprint will be changed? Mr. Hilton states no it will not. There were no emails, letters, or anyone to sign up to speak regarding this project. Chair Rabuffo ask's the Board if they have any additional questions, with no more questions from the applicant or the Board, Board Member Spata makes a motion to close the public hearing, seconded by Board Member Welton, all in favor.

Rimondi Subdivision 14.1-2-29

Don Brewer is here this evening to represent the applicant. Chair Rabuffo ask's Mr. Brewer to give the Board a brief description of the subdivision for the benefit of the public, and the Board. There are no emails, or individuals here to speak about this project. Mr. Brewer states the Rimondi's own 58 acres which is split by Silver Hollow Rd. On the South of Silver Hollow Rd., they have a house with a septic and a well. On the North side there's a house also with a septic and well. What is now one lot, the applicant would like to be two lots. One lot will be on the north side of Silver Hollow Rd., and one lot on the south side. The lot on the south side will be 40 acres, and the site on the north side will be about 18 acres. With no further questions or comments from the applicant or the Board, Board Member Spata makes motion to close the public hearing, seconded by Board Member Kalb, all in favor.

Verizon Wireless Special Use Permit/Site Plan Review 14.13-3-32

Scott Olson from Verizon is here to represent the applicant. Chair Rabuffo ask's Mr. Olson to give the Board and the public a description of the proposed telecommunications tower. Mr. Olson has been before the planning board previously for this application, but it has since been amended. Mr. Olson states the original application was for a 195 ft tower, this new application is a proposed height of 180 ft. The original application was also in front of the Zoning Board of Appeals for a height variance, which was denied. Mr. Olson states the new proposed tower is 175 ft, and should the tower be approved Ulster County will approach the Town, and ask that they approve the additional height they need using the County of Monroe balancing test. A tower below 180 ft relieves the need for a height variance. They are compliant with the set backs from the front side and rear. There is a fall zone in a letter from tectonic engineering, stating if the tower was to fall it will fall on itself, and not be near any structures. The Board ask's if there are any alternative options for the proposed tower? Mr. Olson states there are no other viable locations due to the deed restrictions and not viable locations. The county has made an effort to try to find an alternate location.

There is a question regarding the updated survey that the Board has asked for at a previous meeting. Mr. Olson states that the survey is accurate and there is no pole that is on the neighbor Mr. Umhey's property. The full stamped survey will be presented at the next meeting, along with the SWIPP. Everett Erikson from the County is here this evening to show a slideshow regarding why it is so important that this proposed tower be put up. Mr. Erikson states there is a lack of interoperability between law enforcement, fire and EMS. Mr. Erikson states we need successful ways to dispatch our first responders in our area. In Mr. Erikson's presentation he shows a map of the County that displays the gaps in coverage, and states it is a County wide issue. The proposed Phoenicia site for the tower, is critical to ensure service in Shandaken. Only newer iPhone (14) support emergency SOS via satellite. Cell service is a need in our area, and it is a risk not to have it. Especially for emergency situations, flooding, etc. Mr. Erikson states that the Phoenicia site is essential not optional.

Another natural disaster could occur, and we need to be ready for it. Dennis Doyle director of the Ulster County Planning Board is here this evening to support the proposed tower. Mr. Doyle states he wants to speak about the matter that was brought up in the meeting the Monroe balance of public interest test. The balance of public interest test is designed to essentially allow an encroaching municipality that has a significant critical need to override and be granted immunity from the zoning statue. It is a classic use of public interest test in terms of what the county is requesting here to essentially move from 175 ft to 199 ft. Mr. Doyle adds there is a nine-part test if we believe we can meet that test, and we feel this is a really good use of the balance of public interest test relative to this particular facility.

At this point during the public hearing Chair Rabuffo states the public comments portion of the hearing will begin now, and ask's that everyone be respectful and kind, and there will be a three-minute limit for each person who's signed up. There are several people who have signed up to speak this evening. There are also letters that were sent in regarding the application for the proposed tower.

The first person to sign up this evening is Sam Umhey. Mr. Umhey lives next door to the proposed cell tower, and states that this project directly affects him and his family the most. Mr. Umhey expresses his opposition for the tower, he states it is not compliant with the zoning code, and states that the property lines on the survey which Verizon has done are inaccurate. Chair Rabuffo states that the Planning Board does require a stamped survey. Mr. Umhey adds that there is a better location for the tower, and it should not be next door to him, for several reasons. He's not against the tower, but is very against the proposed location. The next person to speak this evening is Hank Williams, who is a member of the Zoning Board of Appeals. Mr. Williams states there are several factors why they denied. Mr. Williams states that Mr. Olson stated that it was unlawful to deny the height variance, which is untrue. Mr. Williams adds that they did what was right, and treated this application like any other variance. Mr. Williams adds that they have no right to violate the zoning code, and that cell towers are not shoehorned into residential neighborhoods. Mr. Williams adds that it would be in the best interest of the County and Verizon to look for an alternate location. Mr. Williams also states that in the code book 116-10 it states that hamlet residential properties are prohibited from having telecommunication towers.

The next person to speak this evening is Harry Jameson. Mr. Jameson thanks the Planning Board and states he knows it is not an easy job to do. Mr. Jameson is opposed to this tower for several reasons, but mainly because it will impact the Umhey family, and adds that the variance was denied by the ZBA for a reason, it goes against the zoning code. Mr. Jameson states that no one is against 911 coverage and knows that is a necessity. Mr. Jameson states that the Town Board went overboard to try and override the zoning code, and that is not right.

The next person to speak is Howard Widensky. Mr. Widensky is against the tower , and feels with the new advancements in technology and satellite, that a tower like this may not even be needed one day. Mr. Widensky adds that we should preserve the beauty of Catskill Park. Mr. Widensky states he's lived through three major hurricanes and towers do not work in natural disasters.

The next person to speak is Mike Opovi, he states the tower will only benefit Phoenicia, and what about the other hamlets? Mr. Opovi states he's lived here for 20 years and we've been fine without the additional cell towers, and it will be an eyesore on the scenic byway.

The next person to speak is Josh Byer. Mr. Byer has 170 acres of non-buildable land in Phoenicia, he states it would be an optimal location, there are no structures on the land and there is already a road in place with access to state Route 28. If the tower can be on his land, it would be hidden. Following Mr. Byers statement, Mr. Olson exchanged contact information to follow up on the potential property.

The next person to speak is Declan Feehan. Mr. Feehan is against the location for this tower, he feels it will be an eyesore, and affect the Umhey family negatively. Mr. Feehan adds that we need service but not like this, and feels that there are many other sites that Verizon should look into.

The next person to speak is Gary Carr Chief of Phoenicia Fire Dept. Mr. Carr states that he's been in the fire service for 42 years, and communication is getting worse not better. He states there was a fire recently in Woodland Valley, and there was no service, and the firefighters and EMS personal need to be able to communicate with each other. This is a public safety issue that needs to be addressed.

The next person to speak is Derek Stapelton Chief of Big Indian Oliverea Fire Dept. Mr. Stapelton states that the worst communication in the district is in Big Indian. And this is a public safety issue, and the tower is needed to save lives.

The next person to speak is Chris Winnie Chief of Olive Fire Dept. Mr. Winnie states that communication is a big struggle with the lack of cell service, but adds that Mr. Umhey's property is not the best property. But Mr. Winnie adds that he has lived this nightmare being on an emergency scene and not being able to communicate.

The next person to speak is Ernie Longhi Jr. Mr. Longhi states he is not against the tower but is against this site. Mr. Longhi states this will affect the Umhey family negatively, it will affect their health and wellbeing. He adds that a need for a tower, is not greater than a family's health and wellbeing.

The next person to speak is Anique Taylor. Ms. Taylor is against the tower because of the health issues associated with radiation from the potential cell tower. She states she is a block away from the proposed tower, and has many concerns pertaining to health issues, and ecological zones. She states many animals and plants are at risk, as well as the tower affecting property values.

The next person to speak is Sparrow. He states that he is against the tower for several reasons. He states we've lived without cell towers for 23,000 years, and Verizon has one desire, and it's to make a profit, and the community will pay for it. He states the tower will hurt tourism, and we're in the heart of the Catskills, not Westchester.

The next person to speak is Angela Galindo. Mrs. Galindo states that her and her husband have medical issues, which having cell reception is necessary. Since both her and her husband have medical devices that work off of cell reception. Mrs. Galindo does have concerns about the negative health effects from the proposed tower. She states we need the tower but not in this location, and not close to the Umhey's residence.

The next person to speak is Jerry Sforza. Mr. Sforza states he's concerned about the negative health issues that can occur from the proposed tower. Mr. Sforza also states that putting the tower in the scenic byway would be wrong, the beauty of the mountains is why were here. Mr. Sforza adds we need a tower but not at this proposed location, there must be other sites.

Mike Ricciardella is the next person to speak. Mr. Ricciardella has several questions regarding the location of the proposed tower, and feels the public should be shown a map of the site. Mr. Ricciardella is informed that the map and plans of the proposed tower are available on the Town's website.

Kathy Nolan is the next person to speak. Ms. Nolan states she has concerns about the proposed tower, she states she uses satellite phones, and urges the local Fire Departments to do the same. Ms. Nolan also feels that this proposed site is not the right location, and urges the County to look elsewhere.

The public comment section of the public hearing is now closed, letters that were sent in regarding the proposed tower are read, all of the letters are concerned with both the negative health affects from the tower, and the proposed location. Following the letters being read, Chair Rabuffo states that this public hearing should be left open, motion made by Board Member Spata, seconded by Board Member Welton, all in favor.

Town of Shandaken Planning Board
Minutes for Regular Monthly Meeting
September 10th ,2025

The regular monthly meeting was called to order at 8:30 pm with the pledge of allegiance.

Old Business:

The first order of business on the agenda is Paul Hilton for his special use permit. Chair Rabuffo ask's the Board if they have any more questions for the applicant regarding the project. With no further questions Board Member Spata makes a motion to approve the application, seconded by Board Member Welton, roll call vote as follows:

Cliff Rabuffo, Chair	Yes
Joanne Kalb	Yes
Allen Shiner	Absent
Sam Spata	Yes
Vivian Welton	Yes
Juan Rosales	Yes
Chandra Valianti	Absent

The next order of business is Rimondi for a subdivision. Chair Rabuffo ask's the Board if they have any other questions for Mr. Brewer who's representing the applicant. With no further questions, Board Member Spata makes a motion to approve the subdivision, seconded by Board Member Welton, roll call vote as follows:

Cliff Rabuffo, Chair	Yes
Joanne Kalb	Yes
Allen Shiner	Absent
Sam Spata	Yes
Vivian Welton	Yes
Juan Rosales	Yes
Chandra Valianti	Absent

The next order of business on the agenda is Verizon Wireless. Chair Rabuffo ask's Mr. Olson if there is an alternative site that Verizon will look at for the proposed tower? Mr. Olson states that it is not up to him, it is up to the engineers, but they will be looking at alternate sites. Chair Rabuffo states that a SWIPP will be done, and they need to circulate for lead agency. ZEO Grant states that following consultation with the Town attorney the Town Board would likely do the balancing test.

The next order of business on the agenda the Leeway motel. Charles Gottley from Whitman Osterman and Hanna to represent the Leeway. The business would like to put a temporary event tent for small weddings and events. There will be a maximum number of 75 people for each event, and the business owners will give the neighbors, town, fire, police, and Ems a 3 month heads up. There will be potable waters and toilets, and 7 noise monitors. There will be noise monitors to ensure the music will end at 10:30 pm. All events will end at 11pm, there is a flood evacuation plan, the events will be catered and there will be no ground disturbance. Chair Rabuffo states he does not feel the tent is temporary, according to 116-59 Mr. Gottley states that it is permitted. The event tent meets setback requirements, and it is said that Urban Cowboy and Foxfire do what they want, and Leeway is before the Board doing the right thing. Mr. Gottley states that they have been coming to the Board for almost a year, and feels that there has been selective enforcement. Chair Rabuffo states that we are not an enforcement board.

Mr. Gottley adds that they were also sent to the Zoning Board of Appeals and should not have been. It is also said that the Planning Board started the SEQR process and it should be type 2. ZEO Grant states that Mike Moriello requested that change. The Planning Board made the change from unlisted to type 2, and events are scheduled for October. ZBA Member Hank Williams states that he wrote a letter regarding the decision that was made pertaining to the temporary event tent. Mr. Williams states that the ZEO did not make a decision, therefore there is nothing to interpret. There a discussion amongst the Board and ZEO Grant whether or not the tent is an allowable use. The applicant feels that they are being punished because this process has taken so long, and that revenue is being lost. Board Member Spata asks about the property being in a floodway? There are 3 main buildings outside of the floodway, there are no buildings in the floodway. There are concerns about the tent being near or possibly in the floodway, the Board Is reassured the tent will be nowhere near the floodway. Chair Rabuffo suggests the Town's Building Inspector/Floodplain Administrator attend the next meeting. Chair Rabuffo ask's if the other items that they requested at a previous meeting are ready? Including lighting. Joshua Pulver the project's architect states they do not have a lighting plan at this time. Mr. Gottley states he'd like to propose conditions of approval that the applicant acquiesces to, and will address a lot of the concerns from the public and the Planning Board. Board Member Spata states that according to 116-39.g refers to it being compatible with the neighborhood with particular emphasis on the immediate neighborhood. This does not seem compatible with the immediate neighborhood.

Mr. Gottley states that the fact that a use is identified as a specially permitted use in that zoning district is tantamount to a legislative finding that it is consistent with the community character. That was a decision that the Town Board made when they enacted the Zoning code. Mr. Gottley states they will go through the mitigation and show how they can tailor the events to ensure that they are compatible and will not have any adverse effects. Board Member Welton states she agrees with Board Member Spata stating that community impact is an issue. Board Member Welton states all of the factors that are proposed are not enforceable. ZEO Grant states that violations can occur if something was to happen that was not allowable. There is a discussion amongst the Board regarding flooding, and how it has impacted our town in the past and is not something that can be predicted. Board Member

Welton states that potential mitigation is good, but there are many variables and uncertainty adds up to a nonworkable plan, despite doing their best to elevate issues. There is a discussion amongst the Board and the audience about the flooding that has occurred in the past, and what a liability the tent will be next to the creek. Board Member Welton states that the site has been flooded in the past with very little notice, and that mitigation proposals don't add up to mitigating the issue. There is a discussion amongst the Board about flooding, floods, and structures being in the floodway. Chair Rabuffo states that as a Board they have concerns, this is not a matter of what we like, and do not like, we go according to the code book.

There is a discussion amongst the Board and they've asked if Donna the Building Inspector/Floodplain Administrator can attend the next meeting, and have invited the Leeway team to attend out next Planning Board workshop so we the project can be further discussed.

Other Business:

Adjournment:

All evening's business having been discussed; the board adjourned at 9:30 on a Kalb/ Spata motion. All in favor.